

Immigration Matters



by *Evan George*

The ICE-man cometh, local businesses beware. In the past, employers rarely faced any threat of civil or criminal punishment for hiring individuals who did not have employment authorization. The U.S. immigration authorities now are cracking down on such employers. This enforcement

surge has already reached Gainesville and could present serious civil and criminal consequences for some of your clients.

In 1986, the U.S. government enacted the Immigration Reform and Control Act, establishing criminal and civil sanctions for employers who fail to properly verify the employment eligibility of their employees. For years, the primary enforcement strategy to deter unlawful employment was to target those individuals who were working without lawful immigration status, as opposed to their employers. In 2008, of the more than 6,000 worksite enforcement arrests made, only 135 were of the employers. Times have changed and the United States Immigration and Customs Enforcement (USICE) has signaled its intent to begin extensive criminal prosecution of employers of unauthorized workers. USICE defines "employer" as someone involved in the hiring or management of employees, including CEOs, owners, supervisors and managers.

USICE has launched an audit initiative and is now targeting U.S. employers, including local family businesses, for I-9 compliance and other workplace enforcement issues. This year, USICE has issued Notices of Inspection (NOI) to hundreds of businesses nationwide, selected as a result of leads and information obtained through other investigative means. With the issuance of an NOI, USICE alerts employers of an inspection of the business' hiring records to determine whether they are in compliance with employment and immigration laws. Some violations relate to technical and procedural errors in the completion and maintenance of I-9 forms, including incomplete or inaccurate address, signature and dates. Each such violation may constitute a fine ranging from \$110.00 to \$935.00 for first time violators. If USICE determines that the employers knowingly hired or continued to employ unauthorized workers, the violations for first time violators may include fines from \$375.00 to \$1,315.00, and the potential for criminal prosecution.

In September of this year, the owner of a family

run business came to my office in a panic. Immigration agents from USICE had appeared at his business and served the owner with a NOI. It is clear that the ICE-man has reached Gainesville and several local businesses are already feeling the pressure of increased scrutiny of their hiring practices.

If you have an immigration-related issue or question, feel free to contact me at 352-378-5603 or evan@evangeorge-law.com.

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By Ray Brady

Mark your calendars now for the annual Professionalism Seminar. This year the seminar will be held on Friday, March 26, 2010, from 8:30 AM until Noon, at the University of Florida Levin College of Law. The keynote speaker and topic are to be announced.

We expect to be approved, once again, for 3.5 General CLE hours, which includes 2.0 ethics hours and 1.5 professionalism hours.

Watch the newsletter for further information and look in your mail for an EJCBA reservation card in early March. Questions may be directed to the EJCBA Professionalism Committee chairman, Ray Brady, Esq., at 373-4141.