

## What if Immigration Shows Up at Your Company?

By Kirk A. Carter, Esq.

ICE is the acronym for Immigration and Customs Enforcement, the bureau within the Department of Homeland Security which is charged with enforcing the laws requiring that employers verify the work eligibility of each new employee.

The issue of illegal immigration is front and center as the nation struggles with what to do with the 10 –12 million illegal immigrants living and working in our midst. Pro-immigrant groups, supported by the Senate, advanced a comprehensive bill this year that would have provided a path to legalization for these workers. Anti-immigrant forces, backed by the House of Representatives, however, blocked this legislation. It demanded that we first secure our porous borders and cutoff the ability of illegal aliens to obtain employment, thus removing the incentive for aliens to migrate to the US.

In response, the administration through ICE has dramatically increased its enforcement efforts with a number of high visibility raids and criminal investigations, spreading fear and panic amongst employers. Faced with increasing enforcement, how do you protect your business in the event that ICE shows up on your doorstep?

- Make sure that you complete an I-9 Employment Eligibility Verification form for each new hire within 3 days of hire;
- Know which verification and identity documents you can ask for and avoid asking questions which could be deemed discriminatory;

- Accept documents that appear to be genuine — remember you are not responsible for guaranteeing their authenticity;
- Beware of No-Match Letters from the Social Security Administration. While they are not proof that your employee is illegal, you must act and they could be determined to be constructive notice that your employee is illegal;
- Re-verify your I-9's when required.

While the number of businesses which have been investigated, raided or fined has been small, the impact has been substantial given ICE's aggressive enforcement. Penalties assessed include civil and criminal fines as well as forfeiture of assets. Thus the stakes for employers in this politically charged atmosphere are higher than ever and employer compliance should be taken quite seriously.

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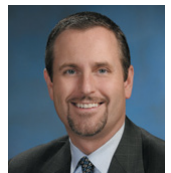
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