



U.S. Immigration
and Customs
Enforcement

Worksite Enforcement Overview

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Anatomy of a Worksite Enforcement Case

U.S. Immigration and Customs Enforcement (ICE) has significantly enhanced its efforts to combat the unlawful employment of illegal aliens in the United States. The agency's strategy differs dramatically from the approach of the former Immigration and Naturalization Service (INS), which focused on imposing civil fines on employers who hired illegal aliens. Today, ICE relies heavily on criminal prosecutions and the seizure of company assets to gain compliance from businesses that violate the employment provisions of our nation's immigration laws.

Like other white collar crimes, ICE worksite enforcement cases can be complex and lengthy, sometimes requiring months or even years of follow-up investigation. In many instances, these cases not only involve violations of the Immigration and Nationality Act (INA), but frequently reveal a host of other crimes, such as alien smuggling, document fraud, identity theft, money laundering, and wage and labor violations.

The leads that spark a worksite investigation come from an array of sources - tips from the public, reports from a company's current or former employees, even referrals from other law enforcement agencies. Cases involving national security or public safety implications receive top priority, as do investigations involving allegations of egregious worker exploitation, where the welfare of the employees may be at risk.

Once a lead is received, ICE agents employ a variety of techniques to investigate the allegations, including the use of undercover agents, confidential informants, cooperating defendants, and surveillance.

Often the most high-profile aspect of a worksite investigation involves the arrest of unauthorized employees or the execution of search warrants at a targeted business. But it is important to note that such a worksite operation represents only a piece of a broad investigation. While many believe that these operations mark the completion of the investigation, they don't. In fact often the investigation continues for weeks, months and even years following such an operation. Typically, during an operation, ICE agents are able to obtain additional evidence that was previously unavailable, and after the operation, they may spend months reviewing documents, interviewing more witnesses, and analyzing all of the seized evidence to determine whether the employer and its executives are criminally liable. And if the further investigation reveals criminal activity, the case will be presented to the appropriate federal or state authorities for prosecution.

Frequently Asked Questions

Why is worksite enforcement important?

- Employment is a primary driving force behind illegal immigration. By working with employers to ensure a legal workforce, ICE is able to stem the tide of those who cross our borders illegally or unlawfully remain in our country to work.

What's the harm of illegal aliens working in the U.S.?

- Illegal aliens often turn to criminal activity: including document fraud, Social Security fraud or identify theft, in order to get jobs. Such crimes adversely affect the lives of U.S. citizens and legal immigrants, and it can take years for victims to repair the damage.
- The demand for fraudulent documents created by illegal aliens creates thriving criminal enterprises that supply them.
- Every job taken by an illegal alien is a job taken from a lawful U.S. worker.
- Employers often exploit illegal aliens by ignoring worker safety and wage laws.
- Illegal aliens are easy targets for criminals who want to use them to gain access to sensitive facilities or to move illegal products.

How do businesses and communities suffer?

- Responsible employers who seek to conduct their business lawfully are put at an unfair disadvantage as they try to compete with unscrupulous businesses. Such businesses gain a competitive edge by paying illegal alien workers low wages.

How does ICE determine which employers to investigate?

- ICE does not randomly target employers. All investigations and arrests are based on specific intelligence obtained from a variety of sources.

Why aren't more employers arrested and charged?

- In 2007, more than 90 individuals in company supervisory chains were criminally arrested for charges, including harboring illegal aliens, knowingly hiring them or other criminal violations tied to illegal immigration.
- The presence of illegal aliens at a business does not necessarily mean the employer is responsible. Developing sufficient evidence against employers requires complex, white-collar crime investigations that can take years to bear fruit.
- ICE builds worksite investigations in stages.

For example:

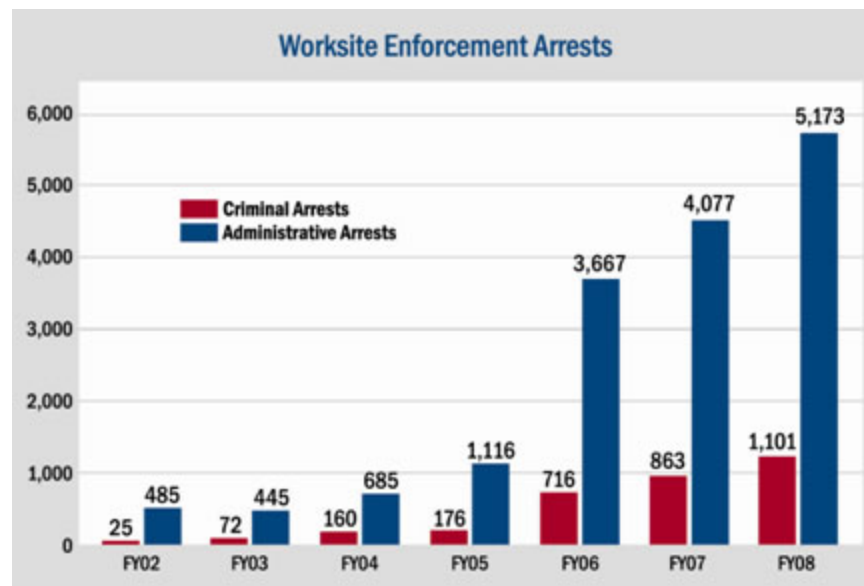
- After receiving information that illegal aliens may be employed at a specific location, agents investigate to determine the merits of that intelligence.
- Once that intelligence is substantiated, ICE may conduct a worksite enforcement operation, arresting employees and collecting additional evidence such as computers and paperwork.
- ICE investigators then comb through the data to determine whether a business owner or managers are knowingly hiring illegal aliens. In some cases, investigators do not find such evidence.
- After presenting evidence to federal prosecutors, ICE may be authorized to arrest managers or company owners for criminal violations.

What types of industries does ICE target?

- No industry, regardless of size, type or location is exempt from complying with the law.
- ICE focuses on employers who are egregiously violating immigration laws, especially when those violations can compromise our nation's security.

How successful has ICE been in its worksite enforcement efforts?

- In fiscal year 2007, ICE secured more than \$30 million in criminal fines, restitutions, and civil judgments in worksite enforcement cases. We arrested 863 people in criminal cases and made more than 4,000 administrative arrests. That is a tenfold increase over just five years before.
- The number of criminal and administrative arrests has steadily increased over the past few years. Those arrested criminally include a variety of persons—corporate officers, employers, managers, contractors and facilitators. In criminal cases, ICE often pursues charges of harboring illegal aliens, money laundering and/or knowingly hiring illegal aliens. Harboring illegal aliens is a felony with a potential 10-year prison sentence. Money laundering is a felony with a potential 20-year prison sentence.
- ICE has found these criminal sanctions to be a far greater deterrent to illegal employment schemes than administrative fines.
- These arrests also include illegal aliens charged with criminal violations. Aliens have been charged with possession or sale of fraudulent documents, identity theft, Social Security fraud or re-entry after deportation.



Fiscal Year 2008 accomplishments

- ICE made more than 1,100 criminal arrests tied to worksite enforcement investigations.
- Of the individuals criminally arrested, 135 are owners, managers, supervisors or human resources employees facing charges including harboring or knowingly hiring illegal aliens. The remaining workers criminally arrested are facing charges including aggravated identity theft and Social Security fraud.
- ICE has also made more than 5,100 administrative arrests for immigration violations during worksite enforcement operations.

What can employers do to help ensure they have a legal workforce?

- The law is clear - employers have an affirmative obligation to verify that their employees are legally able to work in the United States.
- ICE's goal is to help those companies that want to obey the law and use our investigative and regulatory authority to stop those companies that do not.
- ICE seeks to create a culture of compliance by enlisting responsible employers of every size and description in partnerships designed to prevent the hiring of illegal aliens in the first place.

ICE

U.S. Immigration and Customs Enforcement (ICE) was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of five integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.