



Increased Penalties for Immigration Violations Go Into Effect August 1, 2016

Insights

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August 1, 2016, marks the date that increased penalties for various immigration-related violations go into effect. The increases are the result of separate rules recently published by the Department of Labor, Department of Homeland Security and Department of Justice. According to the agencies, the increased amounts are required adjustments for inflation based on the Consumer Price Index.

The new penalty amounts will apply to immigration-related violations occurring after November 2, 2015. Therefore, the current fine amounts in effect as of July 31, 2016, will continue to apply to violations that occurred on or before November 2, 2015, as well as to assessments made prior to August 1, 2016 (even if the violation occurred after November 2, 2015).

The increases are significant. Under the civil penalties administered by the Department of Homeland Security, the range of possible fines for I-9 paperwork violations will increase from a \$110 minimum and \$1,100 maximum to a \$216 minimum and \$2,156 maximum. For a violation of knowingly hiring an unlawful worker, the minimum penalty amount for first offenses will increase to \$539 with a maximum penalty of \$4,313, second offense maximum will increase to \$10,871, and third or subsequent offenses will be subject to \$21,563 increased amounts per each unauthorized worker.

The increased penalties imposed by the Department of Justice for immigration-related discrimination are also significant. Immigration-related discrimination includes document abuse as well as unfair immigration-related employment practices. The penalties for a document abuse violation will increase to a minimum of \$178 and a maximum of \$1,782. For unfair immigration-related employment practices, the new civil penalties will increase to a maximum amount of \$17,816 for each individual.

Penalties on employers who violate Department of Labor regulations concerning Labor Condition Applications will also increase. For example, the maximum penalty for misrepresentation of a material fact contained on a Labor Condition Application increases from \$1,000 per violation to \$1,782. The penalties for employers who are willful violators and found to have displaced a U.S. worker starting 90 days before and ending 90 days after the filing of an H-1B petition increase from a maximum of \$35,000 to \$50,758 per violation.

With increased exposure from multiple agencies, employers are encouraged to review their compliance with immigration-related federal and state laws, particularly current I-9 procedures.

Fisher Phillips regularly assists employers with their immigration compliance needs. If you have any questions, please contact your Fisher Phillips legal representative for assistance.