



Virtual Member Lunch

May 7, 2025

Thank you for joining us!

We'll start promptly at Noon.

Immigration Changes in 2025

What Roofing Contractors Need to Know

*A conversation with Philip J. Siegel, partner at Hendrick,
Phillips, Salzman & Siegel. (HPSSLaw.com)*



To earn your CIU's you must sign in and/or stay on the webinar the full time. Thank you!

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Agenda

- **Noon** | Start Program and Webinar Housekeeping Items
Debbie Hathorne, CRA Executive Director
- **12:02** | CRA Announcements & Speaker Intro
Debbie Hathorne, CRA Executive Director
- **12:05** | 2024 Legislative Update
Philip J. Siegel, Hendrick, Phillips, Salzman & Siegel.
- **12:55** | Q & A



Webinar Courtesies:

- ★ Thank you to our virtual attendees for being on-time.
- ★ Participant videos are turned off and all attendees are muted.
- ★ **Please participate through use the Q&A and Chat functions for your questions.**
- ★ If you are participating as a group in a team setting, please take a quick photo and email Debbie a list of all participants, including their first and last names.
- ★ Final note, **in order to earn CIU credit**, you will be required to answer a final poll question at the end of today's presentation.




MY EMPLOYEES ARE LEGAL! BEWARE OF THE ICE INVESTIGATOR/AUDIT





**Presented by
Philip J. Siegel
Hendrick, Phillips, Salzman & Siegel
May 7, 2025**



BREAKING NEWS!

 THE DENVER POST

Politics | ICE to fine 3 Colorado businesses \$8M for...




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POLITICS • News


ICE to fine 3 Colorado businesses \$8M for employing unauthorized workers

Firms were fined for employment violations following an audit



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ICE Worksite Raids



The image shows a U.S. Citizenship and Immigration Services (USCIS) Form I-9, titled "Employment Eligibility Verification". A large, bold, black "AUDIT" stamp is placed diagonally across the center of the form. To the right of the stamp is a blue rubber stamp. The form includes the following text and fields:

Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

START HERE: Read instructions carefully before completing this form. The instructions must be available, either in paper or electronic form, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Attestation (Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)

Last Name (Family Name) _____ First Name (Given Name) _____

Address (Street Number and Name) _____ Apt. Number _____ City or Town _____ Middle Initial _____ Other Last Names Used (if any) _____

Date of Birth (mm/dd/yyyy) _____ U.S. Social Security Number _____ Employee's Signature _____ State _____

I am aware that I am required to complete this form.



Worksite Raids

- The Search Warrant or Judicial Warrant
- Contact Counsel
- Record the names of the ICE agents and accompany them without obstructing
- Do not answer any questions; if you do answer, tell the truth
- Do not instruct employees not to talk to ICE; they decide for themselves



Worksite Raids

- Do not tell employees to flee the facility
- Items seized? Obtain a list of what was taken



Administrative Warrants

- From the Department of Homeland Security
- Seeks arrest of employee suspected of unlawful work
- Unless ICE has a search warrant, you do not need to allow ICE access to non-public areas of your worksite
- Without a search warrant, the employer can refuse to make employees available to ICE or acknowledge they are at work

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

)
)
)
)
)

Case No.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days)
☐ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: _____
Judge's signature

City and state: _____
Printed name and title

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☐ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)

The I-9 Audit



The ICE Audit

- The Notice of Inspection with subpoena
- Three business days to produce documents
- Keep Form I-9s separate
- Exception: The search warrant



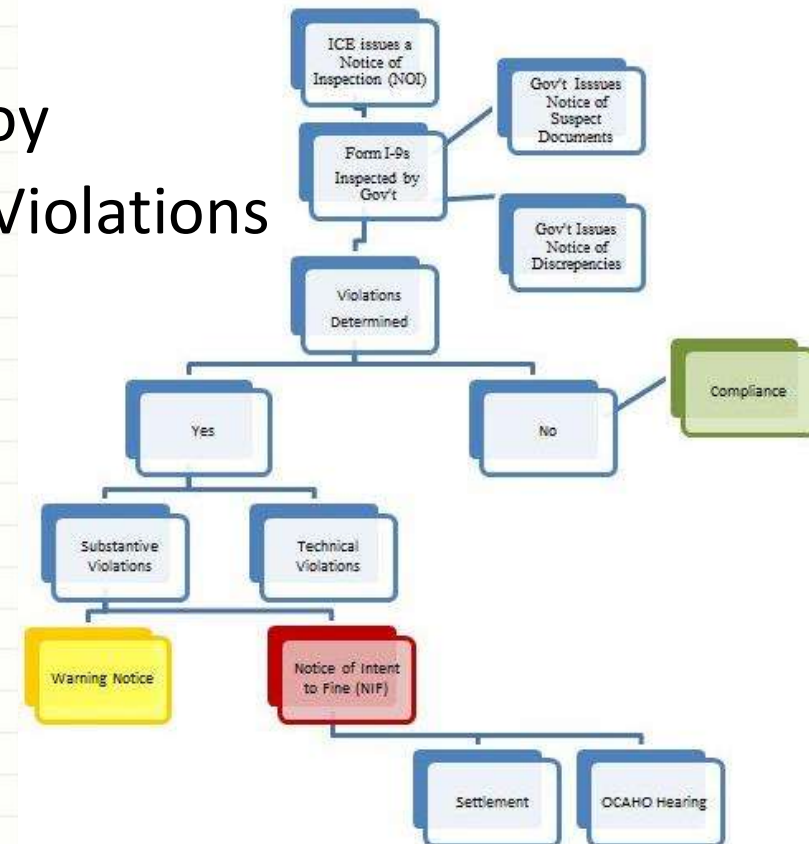
Documents to be Produced

- Business Information (EIN/TIN/Licenses/Articles of Incorporation)
- Form I-9s for current and former employees
- Payroll records
- Lists of current and former employees
- Form 1099s

A sample of a 2012 Form SSA-1099 - Social Security Benefit Statement. The form is titled '2012 FORM SSA-1099 - SOCIAL SECURITY BENEFIT STATEMENT' and includes instructions for recipients. It contains fields for the recipient's name, address, and various Social Security benefit amounts for the year 2012, such as 'Gross benefit payments', 'Social Security tax withheld', and 'Net benefit payments'. The form is numbered 'Form SSA-1099 (02-2012)' at the bottom.

Notice of Intent to Fine

- Knowingly Hire/Continuing to Employ
- Substantive/Uncorrected Technical Violations
- Mitigating or Enhancement Factors:
 - Size of business
 - Good faith
 - Seriousness of violation
 - Unauthorized workers?
 - History of previous violations



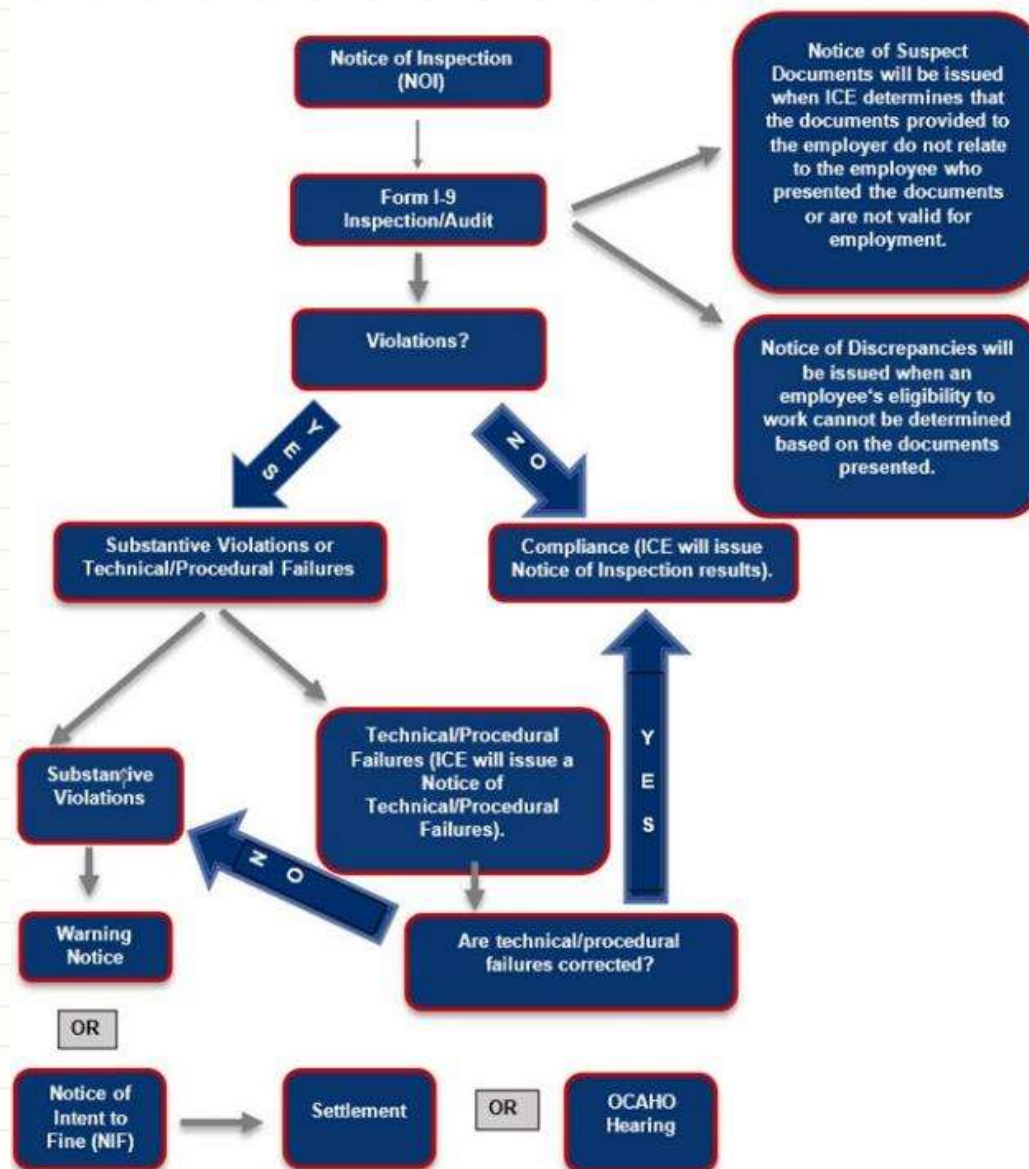


Table 2—U.S. Immigration and Customs Enforcement Civil Penalties Adjustments

Penalty name	Citation	Penalty amount as adjusted in the 2024 FR	Multiplier *	New penalty as adjusted by this final rule
Civil penalties for failure to depart voluntarily, INA section 240B(d)	8 U.S.C. 1229c(d); 8 CFR 280.53(b)(3)	\$1,942-\$9,718	1.02598	\$1,992-\$9,970.
Civil penalties for violation of INA sections 274C(a)(1)-(a)(4), penalty for first offense	8 CFR 270.3(b)(1)(ii)(A)	\$575-\$4,610	1.02598	\$590-\$4,730.
Civil penalties for violation of INA sections 274C(a)(5)-(a)(6), penalty for first offense	8 CFR 270.3(b)(1)(ii)(B)	\$487-\$3,887	1.02598	\$500-\$3,988.
Civil penalties for violation of INA sections 274C(a)(1)-(a)(4), penalty for subsequent offenses	8 CFR 270.3(b)(1)(ii)(C)	\$4,610-\$11,524	1.02598	\$4,730-\$11,823.
Civil penalties for violation of INA sections 274C(a)(5)-(a)(6), penalty for subsequent offenses	8 CFR 270.3(b)(1)(ii)(D)	\$3,887-\$9,718	1.02598	\$3,988-\$9,970.
Violation/prohibition of indemnity bonds	8 CFR 274a.8(b)	\$2,789	1.02598	\$2,861.
Civil penalties for knowingly hiring, recruiting, referral, or retention of unauthorized aliens—Penalty for first offense (per unauthorized alien)	8 CFR 274a.10(b)(1)(ii)(A)	\$698-\$5,579	1.02598	\$716-\$5,724.
Penalty for second offense (per unauthorized alien)	8 CFR 274a.10(b)(1)(ii)(B)	\$5,579-\$13,946	1.02598	\$5,724-\$14,308.
Penalty for third or subsequent offense (per unauthorized alien)	8 CFR 274a.10(b)(1)(ii)(C)	\$8,369-\$27,894	1.02598	\$8,586-\$28,619.
Civil penalties for I-9 paperwork violations	8 CFR 274a.10(b)(2)	\$281-\$2,789	1.02598	\$288-\$2,861.
Civil penalties for failure to depart, INA section 274D	8 U.S.C. 1324d; 8 CFR 280.53(b)(14)	\$973	1.02598	\$998.

* Office of Mgmt. and Budget, Exec. Office of the President, M-25-02, Implementation of Penalty Inflation Adjustments for 2024, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 17, 2024) (<https://www.whitehouse.gov/wp-content/uploads/2024/12/M-25-02.pdf>).

Application of Mitigating and Enhancement Factors

Enhancement Matrix			
Factor	Aggravating	Mitigating	Neutral
Business size	+ 5%	- 5%	+/- 0%
Good faith	+ 5%	- 5%	+/- 0%
Seriousness	+ 5%	- 5%	+/- 0%
Unauthorized Aliens	+ 5%	- 5%	+/- 0%
History	+ 5%	- 5%	+/- 0%
Cumulative Adjustment	+ 25%	- 25%	+/- 0%

Avoiding Surprises

- The worst case scenario
- Conducting an internal I-9 audit
- Maintain current version of ICE's Handbook for Employers (M-274)



Proper Completion of Form I-9

The image shows a stack of three USCIS Form I-9, Employment Eligibility Verification forms. The top form is the most prominent, displaying the following details:

- Title:** Employment Eligibility Verification
- Department:** Department of Homeland Security
- USCIS Form I-9**
- Version:** 08/14, 12/15/12, 03/16, 01/17/17

The form is divided into several sections:

- Section 1: New Hire** (for new hires, including a section for 'New Hire' and 'Existing Hire').
- Section 2: Existing Hire** (for existing hires, including a section for 'New Hire' and 'Existing Hire').
- Section 3: Preparer and Translator Certification** (for preparers and translators, including a section for 'Preparer and Translator Certification').

The form includes various fields for personal information, employment details, and certification. It also features a 'Click to Finish' button at the bottom.

Be Sure to Use the Correct Form!

- There is a new Form I-9 that became effective on August 1, 2023
- Current Form has a revision date of 08/01/23
- Current Form I-9 has 05/31/2027 expiration date

The image shows the front of the new USCIS Form I-9, titled "Employment Eligibility Verification". The form is dated 08/01/23 and has a revision date of 08/01/23. It includes a section for "New I-9 Form" and a section for "Section and Attestation (Employer's use only)". The form is designed to be completed by the employer and the employee to verify the employee's identity and employment eligibility.

Section 1



- To be completed no later than the first day of work
 - Be sure to also provide the instructions
- Completed by the employee
- Identifying the SSN
- Be sure to use the correct date format (dd/mm/yyyy)

Certification			
I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.			
The employee's first day of employment (mm/dd/yyyy) See instructions for exemptions.			
Signature of Employer or Authorized Representative		Date (mm/dd/yyyy)	Title of Employer or Authorized Representative
Last Name (Family Name)		First Name (Given Name)	Employer's Business or Organization Name
Employer's Business or Organization Address (Street Number and Name)		City or Town	State Zip Code

Section 2

- First review Section 1!
- To be completed no later than the third day of work
- To be completed by the employer
- Includes review of documents to be produced by the employee
- Keeping copies of documents

Section 2 must be completed within 3 business days of hire.

Section 2. Employer or Authorized Representative Review and Verification.
(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR examine a combination of one document from List B and one document from List C as listed on the "List of Acceptable Documents" on the next page of this form. For each document you review, record the following information: document title, issuing authority, document number, and expiration date, if any.)

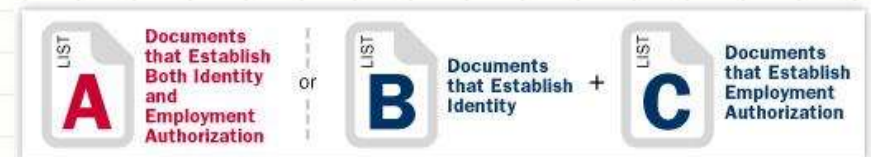
Employer MUST fill in: **Employee Last Name, First Name and Middle Initial from Section 1** **Ramsey, Sheldon B** **From Section 1**

NOTE TO DEPTs: DO NOT write anywhere in List A if employee presents List B & C documents.

List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title: Issuing Authority: Document Number: Expiration Date (if any)(mm/dd/yyyy):		Document Title: Driver's License Issuing Authority: State of Michigan Document Number: H12345678910 Expiration Date (if any)(mm/dd/yyyy): 09/30/2015		Document Title: Social Security Card Issuing Authority: As listed on card Document Number: 123-45-6789 Expiration Date (if any)(mm/dd/yyyy):

All items for List B & C are required.

3-D Barcode



Supplement B (formerly Section 3)

- For reverification and re-hires
- Is the employee's Form I-9 current?
- Re-hire must be within three years of original completion of Form
- Tickle re-verification due dates

Section 3. Updating and Reverification (To be completed and signed by employer.)

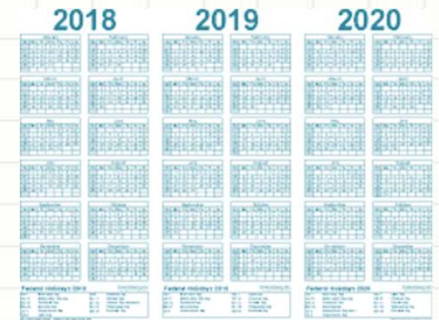
1. A. New Name (if applicable) B. Date of Rehire (month/day/year) (if applicable)

2. C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment authorization.
Document Title: EAD Document #: LTN1234567892 Expiration Date (if any): 02/28/2013

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

3. Signature of Employer or Authorized Representative Date (month/day/year)
J. Smith 02/28/2011

Know the Record Retention Rule!



- Hold Form I-9s for three years or one year post-termination, whichever is longer
- Store Forms on-site or at an off-site storage facility
- Forms may be stored on microfilm/microfiche or electronically



Making Corrections


- Section 1 errors and/or omissions
- Section 2 errors and/or omissions

AS OF FEBRUARY 2017, SOMETHING AS SIMPLE AS

an incorrect address or missing signature on an **I-9 Form**

CAN RESULT IN A FINE OF UP TO **\$2,191** PER VIOLATION.

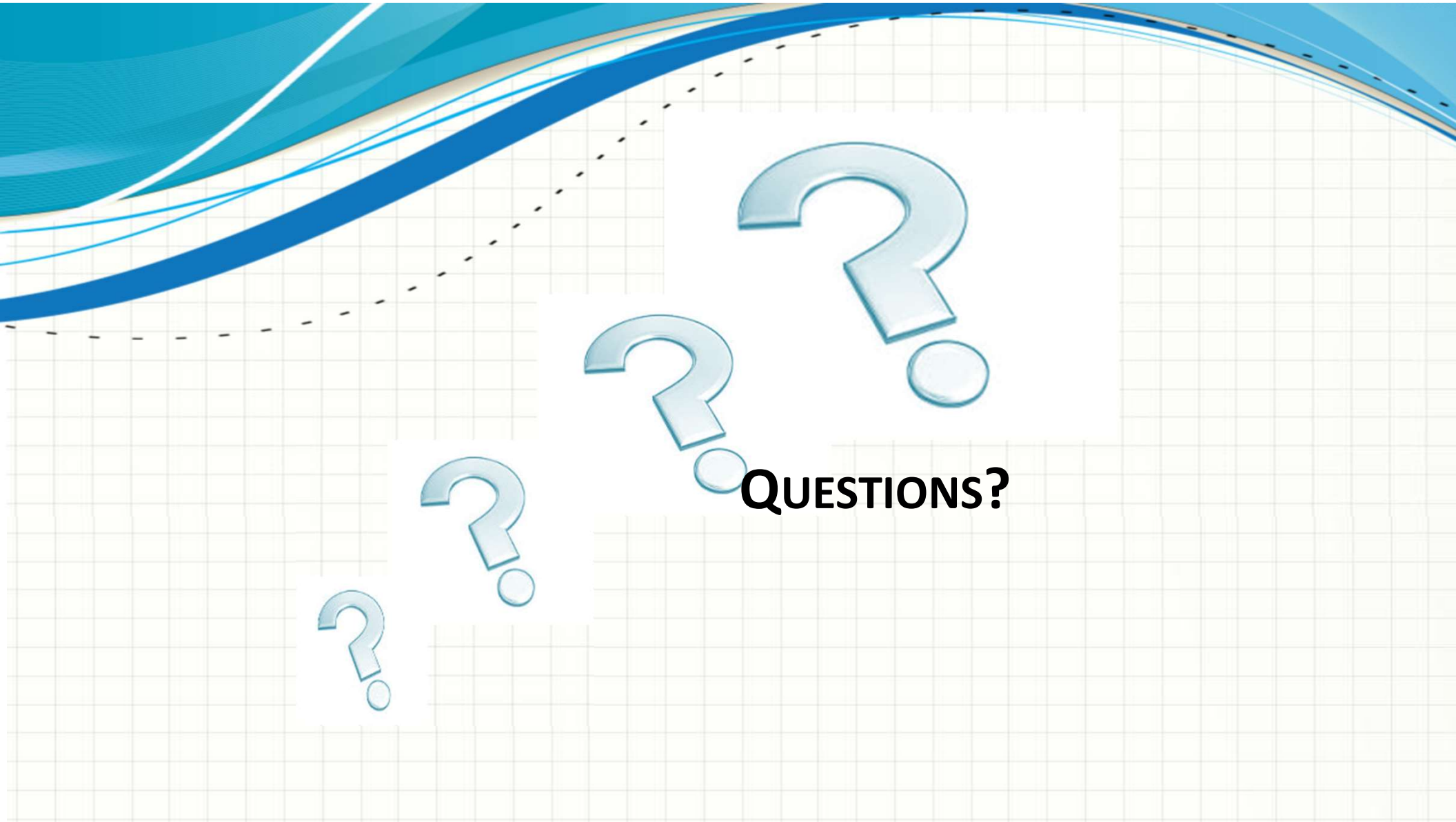
Audit - Step 2



COPY OF ORIGINAL I-9 FORM WITH HIGHLIGHTED ERRORS AND OMISSIONS

This document is a representation of the first step in the I-9 Auditing Process.

This initial review of THE I-9 Form is conducted by one of our Senior Auditors who identify (by highlighting) all errors, omissions and/or document discrepancies.



QUESTIONS?

Presented by

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ATTORNEYS AT LAW



Final comments:

- ★ Thank you, Philip!
- ★ A survey will be sent after the seminar, please take the time to respond. Your feedback helps us plan future webinars and seminars.
- ★ Thank you for staying on the webinar the full time.
- ★ Please answer poll question to earn your CIUs. Then, you are free to hop off and end your session.
- ★ A copy of the presentation will be available at:
<https://www.coloradoroofing.org/member/education>

Thank You for attending!