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News Releases

JULY 14, 2011 BUFFALO, NY

Mexican national sentenced to nearly 4 years in prison for harboring illegal aliens

BUFFALO, N.Y. — A Mexican national, who was convicted of harboring illegal aliens for commercial advantage, was sentenced to 46 months in prison. The sentence stems from an extensive investigation conducted by U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI).

Simon Banda-Mireles, 50, aka Jorge DeLarco, a native and citizen of Mexico, also must pay restitution in the amount of \$239,089 to 15 illegal aliens who worked for him — they had been paid substantially below minimum wage. Previously, the defendant had agreed to forfeit money and property valued at \$70,009 to the government.

"Today the leader of a criminal organization received both a significant sentence and financial penalty for using illegal alien labor to operate seven Mexican restaurants throughout New York, Ohio, Pennsylvania and West Virginia," said Lev J. Kubiak, special agent in charge of ICE HSI in Buffalo. "This sentence should stand as a warning to criminal employers like Simon Banda-Mireles who knowingly hire and employ illegal aliens that they will be held accountable for their actions. Business owners who diligently operate within the laws of the United States should be encouraged by the results of this investigation, as HSI strives to ensure that criminal businesses do not gain a competitive advantage by employing illegal labor."

Banda-Mireles, who at one time owned and operated several Mexican restaurants in Western New York, Ohio, Pennsylvania and West Virginia, employed and harbored between 25 and 100 illegal aliens in those businesses between 2006 and 2008. The defendant paid those employees substandard wages, thereby gaining a competitive commercial advantage over other restaurants that paid workers at least minimum wage.

Banda-Mireles, who entered the United States illegally using an assumed identity of Jorge DeLarco, was arrested in April 2008, along with 10 of his restaurant managers. All 11 defendants have now been convicted.

"This case should serve as a warning and a deterrent to any individual who would attempt to exploit others for their own financial benefit," said U.S. Attorney William J. Hochul Jr., Western District of New York. "In this case, the defendant used those who were particularly vulnerable due to their status in order to illegally maximize his profit."

This case was investigated by ICE HSI and the Erie County (N.Y.) Sheriff's Office.

Assistant U.S. Attorney John E. Rogowski prosecuted this case.

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