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Worksite Enforcement

12/11/2018

ICE worksite enforcement investigations in FY18 surge

WASHINGTON – Criminal investigations, business audits and arrests by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) special agents and auditors surged in fiscal year 2018 compared to the previous year, following a commitment made by the agency in late 2017 to step up its worksite enforcement efforts across the country.

“Reducing illegal employment helps build another layer of border security, and reduces the continuum of crime that illegal labor facilitates, from the human smuggling networks that facilitate illegal border crossings to the associated collateral crimes, like identity theft, document and benefit fraud and worker exploitation,” said HSI Executive Associate Director Derek N. Benner.

In fiscal year 2018, HSI opened 6,848 worksite investigations compared to 1,691 in FY17; initiated 5,981 I-9 audits compared to 1,360; and made 779 criminal and 1,525 administrative worksite-related arrests compared to 139 and 172, respectively; all of these categories surged by 300 to 750 percent over the previous fiscal year.

“Employers who use an illegal workforce as part of their business model put businesses that do follow the law at a competitive disadvantage,” said Benner. “HSI is committed to upholding the laws that govern worksite enforcement. These laws help protect jobs for U.S. citizens and others who are lawfully employed, reduce the incentive of illegal migration, eliminate unfair competitive advantages for companies that hire an illegal workforce, and ultimately help strengthen public safety and national security.”

Criminal indictments and convictions remained at a steady level compared to previous years, but those numbers are also expected to rise due to many ongoing investigations, which can take months to years to fully develop, according to HSI. In fiscal year 2018, HSI saw 72 managers indicted compared to 71 in FY17, and 49 managers convicted in FY18 versus 55 in FY17.

Several high-profile enforcement actions also took place in 2018, including:

- In April, HSI executed a federal search warrant at a slaughterhouse in [Bean Station, Tennessee](#), and arrested 104 aliens on immigration violations. In September, the owner of the company pleaded guilty in federal court to tax fraud, wire fraud and employing illegal aliens. He faces various prison time and fines when he is sentenced early next year, and he has also agreed to pay \$1.4 million in restitution before his sentencing.
- In August, HSI executed a series of criminal arrest warrants for 17 individuals connected to an alleged criminal conspiracy to exploit illegal alien laborers for profit, fraud, wire fraud and money laundering, and served search warrants for worksite violations at agricultural firms in [Nebraska](#), [Minnesota](#) and [Nevada](#). The ongoing criminal investigation is being coordinated with the U.S. Attorney’s Office for the District of Nebraska.
- In August, HSI executed criminal search warrants at trailer manufacturer in [Sumner, Texas](#), and arrested 160 people on immigration violations, many who were using stolen identities of U.S. citizens. The ongoing criminal investigation is being coordinated with U.S. Attorney’s Office for the Eastern District of Texas.

Businesses were ordered to pay more than \$10.2 million in judicial fines, forfeitures and restitutions in FY18 including a Texas business that agreed to forfeit [more than \\$5.5 million](#) and perform remedial measures, following a five-year investigation into the company and an Oklahoma business that agreed to pay [more than \\$1 million](#). HSI also levied businesses another \$10.2 million in [civil penalties](#) in FY18.

In FY17, there were \$97.6 million in judicial forfeitures, fines and restitution, including one company whose financial penalties represented the [largest payment ever levied in an immigration case](#) and another \$9.8 million in civil fines FY17.

HSI's worksite enforcement strategy continues to focus on the criminal prosecution of employers who knowingly break the law, and the use of I-9 audits and civil fines to encourage compliance with the law.

The Immigration Reform and Control Act (IRCA) of 1986 requires employers to verify the identity and work eligibility of all individuals they hire, and to document that information using the Employment Eligibility Verification Form I-9. ICE uses the [I-9 inspection program](#) to promote compliance with the law, part of a comprehensive strategy to address and deter illegal employment. Inspections are one of the most powerful tools the federal government uses to ensure that businesses are complying with U.S. employment laws.

HSI's worksite enforcement strategy includes leveraging the agency's other investigative disciplines, since worksite investigations can often involve additional criminal activity, such as alien smuggling, human trafficking, money laundering, document fraud, worker exploitation and/or substandard wage and working conditions.

HSI uses a three-prong approach to worksite enforcement: Compliance, through I-9 inspections, civil fines and referrals for debarment; enforcement, through the criminal arrest of employers and administrative arrest of unauthorized workers; and outreach, through the ICE Mutual Agreement between Government and Employers, or IMAGE program, to instill a culture of compliance and accountability.

Eighteen employers across the country joined IMAGE in 2018 including various businesses in [New York](#).

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