


APR 30 2009



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Assistant Director
Deputy Assistant Directors
Special Agents in Charge

FROM: Marcy M. Forman 
Director, Office of Investigations

SUBJECT: Worksite Enforcement Strategy

Worksite Enforcement Strategy

I. The Purpose and Priorities of Worksite Enforcement

The prospect for employment in the United States continues to be one of the leading causes of illegal immigration, creating a market for criminal smuggling organizations who exploit people willing to pay high fees and take great risks to enter the United States without detection. Immigration and Customs Enforcement (ICE) has a vital responsibility to engage in effective worksite enforcement to reduce the pull of illegal employment, ease pressure at the border, and protect employment opportunities for the nation's lawful workforce.

DHS has extensive but finite resources which it must effectively allocate. (b) (7)(F)

(b) (7)(E)

(b) (7)(E)

Enforcement efforts focused on employers better target the root causes of illegal immigration. An effective strategy must do all of the following: 1) penalize employers who knowingly hire illegal workers; 2) deter employers who are tempted to hire illegal workers; and 3) encourage all employers to take advantage of well-crafted compliance tools.

(b) (7)(E)

(b)(6); (b)(7)(c)

(b) (7)(E)

II. Criminal Prosecution of Employers

- The criminal prosecution of employers¹ is a priority of ICE’s worksite enforcement (WSE) program and interior enforcement strategy.
- ICE is committed to targeting employers, owners, corporate managers, supervisors, and others in the management structure of a company for criminal prosecution (b) (7)(E)

(b) (7)(E)

- ICE offices should consider the wide variety of criminal offenses that may be present in a worksite case. (b) (7)(E)

(b) (7)(E)

III. (b) (7)(E)

(b) (7)(E)

A. *Form I-9 Audits*

(b) (7)(E)

- The Form I-9 audit process will be utilized in both criminal and administrative investigations to (b) (7)(E)

(b) (7)(E)

¹ In this context, “employer” refers to someone involved in the hiring or management of employees. This includes owners, CEOs, supervisors, managers and other occupational titles.

(b) (7)(E)

B. Civil Fines

Civil fines, (b) (7)(E) are an important part of an effective worksite enforcement strategy. (b) (7)(E)

(b) (7)(E)

C. Debarment Proceedings

Debarment precludes companies that have knowingly hired illegal workers from securing work on federal contracts. Debarment, therefore, carries highly significant consequences.

(b) (7)(E)

D. Outreach

Through the ICE Mutual Agreement between Government and Employers (IMAGE) program and other means, ICE will continue to seek out employers who want to comply with our nation's immigration laws and provide them with the training and tools (b) (7)(E)

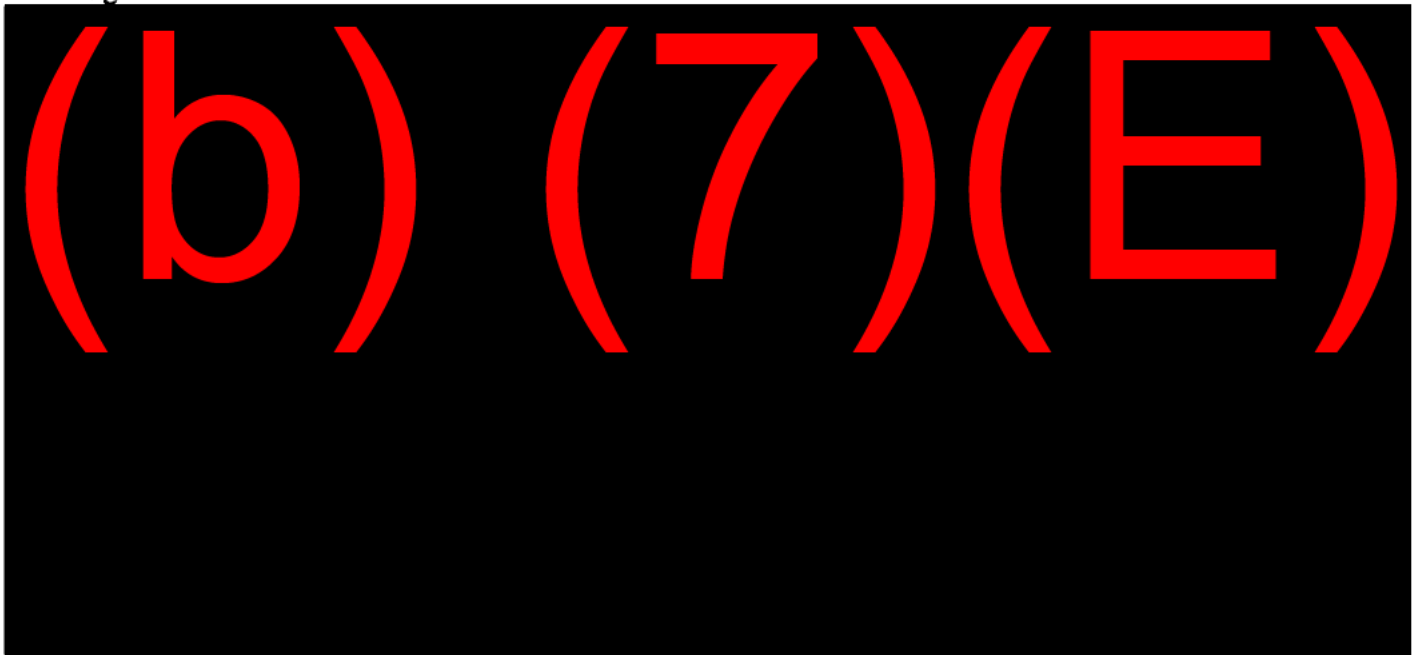
(b) (7)(E)

IV. Critical Infrastructure and National Security Sites

- ICE has a responsibility to help assure a legal workforce at America's critical infrastructure workplaces and other security-sensitive locations. (b)(6); (b)(7)(c)

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(b) (7)(E)



VI. Conclusion

ICE is committed to robust worksite enforcement. The above guidance re-prioritizes and refines the existing ICE worksite enforcement strategy and methodology, in order to emphasize the criminal prosecution of employers who violate the law. This strategy is subject to further refinements and improvements as deemed necessary. (b) (7)(E)

(b) (7)(E)

To ensure maximum deterrence, ICE also will pursue all other available tools to encourage employers to utilize and rely on this nation's lawful workforce.