

DOJ's Focus On Immigration Enforcement

On February 5, 2025, U.S. Attorney General Pam Bondi issued a series of policy memoranda directed to U.S. Department of Justice (“DOJ”) employees. Two addressed DOJ’s new perspective on immigration enforcement: “General Policy Regarding Charging, Plea Negotiations, and Sentencing” and “Sanctuary Jurisdiction Directives.” In this eUpdate, we summarize DOJ’s new perspective by emphasizing two objectives highlighted in AG Bondi’s memoranda, and we address how DOJ’s stated objectives in this area could affect organizations and individuals, public and private.

1. “The Department of Justice shall use all available criminal statutes to combat the flood of illegal immigration that took place over the last four years, and to continue to support the Department of Homeland Security’s immigration and removal initiatives.”

Leveraging all available criminal laws to address illegal immigration is a mantra of AG Bondi’s memoranda and one of her primary objectives. Whether the numbers support her description of immigration over the last four years, this directive will likely serve as the guiding light for DOJ’s decisions and almost certainly result in more immigration prosecutions. For companies, it means a greater risk of U.S. Immigration and Customs Enforcement (“ICE”) raids, or worksite enforcement criminal investigations, where ICE and other federal agencies investigate employers who are believed to be breaking the law by knowingly hiring undocumented immigrants. For their employees, it could of course mean arrest, too, if they are in the United States without proper documentation or if they are unlawfully assisting an undocumented alien to remain in the United States.

2. DOJ “shall investigate” incidents involving “state and local actors” who resist, obstruct, and otherwise fail to comply with lawful immigration-related commands and request.

In addition to using the criminal justice system to prosecute and remove undocumented immigrants, AG Bondi has raised the potential to pursue criminal charges against local

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government officials for resisting immigration enforcement. AG Bondi makes clear that DOJ will investigate “local actors” who “fail[] to comply with lawful immigration-related commands and requests” for possible obstruction charges.

Further, in the Sanctuary Jurisdiction Directives memorandum, AG Bondi states that “[s]anctuary jurisdictions should not receive access to federal grants administered by the Department of Justice.” The memo defines “sanctuary jurisdictions” as “state or local jurisdictions that refuse to comply with 8 U.S.C. § 1373[1] . . . or willfully fail to comply with other applicable federal immigration laws.” Essentially those cities, counties, and states that limit the information they will share with federal immigration enforcement agents fall within the definition. The memorandum concludes by stating that DOJ attorneys will pursue enforcement actions against these “sanctuary jurisdictions.”

AG Bondi has indicated in clear terms that enforcing the nation’s immigration laws and prosecuting those individuals, companies, jurisdictions, or even state and local government actors who are believed to have violated those laws is a top priority for this administration.

Given this reality, employers should prepare for immigration enforcement agents to visit their facilities. ICE or other federal agents may arrive unannounced at a workplace to arrest undocumented workers, either in targeted arrests (i.e., arresting specific people identified in a warrant) or pursuant to a raid (i.e., which may result in arresting multiple people under a general warrant). Though ICE agents are not police officers, their uniforms may say “Police” or “Federal Agent,” and, depending on the jurisdiction, they may be accompanied by local police officers or other federal agents. Employers should understand their rights and responsibilities in connection with these immigration enforcement actions. For further information on best practices for how to prepare for unannounced visits from ICE agents, please review [Dorsey’s Advisory Regarding Immigration Enforcement Procedures](#).

[1] Among other things, this statute recognizes that “a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, [U.S. immigration authorities] information regarding the citizenship or immigration status, lawful or unlawful, of any individual.” 8 U.S.C. § 1373(a).