



U.S. Immigration
and Customs
Enforcement

Protecting National Security and Upholding Public Safety

Fact Sheets

February 22, 2007

Worksite Enforcement

Overview:

Since the creation of U.S. Immigration and Customs Enforcement (ICE) in March 2003, the agency has dramatically enhanced its efforts to combat the unlawful employment of illegal aliens in the United States. ICE has developed a comprehensive strategy for effective worksite that is aimed at promoting national security, protecting critical infrastructure, and ensuring fair labor standards.

Under this new strategy, ICE is targeting unscrupulous employers of illegal aliens with criminal prosecutions and asset forfeitures. ICE believes that criminal charges and asset seizures will create the kind of deterrence that has been absent in worksite enforcement efforts.

Criminal Prosecutions vs. Administrative Fines:

In the past, the INS targeted a large percentage of its worksite enforcement resources on bringing administrative sanctions against unscrupulous employers. Unfortunately, administrative fines often proved to hold little deterrence value for violators. Many employers came to view these fines as simply the "cost of doing business." INS agents and legal staff invested significant time and effort issuing Notices of Intent to Fine against employers for non-compliance, only to find that these administrative fines were ignored, not paid in a timely matter or mitigated down over several years.

ICE is pursuing sanctions against unscrupulous employers that involve criminal prosecutions and, in some cases, the seizure of assets derived from illegal employment schemes. In these criminal cases, ICE is often pursuing 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 sanctions.

ICE Worksite Enforcement Statistics:

The best measure of this new strategy lies in the number of arrests for criminal violations that ICE has made in worksite enforcement investigations.

- The number of criminal arrests in worksite enforcement cases has increased from a mere 25 in Fiscal Year 2002, the last full year under the old INS, to 716 during Fiscal Year 2006 under ICE.

It is important to note that these criminal arrests refer to a wide variety of individuals arrested on criminal charges in connection with worksite enforcement investigations. These individuals include corporate officers, employers, managers, contractors, as well as facilitators charged with criminal violations ranging from knowingly hiring illegal aliens, to harboring illegal aliens, to money laundering, and conspiracy violations. These arrests also include illegal aliens charged with criminal violations discovered at worksites. They include aliens charged with crimes ranging from possession and/or distribution of fraudulent documents, to re-entry after deportation, to, in some cases, entry without inspection.

Another measure of ICE's new strategy lies in the number of illegal aliens arrested on administrative immigration violations during worksite enforcement investigations. These administrative immigration arrests generally refer to illegal alien workers who are unlawfully present in the United States.

- The number of individuals arrested on administrative immigration violations in worksite enforcement cases has increased from 485 in Fiscal Year 2002, the last full year under the old INS, to 3,667 during Fiscal Year 2006 under ICE.

National Security and Critical Infrastructure Worksites:

In accordance with ICE's homeland security mission, ICE agents prioritize worksite enforcement efforts by focusing on sites related to critical infrastructure and national security. Unauthorized workers employed at sensitive facilities—such as nuclear power plants, chemical plants, military bases, defense facilities, airports and seaports—pose serious homeland security threats.

These aliens are vulnerable to exploitation by terrorists and other criminals. ICE works with employers in these cases to identify and immediately remove illegal workers from sensitive facilities and locations where they are in a position to cause harm.

Traditional Worksite Investigations:

While worksites with a nexus to national security are priorities for ICE, agents continue to conduct robust investigations at other places of employment. These investigations often uncover egregious criminal violations and widespread abuses. Violations often involve money laundering, alien harboring, alien smuggling, document fraud, or some form of worker exploitation.

Illegal workers frequently lack the employment protections afforded those with legal status and are less likely to report worksite safety violations and other concerns. Furthermore, their illegal status leaves them vulnerable to exploitation by unscrupulous employers who may pay them substandard wages or force them to endure intolerable working conditions.

ICE's IMAGE Program to Assist Employers:

ICE recognizes that the vast majority of employers in this country want to comply with the nation's immigration laws. Yet, every day they are confronted with illegal aliens attempting to secure jobs

through fraudulent means, including the presentation of counterfeit documents and stolen identities.

To assist employers in these situations, ICE unveiled the ICE Mutual Agreement between Government and Employers (IMAGE) program in July 2006. Through IMAGE, ICE seeks to build a cooperative relationship between government and businesses to strengthen hiring practices and reduce unlawful employment.

As part of this program, businesses must first adhere to a series of best practices, including the use of the Basic Pilot employment eligibility verification program, administered by U.S. Citizenship and Immigration Services (USCIS). In return, ICE will provide training and education to IMAGE partners on proper hiring procedures, fraudulent document detection and anti-discrimination laws.

ICE will also share data with employers on the latest illegal schemes used to circumvent legal hiring processes. Furthermore, ICE will review the hiring and employment practices of IMAGE partners and work collaboratively with them to correct isolated, minor compliance issues. Companies that comply with the terms of IMAGE will become IMAGE-certified, a distinction ICE believes will become an industry standard.

Participation in IMAGE will help companies reduce unauthorized employment and minimize identity theft. An IMAGE participant can better protect the integrity of its workforce by helping ensure that employees are who they represent themselves to be. ICE encourages employers to review IMAGE program materials available at www.ice.gov.

Recent Major ICE Worksite Enforcement Criminal Cases:

- **Swift & Company**—On Dec. 12, 2006, more than 1,297 illegal aliens were arrested at Swift meat processing facilities in six states in a national investigation of work-related identity theft. Of those arrested, 219 were charged criminally, 137 of them with federal crimes, the others with state crimes. The rest were charged with being immigration status violators and were processed for removal from the United States. A review of the employment eligibility forms, or I-9s, at Swift facilities nationwide discovered that 30 percent of them were suspected of being fraudulent. A 10-month investigation culminated in search warrants executed at Swift facilities in Greeley, Colo., Grand Island, Neb., Cactus, Texas, Hyrum, Utah, Marshalltown, Iowa, and Worthington, Minn. The company has not been charged. The investigation is ongoing.
- **Garcia Labor Companies/ABX Air**—On October 3, 2006, two temporary labor companies; as well as Maximo Garcia, the president of these companies and two of their corporate officers pleaded guilty in Ohio to conspiring to provide hundreds of illegal aliens to work for ABX Air, a national air cargo firm from Ohio. The three individuals pleaded guilty to one count of conspiracy to induce, aid and abet illegal aliens to reside or remain in the United States for the purpose of commercial advantage or private financial gain. Garcia, the president of the Garcia Labor companies, agreed to forfeit \$12 million as part of the plea agreement. He and the other two individuals face up to ten years in prison and a fine of \$250,000. The Social Security Administration issued a number of notices in 2002, 2003, and 2004 in which hundreds of Hispanic workers employed by Garcia Labor were listed as using invalid Social Security account numbers. Despite such notices, Garcia Labor continued to employ these workers and took no substantive action to determine whether they were authorized to work in the United States. On April 26, 2006, ABX Air supervisor Douglas Steels pleaded guilty to charges of engaging in a pattern and practice

of employing illegal aliens. He was sentenced to 6 months.

- **Kentucky Limited Liability Corporations-** On July 20, 2006, two corporations in Kentucky pleaded guilty to criminal charges of harboring illegal aliens and money laundering in connection with a scheme that provided illegal workers to Holiday Inn, Days Inn and other hotels in Kentucky. As part of the plea, Asha Ventures, LLC and Narayan, LLC agreed to pay \$1.5 million cash in lieu of forfeiture and create internal compliance programs. Sentencing is scheduled for October. Through their agents, the companies employed numerous illegal aliens at hotels in London, KY who were often paid by check made payable to fictitious cleaning companies. The checks were then negotiated at the hotel upon whose account the check was drawn, and the aliens were then paid in cash. These payments were designed to disguise the nature, location, source or ownership of the proceeds.
- **Fischer Homes and subcontractors**—On July 7, 2006, Alfredo Medina-Mejia and Leopoldo Medina pleaded guilty to criminal charges of harboring illegal aliens. Both men worked as subcontractors that provided illegal workers to Fischer Homes construction sites in Kentucky. The guilty pleas resulted from raids conducted on May 9, 2006, in which ICE agents arrested four supervisors of Fischer Homes Inc. and 76 illegal alien workers at Fischer Homes construction sites in Kentucky. Fischer Homes is a leading builder of homes in Indiana, Kentucky, and Ohio. The Fischer Homes managers are charged with aiding and abetting and harboring illegal aliens. On May 11, several contractors and contract firms that allegedly provided illegal workers for Fischer Homes construction sites were indicted on charges of harboring illegal aliens in connection with the scheme.
- **Stucco Design**—On May 2, 2006, Robert Porcisanu, the owner of an Indiana business that performed stucco-related services at construction sites in seven Midwest states was charged with money laundering, harboring illegal aliens, transporting illegal aliens, and false statements in connection with an illegal employment scheme. Porcisanu faces 40 years in prison. ICE is also seeking the forfeiture of \$1.4 million. His firm was allegedly able to undercut the bids of contractors to perform work at construction sites by taking advantage of cheap labor costs from the use of illegal alien employees.
- **IFCO Systems North America**—On April 19, 2006, ICE agents arrested seven current and former managers of IFCO Systems North America Inc, pursuant to criminal in Albany, New York, charging them with harboring illegal aliens for financial gain. ICE agents also apprehended 1,187 of the firm's illegal alien employees during search warrants and consent searches executed at more than 40 IFCO locations nationwide. The arrests were the result of a year-long probe of IFCO, which determined that more than half of IFCO's employees during 2005 had invalid or mismatched Social Security numbers. IFCO is the largest pallet services company in the United States, based in Houston, Texas.
- **Kawasaki Sushi**—On April 14, 2006, the operators of Baltimore's best-known sushi restaurants agreed to forfeit more than \$1 million and pleaded guilty to criminal charges to commit alien harboring and money laundering in connection with an illegal alien employment scheme. The investigation found that the operators of the three Kawasaki restaurants in Baltimore exploited cheap, illegal labor to maximize profits in order to purchase new homes and luxury vehicles for themselves.
- **HV Connect**—On April 11, 2006, a federal indictment was unsealed in Ohio charging two temporary employment agencies and nine individuals with hiring and harboring illegal aliens; mail and wire fraud; and laundering approximately \$5.3 million. The indictment alleged that HV

Connect, Inc., and TN Job Service, Inc. provided hundreds of illegal alien employees to unwitting companies in Ohio by falsely representing that they were legal. The indictment also alleged that the owners of these agencies used the profits from this scheme build a new home and purchase jewelry for themselves.

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 four integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.

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