

I-9 Compliance More Important Than Ever!

March 10, 2009

If you are a [small business owner](#), as many Filipino-Americans are, it's time to get your Employment Eligibility Verification compliance in order. The government is cracking down on illegal aliens employed in the U.S. And they are cracking down hard on the businesses that keep them employed.

Many Filipino-Americans have built successful businesses in the United States. In 2002, according to the [U.S. Economic Census](#), there were over 125,000 Filipino-owned firms in the U.S., employing nearly 132,000 workers, and generating nearly \$14.2 billion in revenue (Survey of Business Owners-Filipino Owned Firms 2002 <http://www.census.gov/csd/sbo/filipinosummaryoffindings.htm>). The number of Filipino-owned businesses grew 48 percent between 1997 and 2002, and the revenues grew 28 percent. If you are one of these business owners, it is important that you regularly verify the legal immigration status of all of your workers.

Some recent cases illustrate just how serious the issue has become. Last year, an investigation by the Immigration and Customs Enforcement (ICE) office lead to the arrest and conviction of a restaurant owner in Kentucky (<http://www.ice.gov/pi/nr/0901/090107louisville.htm>). In January 2009, the owner was sentenced to 8 months in prison for knowingly employing illegal aliens.

The former CEO and other company managers at a Postville, Iowa meatpacking company have been charged with conspiracy to harbor illegal aliens after a recent, widely publicized, ICE raid at the plant. In addition to criminal charges, the former CEO of the company is facing tens of millions of dollars in fines (<http://www.ice.gov/pi/nr/0901/090116cedarrapids.htm>).

In March 2008, an ICE raid at CMC Concrete in Manassas, Virginia resulted in the arrest of 34 illegal workers (<http://www.washingtonpost.com/wp-dyn/content/article/2008/03/24/AR2008032402649.html>; <http://www.ice.gov/pi/news/newsreleases/articles/080422alexandria.htm>). The hiring employer of CMC Concrete pled guilty to a pattern or practice of illegal employment of aliens without lawful authority to work in the United States. He was sentenced to one year of probation, and was ordered to pay \$122,000 in forfeiture.

In September 2008, a co-owner of El Pollo Rico restaurant in Wheaton, Maryland was sentenced to 15 months in prison, followed by three years of supervised release for money laundering and conspiracy to commit alien harboring in connection with the operation of the restaurant. Along with his sister, he was ordered to forfeit \$7.2 million derived from the illegal activities in addition to numerous items of personal property (<http://www.ice.gov/pi/nr/0809/080929greenbelt.htm>).

These four examples present very good reasons why employers, and especially those employers who employ non-citizen workers, must be diligent about having their workers fill out the [Form I-9](#). The law requires that all employees complete the [Form I-9](#) within three days of hire. Employers must certify that they have carefully examined documents to show that their employees are legally authorized to work in this country. In some states, employers must also submit workers' Social Security numbers to a federal database (known as E-Verify) for confirmation that each employee is authorized to work. Although E-Verify is not mandatory in Virginia, employers can still voluntarily participate in the program. While participation in E-Verify does not guarantee an employer protection from an ICE raid, the government does take voluntary participation as a sign of good faith on the employer's part.

So what should you do in order to limit the risk of ICE knocking on your door? Simply put, conduct an audit. Businesses should periodically conduct internal audits to verify that all I-9 forms are completed properly. In addition to crossing all Ts and dotting all Is, an audit should look for missing signatures, expiration dates of work authorization documents, and confirmation that each employee has properly completed the I-9 form. After an audit is complete, the business owner should create a system for tracking and maintaining I-9 forms. This could include making and storing copies of documents verified during the I-9 process and creating a tickler system for those I-9 forms that need to be reverified upon expiration of work authorization. Practicing good faith by diligently completing the [Form I-9](#) in conjunction with not hiring illegal workers is the best way for a business to avoid an ICE raid, and to keep our nation's vital Filipino-American businesses thriving.

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