



U.S. Immigration
and Customs
Enforcement

Worksite Enforcement Overview

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Worksite Enforcement

U.S. Immigration and Customs Enforcement (ICE) has a vital responsibility to enforce the law and engage in effective worksite enforcement to reduce the demand for illegal employment and protect employment opportunities for the nation's lawful workforce. ICE employs an effective, comprehensive worksite enforcement strategy that addresses both employers who knowingly hire illegal workers as well as the workers themselves.

In April 2009, Secretary Napolitano issued guidance outlining that ICE will focus its resources in the worksite enforcement program on the criminal prosecution of employers who knowingly hire illegal workers in order to target the root cause of illegal immigration. ICE will continue to arrest and process for removal any illegal workers who are found in the course of these worksite enforcement actions in a manner consistent with immigration law and DHS priorities. Furthermore, ICE will use all available civil and administrative tools, including civil fines and debarment, to penalize and deter illegal employment.

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.

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 identity 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. Furthermore, the demand for fraudulent documents created by illegal aliens creates thriving criminal enterprises that supply them. Worksite enforcement also reduces the demand for illegal employment and protects employment opportunities for the nation's lawful workforce.

- **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?**

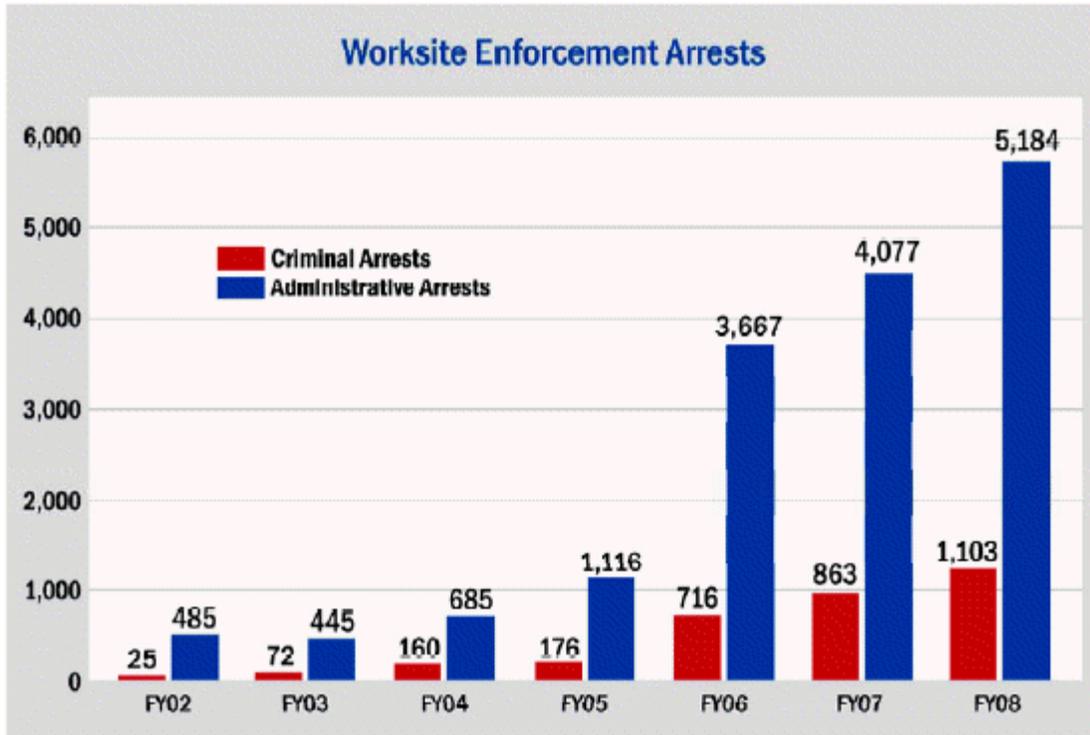
ICE does not randomly target employers. All investigations and arrests are based on specific intelligence obtained from a variety of sources.

- **Why aren't more employers arrested and charged?**

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.

- **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.



Fiscal Year 2008 accomplishments

- ICE made more than 1,100 criminal arrests tied to worksite enforcement investigations.
- Of the individuals criminally arrested, 135 were 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.

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.