



Worksite Enforcement FY 2014 Annual Report

March 3, 2015

Fiscal Year 2015 Report to Congress



Homeland
Security

U.S. Immigration and Customs Enforcement

Message from the Assistant Secretary

March 3, 2015

I am pleased to present the “Worksite Enforcement FY 2014 Annual Report,” prepared by U.S. Immigration and Customs Enforcement (ICE).

This document responds to the legislative language set forth in House Report 113-91, which accompanies the *Fiscal Year (FY) 2014 Department of Homeland Security (DHS) Appropriations Act* (P.L. 113-76).

Pursuant to congressional guidelines, this report is being provided to the following Members of Congress:



The Honorable John R. Carter
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable Lucille Roybal-Allard
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable John Hoeven
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Jeanne Shaheen
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries related to this report may be directed to me at (202) 732-3000 or to the Department’s Chief Financial Officer, Chip Fulghum, at (202) 447-5751.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sarah R. Saldaña". The signature is fluid and cursive.

Sarah R. Saldaña
Assistant Secretary
U.S. Immigration and Customs Enforcement



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I. Legislative Language

This document responds to the legislative language set forth in House Report 113-91, which accompanies the *FY 2014 DHS Appropriations Act* (P.L. 113-76).

House Report 113-91 states:

Worksite Enforcement

The Committee directs ICE to continue quarterly briefings on worksite enforcement efforts not later than 30 days after the end of each quarter. Likewise, the Committee directs ICE to provide an annual report on the number of opened and closed enforcement investigations, employee and employer arrests, both criminal and administrative, and the fines assessed and collected each fiscal year. This report shall be submitted to the Committee within 45 days after the end of each fiscal year.

II. Background

ICE's Homeland Security Investigations Directorate (HSI) is responsible for disrupting and dismantling transnational criminal organizations and individuals who threaten America's borders, national security, and public safety. ICE uses its legal authorities to investigate crimes and immigration and customs violations including, but not limited to, human rights violations; the smuggling of narcotics, weapons, and other dangerous or prohibited merchandise and contraband; human trafficking; child pornography; intellectual property violations; and the unlawful employment of unauthorized workers.

In April 2009, the DHS Secretary issued guidance stating that ICE investigative resources would focus on the worksite enforcement program by performing criminal investigations and prosecuting employers who knowingly hire unauthorized workers as a means of targeting one of the root causes of illegal immigration. Consistent with immigration law and DHS priorities, ICE also uses 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 investigation. In many instances, these cases not only involve violations of the Immigration and Nationality Act, but reveal a host of other criminal activities, such as money laundering, human smuggling or harboring, document fraud, identity theft, and wage and labor violations.

ICE uses undercover resources, confidential informants, and other investigative techniques and leads to develop criminal worksite investigations. The leads that spark a worksite investigation come from an array of sources, such as tips from the public, reports from a company's current or former employees, and even referrals from other law enforcement agencies. ICE prioritizes its criminal investigations on the most egregious violators and concentrates its worksite inspection efforts on employers conducting business in critical infrastructure and national security interest industries/sectors. In pursuing this strategy, ICE applies risk assessment principles to critical infrastructure and worksite enforcement cases to maximize the impact of investigations against the most significant threats and violators.

ICE strategies for worksite enforcement include:

1. Expanding and prioritizing investigations of employers who use or employ unauthorized workers at critical infrastructure and key resource facilities;
2. Prioritizing investigations of employers who exploit or abuse undocumented workers;
3. Partnering with key stakeholders to educate employers of the ICE Mutual Agreement between Government and Employers (IMAGE) Program, and E-Verify Program and anti-discrimination provisions of the Immigration and Nationality Act;
4. Prioritizing the civil and criminal investigation and prosecution of businesses that hire workers knowing they are not authorized to work in the United States or that continue to employ workers known to be unauthorized workers; and
5. Promoting a culture of corporate compliance through the expansion of the IMAGE Program.

III. Results/Data

The following table reflects the number of opened and closed worksite enforcement investigations, criminal and administrative employee and employer arrests,¹ and the fines assessed and collected each fiscal year.

Year	Cases Initiated	Cases Closed	Criminal Arrests of Employers	Criminal Arrest of Employees	Administrative Arrests	Total \$ Amount of Fines Assessed	Total \$ Amount of Fines Collected ²
2007	1,093	867	92	771	4,077	\$26,560 ³	\$26,560
2008	1,191	713	135	968	5,184	\$675,209 ⁴	\$426,616
2009	1,461	1,109	114	296	1,644	\$1,033,291	\$1,063,608
2010	2,746	1,942	196	197	1,224	\$6,956,026	\$5,824,082
2011	3,291	2,356	221	492	1,471	\$10,463,988	\$8,083,469
2012	3,904	3,176	240	280	1,118	\$12,475,575	\$8,314,509
2013	3,903	3,082	179	273	868	\$15,808,365	\$8,942,371
2014	2,022	3,124	172	190	541	\$16,206,022	\$7,331,026

Enforcement

In FY 2014, ICE arrested 172 employer agents or representatives for criminal violations related to the knowing employment of aliens not authorized to work in the United States. An example of one of the many FY 2014 successes was the conviction of the vice-president of Servi-TEK Inc. for aggravated identity theft and harboring illegal aliens. The vice president received 2 years confinement and 5 years supervised probation for his role in a scheme to re-employ more than 99 unauthorized workers that he knew were not authorized to work in the United States.

Compliance

In FY 2014, ICE served 1,320 notices of inspection (Form I-9 inspections) and issued 637 final orders totaling \$16,206,022. An example of one of the many FY 2014 successes was a final order of \$444,993 against Load Trail Trailers LTD for knowingly hiring and continuing to employ unauthorized workers. The company employed more than 179 unauthorized workers.

¹ Administrative arrests represent the total number of aliens administratively arrested. It includes aliens arrested as employer agents or representatives, and aliens arrested as employees working without employment authorization; HSI's case management system does not distinguish between the two categories.

² Fines collected amounts are updated for any fiscal year as collections are made.

³ 2007 Final Orders Assessed and Fines Collected: Burlington Worksite Fine Detailed Response December 31, 2009.

⁴ 2008–2014 Final Orders Assessed and Fines Collected: Burlington Worksite Fine Detailed Response for November 30, 2014.

In FY 2014, ICE debarred a combination of 278 businesses and individuals from doing business with the government. One example is the 8-year debarment levied against Munoz Logging, Inc., its owners, and related businesses. The owners were arrested and convicted of continuing the knowing unlawful employment of aliens.

Outreach

In FY 2014, ICE IMAGE coordinators delivered 2,357 educational presentations to 11,258 employers while adding 34 Certified IMAGE partners, most notably Publix Supermarket, the largest employee-owned supermarket chain in the United States with more than 161,000 employees nationwide.

IV. Conclusion

Effective worksite enforcement is among the important commitments and priorities undertaken by ICE. To date, this commitment has resulted in increases in employer arrests; financial penalties and debarments; and new industry partnerships to voluntarily increase compliance with the Immigration and Nationality Act's prohibition against the knowing employment of aliens without work authorization.

As we move into the future, ICE remains focused on the following initiatives and will continue to conduct worksite enforcement investigations as directed by the April 2009 guidance:

- Continue to expand our investigations to identify, disrupt, and dismantle those egregious employers who knowingly hire unauthorized workers, as well as those who mistreat/abuse undocumented workers, and/or use smuggling and identity theft, including initiating criminal investigations on the basis of case leads and situational assessments;
- Partner with our key stakeholders via employer outreach and education to encourage the use of employer-based best practices, such as E-Verify; and
- Continue to encourage employer compliance through the use of Form I-9 inspections, debarments, and fines.