

# Why You Should Worry About ICE Raids

**By Brenda J. Smith, J.D.**

You have been hearing in the news that companies are getting into trouble for hiring illegal immigrants, but don't think that will happen to you. Are you sure? All of the companies who have been subject to I.C.E. raids thought the same thing. And now they are in various stages of prosecution and subject to fines which could financially cripple the companies.

What is an I.C.E. raid, and how do they happen in the first place? An I.C.E. raid is an enforcement action taken by the Immigration and Customs Enforcement officers who are charged with enforcing an employer's compliance with immigration laws. In the past, there was a focus on fines and administrative errors. However, since September 11, 2001, the focus has been on enforcement. The enforcement responsibility was moved from Immigration to the Department of Homeland Security, and a new agency with a focus on enforcement raids was born.

An example of the seriousness of this enforcement occurred last month at an aerospace parts manufacturer in Washington State. In this case, 36 undocumented workers were arrested and are now awaiting deportation. The company is subject to fines and criminal charges. In another case in the construction industry, two senior managers in the company were prosecuted under human smuggling charges for knowingly hiring illegal workers. In a recent case against a McDonald's restaurant franchise in which the government was successful in prosecuting an owner who knowingly hired undocumented workers, Department of Homeland Security Assistant Secretary I.C.E. Julie Myers stated, "This investigation clearly shows our resolve to pursue those who willfully violate our nation's hiring laws, regardless of their place on the corporate ladder."

So, what can you do to prevent a raid, or at least mitigate your risk and damages in the event you are subject to an I.C.E. raid?

1. Become informed on what your responsibilities are. Owners and senior management should know what is expected of their companies and what the financial and legal risks are if you fail to comply with laws.
2. All employees responsible for payroll, human resources and hiring should be thoroughly trained in the law, compliance responsibilities and step-by-step training on how to comply with the law.
3. Conduct a thorough audit of all employee paperwork and I-9 documentation.

The state of immigration law in this country is getting more stringent, and employers are now being targeted to help ensure illegal immigrants are not taking jobs away from U.S. workers. The following comment made by a special agent in charge of immigration in Seattle demonstrates this fact: "Thursday's enforcement action is part of I.C.E.'s ongoing nationwide

effort to shut down the employment magnet fueling illegal immigration...Every job held by an illegal alien is a job taken from a U.S. citizen or legal resident of this area.” As an employer, there are steps you must take to protect your company and reduce your risk.