

WORKSITE ENFORCEMENT: ICE TURNS UP THE HEAT

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Immigration Reform

- * Legalization of those entering before Jan. 1, 2007
- * Immediate work authorization through the Z visa
- * Increased H-1B skilled worker visas to 115,000
- * Increased obligations for employers



- * **DHS** - Department of Homeland Security
 - * **ICE** - Immigration and Customs Enforcement
 - * **U.S.CIS** - U.S. Citizenship and Immigration Service
- * **SSA** - Social Security Administration
- * **DOJ** - Immigration related discrimination



The IRCA

- * What does it require?
 - * I-9 completion
 - * reasonably genuine
 - * reverification
 - * retention
- * Knowledge
- * Exceptions

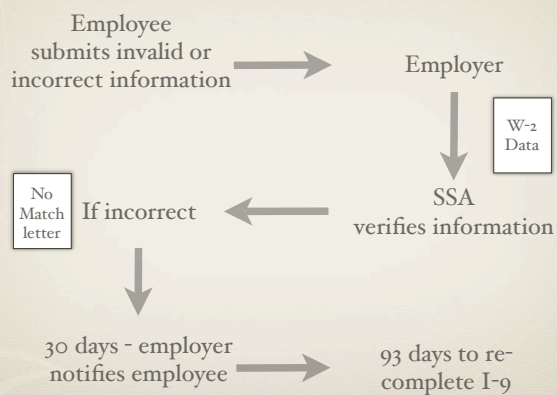


Constructive Knowledge

- * Employer fails to fill-out I-9
- * Employer fill-out I-9 improperly
- * Employer fails to reverify employment eligibility after employment eligibility document has expired
- * Employer fails to take any action within a reasonable time after No-Match from DHS or Social Security

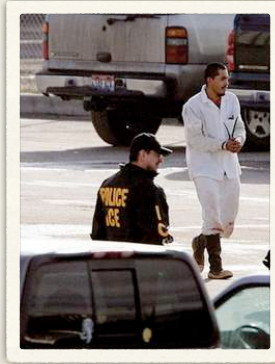


NEW REGULATION: SOCIAL SECURITY NO MATCH LETTERS



Trends in Worksite Enforcement

- * Shift from high security targets to other employers
- * Civil fines to criminal penalties. IRCA vs. criminal
- * Increased resources and enforcement



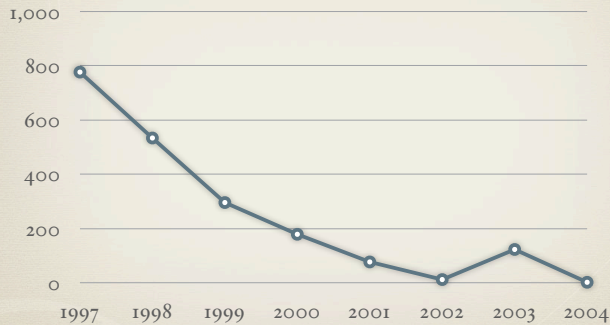
Possible Liabilities



Civil Fines	Employment of undocumented worker	Discrimination
1st violation	\$250 - \$2,200	\$250 - \$2,200
2nd violation	\$2,200 - \$5,500	\$2,200 - \$5,500
Subsequent violations	\$3,300 - \$11,000	\$3,300 - \$11,000

Criminal Penalties	Penalties
Harboring for financial gain	10 year - felony
Knowingly hiring 10 workers	5 years

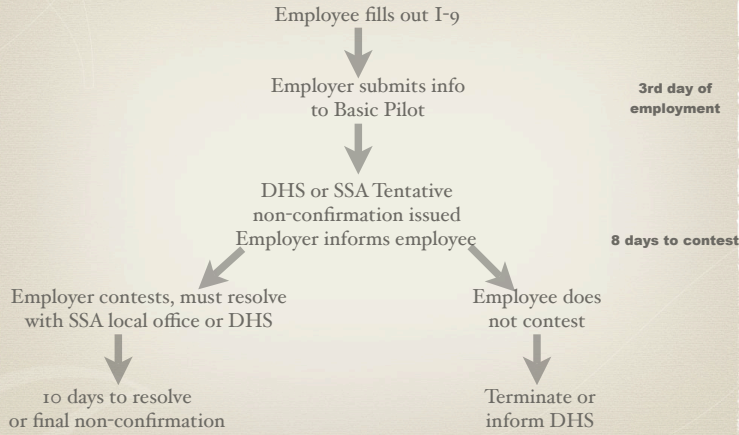
Employer Sanctions Resulting in Civil Fines



○ Number of Notice of Intent to Fine Issued

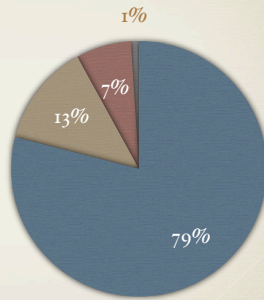


E-Verify



Basic Pilot Verification

- Authorized by SSA
- Requires Secondary SSA
- Authorized by DHS
- Requires Secondary DHS



Should You Use It?

- * Are you confident that all employees are legal?
- * Are your I-9's in compliance?
- * Are you willing to screen all new hires and deal with the follow-up?

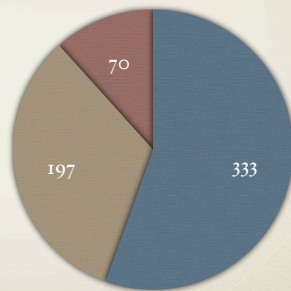
Discrimination

- * Swift discrimination suit
- * What constitutes discrimination
 - * Pre-screening
 - * Not uniformly requiring I-9's
 - * Document abuse
 - * Firing because non-english speaking, or appear foreign
- * Retaliation



Discrimination - 2006

- Cases investigated and dismissed
- Charges Resolved
- Settled Cases (Fines)
- ALJ Orders



New Developments

- * Electronic Storage of I-9's
- * Colorado and Georgia now require contractors who work with the state to use Basic Pilot
- * California - injunction on SS No-Match Letters
- * Arizona - ACLU is challenging mandatory Basic Pilot law



Common Questions

- * Documents with Name Swap (John Doe, and Doe John)
- * Copies of I-9 documentation (driver's licenses)
- * Previously invalid documents, now valid



Is Your Company Ready?

- * **When** was the last time that someone reviewed the I-9's
- * **Who** is the single source familiar with compliance and immigration?
- * What **policies** are in place? Good faith
- * Would your organization be **prepared** to deal with an I-9 civil audit or criminal investigation?



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