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ALERT

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ICE Conducts "Old-Fashioned" Raid of Tennessee Meat Packing Plant

Immigration & Customs Enforcement (ICE) officials on April 5, 2018 conducted a "raid" on a meat packing plant in Bean Station, Tennessee, near Knoxville. One distinction between a "raid" and an "inspection" is that a raid is accompanied by a warrant that requires immediate access to the property. An inspection or audit in contrast begins when a business receives a Notice of Inspection, which states that the employer must produce its Form I-9s to an ICE auditor. By law, unless a search warrant allows immediate seizure of documents, an employer must be given three (3) business days to produce the documents requested by the subpoena.

In contrast to audits or inspections, employers are not notified of raids and raids usually occur in very serious situations. At the Tennessee location, where the authorities executed a search warrant, the facility allegedly failed to report \$8.4 million in wages and to pay at least \$2.5 million in payroll taxes for undocumented workers. The workers were allegedly paid in cash and subject to harsh conditions. During the course of the raid, ICE arrested some 97 immigrants suspected of being in the country illegally. In ICE raids, it is not uncommon for the premises to be surrounded by ICE officials to prevent anyone from leaving.

The action was described as the largest single workforce raid since the Bush Administration and the implementation of the raid reminded one of those conducted during that administration. State and local authorities participated in the raid and streets were blocked. In a federal affidavit, officials said the family-run plant is under criminal investigation for allegedly evading taxes, filing false tax returns and hiring immigrants in the country illegally.

Last October, the acting ICE director indicated that there would be a four- to five-fold increase of ICE enforcement efforts. During the Trump Administration so far, there has been more than a one-third increase in immigration arrests and deportations.

Employers should carefully review any warrant to understand its scope, as the warrant should have a detailed description of when and where agents are going to search and what they may seize. Obviously, employers should be polite to the officers and not obstruct them from doing their jobs. Employers are not required, however, to answer ICE questions during a raid and advice of counsel should be sought as to whether employers should consent to ICE agents speaking to their employees on the premises. Employers must learn their rights during a raid and develop protocols to follow if an audit or raid occurs.

Questions? Need more information?

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