



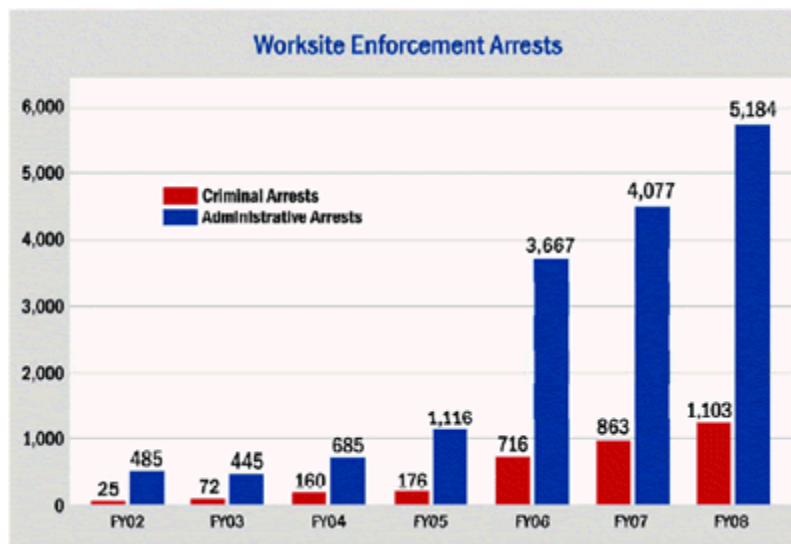
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DHS Announces “New” Worksite Enforcement Strategy

The Department of Homeland Security (DHS) announced its “new” worksite enforcement strategy. As many employers are well aware, Immigration and Customs Enforcement (ICE) dramatically increased worksite raids over the last 4 years that focused on the arrest and deportation of employees with a secondary focus of criminal charges against employers. ICE has now shifted its primary focus to **employers who knowingly hire illegal workers and not the prosecution of employees**. DHS’ new policy shift is based on the new administration’s immigration policy that focuses less on the employees and instead focuses on the criminal prosecution of employers (its managers, human resources, and owners) who knowingly permit the hiring of illegal workers. Even though the Obama administration has indicated its support for immigration reform, employers cannot afford to rely on the promise of immigration reform. Employers must remain proactive in the hiring of its workforce.



What Does This Mean To You?

DHS plans to take a more active role in targeting egregious employers and not just arresting “low hanging fruit” (*i.e.*, workers). ICE’s new emphasis will be to

investigate employers through the use of various tools such as confidential informants in building their criminal case and prior to obtaining indictments, warrants or launching a raid. Employers should see less large-scale worksite enforcement actions where hundreds of workers are rounded up, and expect to see an increase in ICE I-9 audits and criminal prosecutions of employers. Such criminal prosecutions will result in criminal charges and seizure of assets for both the business and corporate management. Employers will recall that in 2008, DHS increased fines for hiring illegal workers for up to \$16,000 per illegal worker. This new shift in resources towards prosecuting employers is a result of what DHS believes to be the magnet of illegal immigration.

What Should You Do?

Employers' first step should be to audit their I-9s. Employers should ensure that all their I-9s are completed properly. To help employers with auditing, Monty Partners has a team consisting of staff attorneys and former ICE officials who are available to conduct a Mock I-9 Audit which outlines a company's I-9 potential liability and helps ensure an employer is ready for an ICE audit or raid. Monty Partners also provides training to employers to ensure that their hiring personnel understand the intricacies of IRCA compliance and how not to violate employment laws.

Please contact Monty Partners, 281.493.5529, if you have any questions on the new ICE initiative or for more information regarding a Mock I-9 Audit.

ICE Fact Sheet: http://www.ice.gov/doclib/pi/news/factsheets/worksite_strategy.pdf
Monty Partners Mock I-9 Audits: <http://www.montypartners.com/audits.htm>