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Experts

Immigration Enforcement 2010

“The ICE AGE”
A New Era of Enforcement

Topics of Discussion
Immigration Worksite Enforcement

- “State of Affairs”
- The Paradigm Shift of Worksite Enforcement Strategy
- Enforcement Tactics
- Managing Risk

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**Secure Borders
Secure Worksites**

**Border Enforcement
&
Employers**

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Why?

- **Immigration Reform**
- **Unemployment**
- **National Security**
- **Community Intolerance**

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So What?

**A Powerful Shift in Worksite Enforcement Tactics
Has Been Unleashed**

Will Be Difficult to Contain

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The Shift

2008 (Visible)

- Employers Targeted
- Drama/Trauma of Raids
- Arrest/Removal of Workers
- Unauthorized Replaced with Unauthorized
- Headlines
- No Form I-9 Inspection
- One Time Engagement

2009 - 2010 (Invisible)

- Employers Targeted
- Raids are "gone"
- No Arrest of Workers
- No Headlines
- Jobs are Targeted
- Form I-9 Inspections
- Ongoing Engagement

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How?

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Notices of Inspection

Thousands of Notices of Inspection Served on Employers

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Millions of Dollars in Fines Levied

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Thousands of Unauthorized Workers Terminated

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Another "Push" Imminent

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Substantive/Uncorrected Technical Violations

% of Workforce	First Offense	Second Offense	Third + Offense
0 - 9	\$110	\$550	\$1100
10 - 19	\$275	\$650	\$1100
20 - 29	\$440	\$750	\$1100
30 - 39	\$605	\$850	\$1100
40 - 49	\$770	\$950	\$1100
Over 50	\$935	\$1100	\$1100

Form I-9 Standard Fine Amounts for Each Violation

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E-Verify/Technical Compliance

- Will Mitigate Fines
- Will Not Protect You from Hiring of Unauthorized Workers
- Will Not Protect You from Charges of Hiring Unauthorized Workers
- Will Not Protect You from Losing Unauthorized Workers
- Will Not Protect You from Criminal Prosecution
- Will Provide a False Sense of Protection from a Government Intervention

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The Ice Berg

Unauthorized Workers

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Knowing Hire Continuing to Employ

% of Workforce	First Tier (up to \$2200)	Second Tier (up to \$5500)	Third Tier (up to \$11000)
0 - 9	\$275	\$2200	\$3300
10 - 19	\$600	\$2750	\$4600
20 - 29	\$925	\$3300	\$5900
30 - 39	\$1250	\$3850	\$7200
40 - 49	\$1575	\$4400	\$8500
Over 50	\$1900	\$4950	\$9800

For Violations Occurring between 9/29/99 and 3/27/08 (+/- 25%)

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Knowing Hire Continuing to Employ

% of Workforce	First Tier (Up to \$3200)	Second Tier (Up to \$6500)	Third Tier (Up to \$16000)
0 - 9	\$375	\$3200	\$4300
10 - 19	\$845	\$3750	\$6250
20 - 29	\$1315	\$4300	\$8200
30 - 39	\$1785	\$4850	\$10150
40 - 49	\$2255	\$5400	\$12100
Over 50	\$2725	\$5950	\$14050

For Violations Occurring on or after March 27, 2008 (+/- 25%)

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Beyond Form I-9s & Fines

- Exponential Capacity to Target Employers and Jobs
- Targeted Employers will Lose Access to Unauthorized Workers
- Customers of Targeted Employers are Challenging Capability to "Deliver" as well as Safety and Quality Control.
- Targeted Employers can be Debarred from Government Contracts
- ICE is Under Siege
- Difficult to "Put Back in the Box"

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Translation

Employers Remain At Risk

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Who Gets Targeted?

- Industries Known to Hire Unauthorized Workers
- Critical Infrastructure
- Leads/Complaints
- Leveling the Playing Field
- Bad Attitude

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Are You Prepared?

- Do you have all Forms I-9 on file as required by law?
- Are your Forms I-9 technically compliant?
- Do you have unauthorized workers?
- What will you do if you have to terminate all of them at once?
- Can your hiring practices protect you from hiring more unauthorized workers?
- Have you identified an alternate labor pool?
- Do you depend of a subcontractor that may be vulnerable?
- Will ICE discover trends and patterns of fraud that will make them suspicious of employer misconduct?

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**Don't Wait for
Your Notice of Inspection**

Start Managing Your Risk Today

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**mreed@teambms.com
(520) 529 8750
Teambms.com**

Mark K. Reed
CEO/President
BMS
