

2008 ICE ENFORCEMENT STRATEGY: ENFORCEMENT AUDITS TO INCREASE

Insights

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On January 17, 2008, Immigration and Customs Enforcement (ICE) Director Julie Myers announced ICE's 2008 enforcement strategy for ensuring that employers are complying with immigration laws. Two aspects of this enforcement strategy are particularly relevant to employers. First, Myers stated that ICE will not bring criminal charges against employers who hire illegal aliens unless this practice has become a part of their business model. This means that ICE will not bring criminal sanctions against employers who accidentally hire an illegal alien. This provides clarification to Myers' previous statements that ICE will bring criminal sanctions against "systemic violators" of immigration laws.

Second, Myers stated that ICE will conduct more I-9 form audits in 2008. ICE has the authority to inspect employers' I-9 forms, and it is planning to use this authority as another mechanism to ensure that employers are complying with immigration laws. The fines associated with I-9 form violations range from \$110 to \$1,100. Therefore, in anticipation of this increase in I-9 audits, employers should continue to ensure their compliance with immigration laws by properly completing the I-9 form. In addition, employers may want to conduct a self-audit of their I-9 forms and correct any errors.

Please contact your Fisher Phillips attorney if you have any questions, especially regarding conducting an audit of your company's I-9 forms or using our [Electronic I-9 Solution](#).