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LABOR AND EMPLOYMENT BULLETIN

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IMMIGRATION UPDATE: OFFICE OF IMMIGRATION AND CUSTOMS ENFORCEMENT TARGETS EMPLOYERS OF UNDOCUMENTED WORKERS

Like its predecessor the Immigration and Naturalization Service, the Department of Homeland Security's Office of Immigration and Customs Enforcement ("ICE") has, until now, considered workforce enforcement a relatively low priority. This appears to be changing.

On April 20, ICE announced that it is expanding its efforts to target employers of undocumented workers.

ICE announced that it will implement a three-pronged approach in order to improve worksite enforcement. First, ICE will continue its recent shift from merely issuing administrative fines against employers who knowingly and recklessly hire and employ undocumented workers, to bringing criminal charges against them. Second, ICE will focus on eliminating Social Security abuses that support illegal immigration by seeking authorization from Congress that would provide ICE investigators with access to Social Security data. Third, ICE plans to work with Congress to build better employer compliance systems and develop an administrative regulatory program to provide clearer guidance to employers.

ICE's reforms follow a Government Accountability Office report issued last fall that criticized ICE for devoting insufficient resources to worksite enforcement.



Balch & Bingham's Labor and Employment Section will continue to monitor immigration developments of interest to employers in order to provide our clients with timely updates. In the meantime, if you have any questions about immigration matters, please do not hesitate to contact:

Gerald M. Baca
Office Address:
1310 Twenty Fifth Avenue
Gulfport, Mississippi 39501-1931
Phone: (228) 214-0425
Fax: (866) 270-1277
Email: gbaca@balch.com

Christopher T. Terrell
Office Address:
1710 Sixth Avenue North
Birmingham, Alabama 35203-2015
Phone: (205) 226-8734
Fax: (205) 488-5659
Email: cterrell@balch.com

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