

Individuals Held Liable For Hiring Illegal Workers

The Department of Homeland Security's Immigration and Customs Enforcement (ICE) has declared that it is "dramatically enhancing its enforcement efforts against employers that knowingly employ illegal aliens." They aren't kidding.

In fiscal year 2006, ICE set records for worksite enforcement. It arrested 716 individuals on criminal charges (against both employers and employees) and 3,667 individuals on administrative charges. Combined, these figures are more than seven times greater than the total number of individuals arrested in worksite enforcement cases in 2002, the last full year that the INS was in operation.

It's not just large companies that need to worry about ICE breathing down their neck. Said an ICE official: "No matter how large or how small the company, ICE has no tolerance for individuals who use illegal aliens in their workforce."

And, as the following cases show, ICE is not only going after employers, but the individual executives and managers who actually hire illegal workers are being held accountable.

In March of 2007, ICE arrested the owner and three managers of a Massachusetts-based manufacturing company for allegedly knowingly accepting fraudulent "green cards" and Social Security cards, among other charges. If convicted, each of the four individuals could face up to 10 years in prison and a \$250,000 fine.

Late in 2006, two executives of a California fence-building company pleaded guilty to knowingly hiring illegal immigrants. One agreed to pay a fine of \$200,000; the other, \$100,000.

Even if you don't knowingly hire illegal aliens, inadvertent I-9 mistakes can still result in penalties, not to mention the sudden loss of workers if ICE audits your records and removes employees who are not eligible to work in the U.S. Be sure you:

- **Follow timelines.** Employees must complete Section 1 on their first day of work. Employers must complete Section 2 within three business days of the date employment begins. Forms must not be discarded until the later of one year after termination or three years after date of hire.
- **Understand which documents are acceptable.** The I-9 form published by the government is outdated in this respect.
- **Only accept documents that appear genuine.** You don't have to be a documents expert, but you can face sanctions for accepting documents that are obviously fake.
- **Allow the workers to decide which documents to show you.** You can never dictate which documents you want to see, nor can you ask for more than is required.