



Thursday, April 17, 2008

## U.S. IMMIGRATION & CUSTOMS ENFORCEMENT (ICE) HOLDS PRESS CONFERENCE TO ANNOUNCE MULTI-STATE IMMIGRATION RAIDS

### Employers Should Prepare for the Return to an Era of Worksite Raids & Disruptions

On Wednesday, April 16, 2008, U.S. Immigration & Customs Enforcement (ICE) held a press conference to announce a multi-state operation involving worksite enforcement raids of plants in Texas, Arkansas, Florida, West Virginia, and Tennessee. Reminiscent of the Swift & Co. raids of December 2006, the Pilgrim's Pride raids involved simultaneous operations in each of the five states. Authorities have confirmed the detention or arrest of approximately 200 foreign nationals employed at the plants and note that many will be prosecuted for identity theft, Social Security fraud, and document fraud.

On the same day ICE officials reportedly arrested approximately 30 allegedly undocumented workers at a plant in Houston, and an additional 45 at restaurants in New York, Pennsylvania, Ohio, West Virginia, and Georgia.

After a decade of low prioritization, these simultaneous multi-state and multi-target enforcement activities reflect a return to an earlier era of worksite raids and disruptions. The government has both announced and demonstrated a renewed focus on worksite enforcement and a renewed commitment of resources to implement policy initiatives.

Having benefited from funding increases each of the past five years, and with the influence of legacy U.S. Customs staff and management, ICE has strategically begun to emphasize the enforcement of criminal sanctions, often targeting decision-makers and upper management for criminal prosecution. While the most high-profile actions over the past two years appear to have targeted food processing and food service industries, Assistant Secretary for Homeland Security July L. Myers emphasizes the scope of ICE enforcement initiatives: "No employer, regardless of industry or location is immune from complying with the nation's laws. ICE and our law enforcement partners will continue to bring all of our authorities to bear in this fight using criminal charges, asset seizures, administrative arrests and deportations." True to the ICE commitment, last week ICE raided a resort hotel in Virginia, and in February ICE agents raided a computer printer cartridge manufacturing facility in the Los Angeles area and a metal fabrication business in Utah, arresting employees of both facilities for alleged criminal and immigration violations.

While employers may have been lulled into a sense of security over the past decade of lower-level enforcement activity, employers in all industries must now face the fact that ICE is motivated, well-funded, and focused on enforcement. A major prong of ICE enforcement policy consists of worksite enforcement actions followed by criminal prosecutions. To be

prepared, employers must ensure that compliance procedures are in place to withstand the tide of ICE enforcement.

As always, Tindall & Foster, P.C. will monitor government enforcement initiatives and report enforcement trends in future Tindall & Foster Email Bulletins and on the Tindall & Foster web site. For situation-specific information and information regarding internal self-audits and the implementation of procedures that can withstand scrutiny during an ICE enforcement action, contact your Tindall & Foster, P.C. immigration attorney. Tindall & Foster's Workforce Compliance practice group is prepared to consult with employers of all sizes and in all industries regarding the implementation of appropriate compliance procedures. Additionally, Tindall & Foster's Workforce Compliance specialists can assist in performing an audit of company records in order to remediate known violations and reduce liability in the event of an enforcement action.