

# ICE doubles enforcement against employers



If you are in the habit of hiring workers who lack proper work authorization, beware! Employers have become one of the federal government's key targets in the effort to curb illegal immigration.

In October 2017, Thomas Homan, acting deputy director of Immigration and Customs Enforcement, vowed to "significantly increase" enforcement efforts against employers that hire undocumented immigrants.

He kept his word.

On May 14, Homan announced that ICE's Homeland Security Investigations (HSI) unit this year has already opened more than twice as many ongoing worksite cases as it did in all of fiscal year 2017.

From Oct. 1, 2017, through May 4, HSI opened 3,510 worksite investigations, initiated 2,282 I-9 audits and made 594 criminal and 610 administrative worksite-related arrests. All those stats are up significantly year over year compared to FY2017.

"Our worksite enforcement strategy continues to focus on the criminal prosecution of employers who knowingly break the law, and the use of I-9 audits and civil fines to encourage compliance with the law," said Acting Executive Associate Director for HSI, Derek N. Benner.

Federal law requires employers to verify the identity and employment eligibility of everyone they hire, and to document that information using the Employment Eligibility Verification Form I-9.

In fact, I-9 audits are Uncle Sam's preferred way of initiating enforcement actions against employers. Poor I-9 compliance gives HSI agents an excuse to significantly ramp up efforts to go after employers who cut other immigration corners. "If employers are not in compliance with the law, an I-9 inspection of their business will likely result in civil fines and could lay the groundwork for criminal prosecution if they are knowingly violating the law," an ICE statement said.

In FY17, employers paid \$97.6 million in judicial forfeitures, fines and restitution, and \$7.8 million in civil fines. One company—Asplundh Tree Experts—was fined \$80 million, the largest payment ever levied in an immigration case.

**Online resource:** Learn what to expect and how to respond if ICE launches an audit of your I-9 records. See [www.thehrspecialist.com/iceaudit](http://www.thehrspecialist.com/iceaudit).