

WORLPLACE IMMIGRATION: HOSPITALITY

Know the Rules: Protect Your Restaurant or Hotel by Complying with Immigration Laws

February 2025



OUR HR OFFICE



Immigration Compliance for Hospitality: Stay Prepared

At Our HR Office (OHRO), we recognize that immigrants are vital to the hospitality industry—making up over 20% of all U.S. restaurant and hotel workers and over 35% in Houston.

To help restaurants and hotels navigate an evolving immigration enforcement landscape, OHRO has partnered with Monty & Ramirez LLP, one of Houston’s top immigration and labor law firms.

Heightened Immigration Enforcement

With the appointment of former ICE Acting Director Tom Homan as “border czar” and a new Executive Order enhancing immigration enforcement, restaurants and hotels should prepare for increased ICE audits and possible raids. Below are five key steps to safeguard your business:

1. Understand the Risks of Non-Compliance

Failing to comply with immigration laws can result in:

- Civil fines;
- Criminal penalties; or
- Operational disruptions.

2. How to Reduce Risk

Make sure to proactively address key areas to minimize the likelihood of a penalty during an ICE audit and an ICE visit:

- Maintain proper I-9 documentation.
- Conduct regular I-9 audits. If you don’t have I-9’s for current employees, get them completed.
- Train HR staff and managers on immigration policies.
- Develop a rapid response plan for ICE visits.

3. Be Ready for an ICE Audit

ICE audits typically start with a **Notice of Inspection (NOI)**, giving employers **72 hours** to provide I-9 forms and other records. If you receive a NOI:

- Contact legal counsel immediately.
- Management and/or HR should gather and verify documentation.
- Review findings and correct errors. Make sure that any corrections are done in *red ink* and dated.





4. Know How to Handle an ICE visit

ICE visits can be disruptive and may involve immediate inspections and detentions. Protect your business by:

- Requesting and reviewing the warrant.
- Monitoring the process without interfering.
- Avoiding actions that could be seen as obstruction.
- Documenting any seized persons, records, or property.
- Managing public relations carefully.

5. Onboarding New Employees: **I-9 Compliance**

- Managers and HR need to timely onboard new hires.
- **Avoid** being a translator of **Section 1** of I-9 for new hires.
- Employees **must** complete **Section 1** of **I-9** no later than the first day of work for pay.
- Employers **must** complete **Section 2** of **I-9** no later than the 3rd business day the employee starts work for pay.

We remain committed to keeping Houston's restaurant community informed and compliant with workplace immigration laws and human resource management. Let us know how we can support your operations.

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Note: *This document is intended for informational purposes only. Nothing should be taken as legal advice without contacting a legal professional.*

