

Beware and Be Ready: How Employers Should Prepare for Evolving Immigration-Related Issues under the Trump Administration

E. Jason Tremblay, Chicago
 Cynthia V. Gomez, Washington D.C.
 Teresa R. Tracy, Los Angeles
 Alexander L. Reich, Chicago

April 16, 2025

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

1

Moderator



Jason Tremblay
 Vice Chair | Labor & Employment Group
 Chicago, IL
 Jason.Tremblay@saul.com
 (312) 876-6676

Panel



Teresa Tracy
 Counsel | Labor & Employment Group
 Los Angeles, CA
 Teresa.Tracy@saul.com
 (310) 255-6176



Alexander Reich
 Partner | Labor & Employment Group
 Chicago, IL
 Alexander.Reich@saul.com
 (312) 876-6925



Cynthia Gomez
 Counsel | Global Immigration &
 Foreign Investment
 Washington D.C.
 Cynthia.Gomez@saul.com
 (202) 295-6660

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

2

Primary Objectives of This Webinar

- Identify and discuss primary immigration laws impacting employers
- Outline the current Administration's Executive Orders on employment immigration issues
- Provide proactive steps employers can take to prepare for immigration-related audits, investigations and raids
- Discuss best practices for hiring and firing in light of new EEOC directives and other federal administrative guidance
- Identify and discuss practical strategies for employers to minimize risk and ensure compliance with evolving immigration laws

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

3

Primary Federal Immigration Laws Impacting Employers

Primary Laws

- Immigration and Nationality Act (INA) of 1952 (as amended)
 - Foundation of U.S. immigration law
 - Governs both immigrant (permanent) and nonimmigrant (temporary) employment-based categories
 - Includes employer compliance provisions (e.g., H-1B, L-1, O-1, EB-1, EB-2, EB-3)
- Immigration Reform and Control Act (IRCA) of 1986
 - Requires employers to verify the identity and work authorization of all employees (Form I-9)
 - Prohibits the employment of unauthorized workers
 - Created penalties for non-compliance and introduced E-Verify (voluntary or mandatory in some states).
- American Competitiveness in the Twenty-First Century Act (AC21) of 2000
 - Expanded H-1B cap exemptions and portability
 - Allows H-1B workers to change employers without counting against the cap, under certain conditions
 - Provides extensions beyond the 6-year limit if green card processing is delayed
- Homeland Security Act of 2002
 - Created the Department of Homeland Security (DHS), transferring immigration enforcement from INS to DHS agencies:
 - U.S. Citizenship and Immigration Services ("USCIS")
 - U.S. Immigration and Customs Enforcement ("ICE")
 - U.S. Customs and Border Protection ("CBP")
 - Includes Department of Labor ("DOL") for H-1B labor condition applications PERM/Labor Certification and prevailing wage requirements

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

4

Primary Federal Immigration Laws Impacting Employers

Key Regulations

- **8 C.F.R. (Code of Federal Regulations, Title 8)**
 - Primary regulatory framework for immigration
 - Details procedures for nonimmigrant and immigrant visa classifications, labor certifications, adjustment of status, etc.
 - Examples:
 - 8 C.F.R. § 214: Nonimmigrant classifications (H-1B, L-1, O-1, etc.)
 - 8 C.F.R. § 204 & 245: Employment-based immigrant petitions and adjustment of status
- **20 C.F.R. (Department of Labor Regulations)**
 - Labor certification and labor condition application requirements
 - PERM program (20 C.F.R. § 656)
- **22 C.F.R. (Department of State Regulations) & Foreign Affairs Manual (“FAM”)**
 - Visa issuance and consular processing
 - Important for consular interviews and adjudications
- **DHS Policy Memos & USCIS Policy Manual**
 - Non-binding but highly influential in adjudications
 - Includes memos on H-1B specialty occupation, O-1 evidentiary standards, etc.
- **SEVIS Regulations (Student & Exchange Visitors)**
 - While primarily for F, M, J visa holders, employers of STEM OPT workers interact with these rules

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

5

Primary Federal Immigration Laws Impacting Employers

Workplace Immigration Enforcement Actions (“Raids”)

- **Heightened Enforcement Climate**
 - Increased site visits and unannounced workplace raids by ICE
 - Focus on industries perceived as high-risk (construction, hospitality, agriculture, tech contractors, etc.)
- **Employer Liability**
 - Employers can face civil and criminal penalties for knowingly hiring or continuing to employ unauthorized workers
 - “No-match” letters and how to respond without violating anti-discrimination laws
- **Preparation is Key**
 - Develop an internal response plan for potential audits or raids
 - Train management on lawful handling of ICE inquiries
 - Know employees' rights and employer obligations during enforcement actions

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

6

Primary Federal Immigration Laws Impacting Employers

Nonimmigrant & Immigrant Visa Processing

- Processing Times and Policy Shifts
 - Unpredictable adjudication timelines (H-1B, L-1, O-1, etc.)
 - Increase in Requests for Evidence (RFEs) and denials, particularly for roles perceived as lower-skill
- Consular Processing Challenges
 - Visa appointment backlogs at U.S. consulates abroad
 - Discretionary delays due to administrative processing (extreme vetting)
- Permanent Residency (Green Card)
 - PERM labor certification process delays
 - Priority date retrogression impacts planning for employee mobility and retention
- Practical Tips
 - Early initiation of visa processes
 - Consider alternative visa strategies
 - Regular communication with employees about timelines and risks

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

7

Primary Federal Immigration Laws Impacting Employers

Termination of Temporary Status Programs and “CHNV” Parole Program

- Impact of Program Terminations
 - Termination of programs like TPS (Temporary Protected Status), DACA and CHNV Parole Program affects work authorization for affected employees
- Employer Considerations
 - Track expiration dates of work permits
 - Evaluate options for affected employees (e.g., change of status, alternative visa pathways)
 - Stay informed about litigation outcomes and policy updates that could impact employee status
- Risk Mitigation
 - Conduct internal audits to assess potential exposure
 - Proactively communicate with affected employees about timelines and options

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

8

Primary Federal Immigration Laws Impacting Employers

Travel Delays, Restrictions, and Possible Travel Bans

- Ongoing Risks
 - Increased scrutiny at ports of entry
 - Evolving travel bans
- Reentry Challenges
 - Risk of denial of entry, even with a valid visa
 - Delays from secondary inspection and administrative holds
- Employer Action Items
 - Pre-travel consultations for international employees
 - Maintain flexibility in work arrangements to accommodate delays
 - Monitor global events that could impact travel

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

9

Primary Federal Immigration Laws Impacting Employers

I-9 Audits and Compliance

- Form I-9 Requirements
 - Employers must verify identity and employment authorization for all employees
 - Errors or omissions on the I-9 can lead to significant penalties
- Audit Trends
 - Increase in random and targeted audits by ICE and DHS
 - Substantial penalties for paperwork violations, not just unauthorized employment
- Best Practices
 - Conduct regular internal I-9 audits
 - Correct errors promptly, document corrections appropriately
 - Train HR teams thoroughly on I-9 compliance

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

10

New Executive Orders Relating to Immigration and the Workplace

The Trump administration has issued several executive orders affecting immigration policies, which, while not directly targeting employers, may significantly impact the workforce.

1. **Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threat**
 - This order directs DHS and Department of State to implement stricter "enhanced vetting" for visa applicants and those already in the country
 - The order directs all agencies to be thorough in vetting during visa issuing process
 - We anticipate more delays in visa issuances due to administrative processing and additional security clearances
2. **Protecting the American People Against Invasion**
 - DHS is to set new enforcement policies to address illegal entry, unlawful presence, and removal of those unlawfully present in the U.S.
 - TPS and other humanitarian parole programs are being phased out
3. **Designating Cartels and Other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists**
 - Delays in background checks for foreign nationals from certain countries
4. **Guaranteeing the States Protection Against Invasion**
 - Imposes additional vetting requirements on those immigrating to the United States
 - Will cause delays in visa and green card processing
5. **America First Trade Policy**
 - Directs Congress to review implementation of trade agreements to ensure employers give preference to hiring domestic
 - Workers and industries likewise favor U.S. manufacturers

SAUL EWING

© Copyright 2025 Saul Ewing LLP

LLP

11

Industries Facing the Most Scrutiny



Restaurant



Manufacturing



Construction

SAUL EWING

© Copyright 2025 Saul Ewing LLP

LLP

12

High-Level Impact of Immigration-Related Executive Orders on the Workplace

- ICE raids enforcement actions
- I-9 audits and employment verification
- Hiring and termination concerns
- Increased compliance obligations

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

13

Hiring and Firing-Related Issues in Light of Immigration Policies

- February 19, 2025 EEOC announcement on protecting American workers from anti-American bias
- Discussion of employer obligations and potential discrimination pitfalls

Press Release
02-19-2025

EEOC Acting Chair Vows to Protect American Workers from Anti-American Bias

WASHINGTON -- Today, U.S. Equal Employment Opportunity Commission (EEOC) Acting Chair Andrea Lucas announced "The EEOC is putting employers and other covered entities on notice: If you are part of the pipeline contributing to our immigration crisis or abusing our legal immigration system via illegal preferences against American workers, you must stop. The law applies to you, and you are not above the law. The EEOC is here to protect all workers from unlawful national origin discrimination, including American workers."

Rigorously enforcing existing—but sometimes under-enforced—labor and employment laws is one key to shifting the economic incentives of businesses and workers. The EEOC will help deter illegal migration and reduce the abuse of legal immigration programs by increasing enforcement of employment antidiscrimination laws against employers that illegally prefer non-American workers, as well as against staffing agencies and other agents that unlawfully comply with client companies' illegal preferences against American workers.

As previously announced, one of Lucas's priorities for compliance, investigations, and litigation is protecting American workers from anti-American national origin discrimination.

"Unlawful bias against American workers, in violation of Title VII, is a large-scale problem in multiple industries nationwide," Lucas said. "Many employers have policies and practices preferring illegal aliens, migrant workers, and visa holders or other legal immigrants over American workers—in direct violation of federal employment law prohibiting national origin discrimination. Cracking down on this type of unlawful discrimination will shift employer incentives, decrease demand for illegal alien workers."

Recent Press Releases from the Washington Field Office

[Northern Virginia Surgery Center Pays \\$50,000 in EEOC Disability and Age Discrimination Lawsuit](#)

[EEOC Sues Equinox Holdings, Inc. for Disability and Sex Discrimination](#)

[EEOC Issues Federal Workforce Report for Fiscal Year 2021](#)

Recent Press Releases on the Subject of National Origin

[Leopold Resort to Pay Over \\$1.4 Million in EEOC National Origin Discrimination Lawsuit](#)

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

14

Employer Recommendations to Avoid EEOC Violations

“The EEOC is putting employers and other covered entities on notice: if you are part of the pipeline contributing to our immigration crisis or abusing our legal immigration system via illegal preferences against American workers, you must stop.”

Strategies to ensure compliance:

- Implement anti-discrimination policies
- Audit onboarding processes
- Audit personnel files
- I-9 Verification

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

15

ICE Raids: Are They Occurring or Anticipated?

- During January – March 25, 2025, ICE reported 9 worksite raids and arrests
- Affected employers included, among others:
 - General contractors at a port construction project in Louisiana (11 arrests)
 - Jumbo Meat Market in Philadelphia (4 arrests)
 - Chavos Tire in Pennsylvania (3 arrests)
 - Complete Carwash in Philadelphia (7 arrests)
 - Gulf Coast Prestress Partners, Ltd., in Mississippi (18 arrested as they tried to flee from the back of the building)

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

16

Employer Preparation for ICE Raids

- Advance planning and preparation is key because ICE does not give advance notice of a raid
- ICE will likely have surveyed the worksite and noted likely “escape routes”
- Agents will arrive, probably armed and often with aerial support, sealing off exits and escape routes
- Agents will typically enter with a criminal search warrant that has a detailed description of what and where agents are going to search and what they can seize
- The supervising agent will serve the search warrant and notify the other agents that entry has been accomplished
- Agents may demand that employees be gathered into a contained area for questioning, often requiring operations to come to a halt
- Agents will be going through file cabinets, seizing documents and computer-related equipment that might contain data that is subject to search and seizure
- It will be disruptive to operations and stressful for employees, supervisors, and management

SAUL EWING

© Copyright 2025 Saul Ewing LLP

LLP

17

Employer Preparation for ICE Raids (Cont.)

- **Clearly identify “public” and “private” areas**
 - Different levels of access apply to public (no warrant needed) and non-public areas
 - Clear signage is important, as is training on the different levels of access
 - A written policy to provide to the agents can also be helpful
- **Keep I-9s organized and separate**
 - A criminal warrant will almost certainly authorize searching and seizing these records for a specific period of time
- **Plan and train employees about having interactions with ICE agents and to remain calm:**
 - ICE agents are not required to advise anyone of “Miranda rights”
 - Whatever is said to an ICE agent can be used against the company and employees
 - Employer does not have to answer agents’ questions
 - Employees do not need to talk to an agent or answer questions (the right to remain silent) and can ask for an attorney to be present
 - Unless there is a valid judicial warrant, the employer is not required to allow ICE agents into the workplace or provide access to employees or documents
 - No employee is obligated to sign anything that an ICE agent presents
 - Monitor what agents do and document everything that is said and that occurs

SAUL EWING

© Copyright 2025 Saul Ewing LLP

LLP

18

Employer Preparation for ICE Raids (Cont.)

- **Designate and train key employees/points of contact**
 - The first point of contact (and anyone who covers this position)
 - How to interact with ICE agents
 - Contact company's internal designated person, as well as attorney immediately
- **Consider training employees on rights**
 - "Know your rights" cards and posters
 - Treat ICE agents politely
 - Don't try to run away; this could entitle the agent to arrest the "escaping" person
 - Don't try to hide employees or help them escape
 - They do not have to answer questions about identifying other employees who may be undocumented
 - Employees do not need to separate into groups based on immigration status
- **Identify and consider optional next steps**
 - Encourage employees to maintain updated "in case of emergency" contact information
 - Will the employer provide legal assistance to employees and/or their families
 - How will the employer keep its business operating, reassure its customers, etc.
 - Identify an investigator who speaks the employees' language(s) to interview all potential witnesses, including any employees who are detained
 - Consider public relations aspects to ICE raid and detentions

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

19

How to Respond to an ICE Raid

- Remain as calm as possible and follow the plan you developed
- Examine warrants closely and send to the company's immigration attorney (but raid will likely not be postponed waiting for attorney)
 - "Search and Seizure Warrant" is a criminal warrant that will be dated and signed by an identified judge, authorizing a search covering a specific time period, a description of the premises to be searched, and the documents that can be seized; there will be an affidavit from an ICE agent. Note: if the data is maintained in electronic form, ICE may seize the electronic device
 - "Administrative warrant" is a non-criminal warrant signed by an ICE agent; it is not legally enforceable
 - Without a judicial warrant, ICE agents can be treated like any other member of the public, including being asked to leave
- If the press is present, treat them as you would any member of the public under the circumstances, including not making any statements to them (any statement should only come from your attorney) and keeping them in public areas
- Contact key management personnel and keep them updated as events unfold
- Sequester agents in a public area, unless there is a judicial warrant
- Follow lawful instructions but don't volunteer information or documents

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

20

How to Respond to an ICE Raid (Cont.)

- Assign two or more individuals to follow each agent; document who the agent talks to and what is said, what documents are reviewed, and what documents/equipment is taken
 - This can be done by video and/or keeping detailed notes (both would be great!)
 - The list of documents subject to search and seizure can be extensive, e.g., employee identification documents, payroll records, I-9s, bank and payroll records, other financial records such as checks that may indicate the transfer of funds in furtherance of the employment of undocumented employees, and electronic records
- If ICE asks for a specific individual, don't try to lie or hide the employee
 - Ask for and review documentation specific to that individual - you do not have to allow an agent to enter any private area or other areas where other workers are present
 - A non-judicial "arrest warrant" or order for removal/deportation is not enforceable and at a minimum does not entitle an agent to enter a non-public area.
 - A non-judicial warrant does not require the employer to say whether the employee is working that day and the employer does not have to produce the employee or take the agent to the employee
 - If it is a valid arrest warrant, ask the individual to walk outside or to a public area
- Employees do not have to provide documents such as immigration documents or visas, and random searches should not be allowed unless specifically authorized by a valid judicial warrant
- If agents want access to locked facilities that are private, balance the risk/benefit; they may forcibly gain entry and cause property damage

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

21

How to Respond to an ICE Raid (Cont.)

- Don't engage in activities suggesting that the employer is harboring or obstructing justice
 - E.g.: hiding employees, helping employees flee, providing false or misleading information, shredding documents
- Following a raid, employees will be taken to a detention center
 - The employer's attorney should not represent individual employees due to potential conflicts of interest
 - The employer should contact the employee's identified "in case of emergency" individual
 - Contact the immigration attorney (if any) identified to assist employees
 - Pay any wages owed to the employee
- You should quickly assess potential exposure and limit liability
 - Employer may be able to negotiate a settlement with ICE in lieu of further legal proceedings
 - Immigration counsel can help develop and implement a plan of corporate compliance that can help later in negotiating a civil (rather than a criminal) resolution, or reduced sentences and fines
 - Any settlement will almost always include a monetary settlement as well as the use of E-Verify
 - Act on the assumption that anyone the employer communicates with is in contact with ICE
 - If only one of several employer worksites is raided, immediately bring others into compliance
 - Get copies of all documents seized; the employer will have to arrange to have documents copied at the office of ICE or US Attorney
 - I-9's may not be returned or copied for some time, so consider whether to complete new I-9s for all current employees, after ensuring training has occurred and that the new I-9s will be properly completed (they can later be attached to the original I-9s)

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

22

I-9 Audits vs. ICE Raids

	ICE Raid	I-9 Audit
What is it?	Surprise enforcement action by ICE at a workplace to detain individuals suspected of immigration violations.	Administrative review of a company's Form I-9 records to verify compliance with employment eligibility laws.
Why does it happen?	Typically based on specific intelligence, tips, or ongoing investigations (e.g., suspected undocumented workers or fraud).	Can be random, targeted, or in response to a lead; part of ICE's worksite enforcement strategy.
Notice	No notice — raids are unannounced, can happen anytime.	Employer receives a Notice of Inspection ("NOI"), typically provided 3 business days to prepare requested documents.
Scope	Focuses on immediate enforcement: identifying, detaining, and possibly arresting certain foreign nationals.	Focuses on paperwork compliance: ensuring proper completion and retention of I-9 forms.

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

23

I-9 Audits vs. ICE Raids

What is the Employer's Role	Limited during the raid itself. Must not obstruct. Can limit access to non-public areas unless they have a judicial warrant signed by a federal judge or explicitly assert exigent circumstances.	Employer must respond to NOI, provide records, and work with legal counsel to manage compliance.
Consequences	Arrests, potential criminal charges, civil fines, and reputational damage.	Civil penalties for errors, fines for knowingly hiring/continuing to employ unauthorized workers, and possible follow-up actions.
Impact on Employee	Possible detention and removal proceedings for affected employees.	No immediate impact on employees, but discrepancies may lead to reverification or termination if unresolved.
Legal Counsel	Emergency response required during/after a raid. Legal team advises on employee rights and post-raid strategy.	Proactive involvement recommended upon receiving NOI: audit prep; response strategy; and mitigation of penalties.

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

24

E-Verify's Role in Mitigating Employer Risk

- **What is E-Verify**
 - E-Verify is an online system that allows employers to verify the employment eligibility of their employees using federal government records, specifically those from the Department of Homeland Security and the Social Security Administration
 - It checks the information provided by employees on their Form I-9 against federal databases to confirm their right to work in the U.S.
- **Mitigating Employer Risk**
 - **Compliance with Immigration Laws**
 - Using E-Verify helps employers comply with federal and state immigration laws, reducing the risk of employing unauthorized workers
 - This system provides a more reliable and efficient way to verify work eligibility compared to manual document reviews
 - **Avoiding Penalties**
 - Employers who fail to verify their employees' work authorization status or hire unauthorized workers may face fines, penalties, or even criminal charges
 - States are increasingly mandating E-Verify usage, and failure to comply with these laws can lead to significant legal and financial risks
 - **Reducing Legal Liabilities**
 - By using E-Verify, employers reduce the risk of legal challenges or lawsuits related to employee eligibility
 - The system provides a defense in case of an audit or investigation by federal or state authorities
 - **Improved Hiring Process**
 - E-Verify helps streamline the hiring process, ensuring that only individuals legally eligible to work are hired, which ultimately saves time and resources

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

25

Update on E-Verify

- **State Legislative Trends**
 - In response to the Trump administration's focus on immigration enforcement, several state legislatures are introducing bills that require employers to use the federal E-Verify system to confirm a worker's eligibility to work in the U.S.
 - Currently, twelve states have bills pending that would make E-Verify mandatory for employers
- **New and Expanded Requirements**
 - States like Idaho, Indiana, Montana, and Texas are proposing new E-Verify requirements, mandating its use alongside Form I-9 verification for new hires
 - Other states are looking to expand existing E-Verify mandates and increase penalties for noncompliance. For example, Florida's HB 1033 could revoke an employer's business license and impose fines of up to \$10,000 for employing unauthorized workers
- **Current E-Verify Mandates**
 - Nine states already require most employers (with some exceptions for small businesses) to use E-Verify: Alabama, Arizona, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Utah
- **Impact on Employers**
 - These potential changes could significantly affect your business operations, requiring careful attention to hiring practices and compliance with state-specific laws
 - Employers should stay informed about developments in E-Verify legislation to avoid potential penalties and ensure they remain compliant with federal and state requirements

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

26

Additional Recommendations for Employers

- Importance of proactive I-9 reviews and audits
- Correct errors promptly, document corrections appropriately
- Train HR teams thoroughly on compliance



© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

27

Best Practices for Handling Unauthorized Employees

- **Employers need to be cautious in determining that an employee is not authorized to work**
 - Federal law prohibits discrimination based on citizenship, immigration status and national origin.
 - Because of the nuances and factors that affect a decision that information received can be the basis of termination, employers should consult immigration counsel.
- **Examples of lawful terminations:**
 - Employee fails to timely provide documentation for Form I-9
 - Employee's documents do not reasonably appear to be genuine
 - Employee's documents do not reasonably appear to relate to the person presenting it
 - Employee does not complete Form I-9 properly even after assistance from employer (e.g., information)
 - Employee does not maintain currency of authorization documents that have expiration date
 - Employee cannot resolve discrepancy in the E-Verify system (assuming employer uses E-Verify)

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

28

Best Practices for Handling Unauthorized Employees (Cont.)

- Examples of unlawful terminations (employer **not** clearly “knowing” that an employee is unauthorized to work) and/or termination not required:
 - Tip or lead about a specific employee that has questionable indicia of reliability (e.g., unsubstantiated, retaliatory, anonymous)
 - Employee informs you (or you have reason to believe) that their identity is different from what they used to complete I-9 but provides current authorization to work in the United States
 - E.g. employee may have been working under false identity, has subsequently obtained work authorization in the true identity and wishes to regularize their employment record
 - Employee’s Employment Authorization Document (EAD) has expired but the employee presents evidence of a timely-filed application to renew it
 - The employee may be eligible for an extension of up to 540 days; see the current USCIS I-9 handbook for more details
 - Employee presents two documents for I-9, each with a different name and claims to have just gotten married and changed her last name but has not changed the name on the other document
 - Employee’s I-9 documents have a slight spelling variation from the name entered on Form I-9 in Section 1 but the employee gives reasonable explanation for the variation and the document otherwise reasonably appears to be genuine and relates to the employee

SAUL EWING

© Copyright 2025 Saul Ewing LLP

LLP

29

Handling Social Security No-Match Letters

A Social Security No-Match Letter is issued when the information provided by an employee (such as their name or Social Security Number) does not match the records in the Social Security Administrations (“SSA”) database. Although receiving a no-match letter does not necessarily mean the employee is unauthorized to work, it flags a discrepancy that employers must address.

- **Employer Responsibilities**
 - Investigate the Discrepancy
 - Upon receiving a no-match letter, employers should take prompt action to resolve the discrepancy. The SSA’s letter will provide details about which employee’s information does not match
 - Employers must attempt to verify the information with the employee by asking them to check for errors or incorrect personal details (i.e. misspelling, wrong DOB, etc.)
 - Provide Time to Correct
 - Employers should allow employees a reasonable period (usually about 60 days) to correct any errors with the SSA or provide updated documentation. This timeframe can vary depending on the circumstances, but it is crucial to keep documentation of any communications with the employee regarding the issue
 - No Immediate Adverse Actions
 - Employers should not terminate or take other adverse actions against an employee solely based on a no-match letter. A no-match by itself is not proof that the employee is unauthorized to work in the U.S.
 - Employers must give employees a chance to resolve the mismatch before taking any disciplinary action
 - Employers must ensure that they do not discriminate against employees based on race, ethnicity, or national origin when investigating or addressing a no-match letter

SAUL EWING

© Copyright 2025 Saul Ewing LLP

LLP

30

Questions?



© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

31

Resources

- **Current Administration Executive Actions** – Click [here](#) to view tracker
 - We are actively monitoring these developments and will provide our analysis when warranted.
- **Subscribe to the Labor & Employment blog** – Click [here](#) and select “WISE” under the series section
 - We Provide timely **W**orkplace **I**nitiatives and **S**trategies for **E**mployers

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

32

E. Jason Tremblay, Esq.

Partner and Vice Chair | Labor & Employment Group



Chicago, IL
Jason.Tremblay@saul.com
(312) 876-6676

Overview

- Jason is a business attorney and litigator who advises companies in a wide range of industries on employment law and commercial matters.
- His experience includes counseling, negotiation and litigation on issues critical to the evolving workplace including wage and hour disputes, restrictive covenant matters, and federal, state and local statutory claims.
- Jason provides clients with an array of services including drafting and negotiating employment and independent contractor agreements and responding to governmental audits and investigations.
- Named a "Future Star" in Illinois by Benchmark Litigation, 2025
- Named to the Illinois Super Lawyers list for Employment & Labor, 2024 to present

Degrees

- J.D., Chicago-Kent College of Law
- B.A., Franklin and Marshall College
- University of Aberdeen, Scotland

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

33

Cynthia Gomez, Esq.

Counsel | Global Immigration & Foreign Investment Group



Washington D.C.
Cynthia.Gomez@saul.com
(202) 295-6660

Overview

- Cynthia practices primarily in the area of business immigration law.
- Specialties include: E-2 Treaty Investor Visas at various Consular Posts; Extraordinary Ability Visas (O-1 and EB-1); Immigrant Investor Petitions (EB-5) for both Direct and Regional Center Investments; Intercompany Transferees (L-1) and Multinational Managers/Executives (EB-1C); PERM, Advanced Degree Professionals (EB-2) and Specialty, Professional, Skilled & Non-Skilled Workers (H-1B, EB-3); and National Interest Waivers.
- She also represents clients in their family-based and removal defense matters before USCIS, EOIR and the BIA.
- Named to The Best Lawyers in America: Ones to Watch list, Immigration Law, 2021 to present

Degrees

- J.D., St. Thomas University Benjamin L. Crump College of Law
- B.A., Rutgers University

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

34

Alexandar Reich, Esq.

Partner | Labor & Employment Group



Chicago, IL
Alexander.Reich@saul.com
(312) 876-6925

Overview

- Alexander is a trusted litigator and advisor who focuses on employment law across a variety of sectors.
- Clients look to him for counsel on matters involving federal and state statutes such as Title VII, the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA) and the Family and Medical Leave Act (FMLA).
- Alex regularly drafts employment agreements and litigates issues relating to restrictive covenants and trade secrets.
- He also defends employers in cases ranging from single employee discrimination claims to class action wage and hour matters.
- Named to The Best Lawyers in America: Ones to Watch list, Labor and Employment Law - Management, 2023 to present, Labor and Employment Litigation, 2021 to present and Corporate Governance and Compliance Law, 2024 to present
- Named to the Illinois Super Lawyers "Rising Stars" List, 2017 to present

Degrees

- J.D., cum laude, Chicago-Kent College of Law
- B.A., University of Michigan

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

35

Teresa Tracy, Esq.

Counsel | Labor & Employment Group



Los Angeles, CA
Teresa.Tracy@saul.com
(310) 255-6176

Overview

- Terri represents management in labor and employment litigation and related legal matters. Her experience includes issues involving wrongful termination, discrimination, wage and hour, class action, union organizing campaigns, grievances and arbitrations, and collective bargaining.
- She represents clients ranging from entrepreneurs and medium-sized companies to major national and international corporations in an array of industries.
- Terri litigates before state and federal courts throughout the country, the Equal Employment Opportunity Commission, numerous state departments of civil rights, the Office of Federal Contract Compliance Programs, the National Labor Relations Board, arbitrators, the Wage and Hour Division of the Department of Labor, Employment Development Department audits, and State Labor Commissioner proceedings.
- Named to the Los Angeles, California Super Lawyers list for Labor and Employment, 2004-2015, 2017-2020

Degrees

- J.D., cum laude, Loyola Marymount University Loyola Law School
- B.A., magna cum laude, California State University, Northridge

© Copyright 2025 Saul Ewing LLP

SAUL EWING

LLP

36