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Worksite Enforcement

02/13/2019

ICE Homeland Security Investigations execute federal search warrant during worksite enforcement operation at local market

26 unauthorized workers arrested on immigration administrative charges



SAN DIEGO – Special agents from U.S. Immigration and Customs Enforcement’s (ICE) Homeland Security Investigations executed a federal warrant during a worksite enforcement operation at a San Diego market today. During the operation, 26 individuals working at the market were determined to be in the United States without authorization. They were temporarily taken into custody and released pending the outcome of their immigration case.

Today’s operation is related to an ongoing worksite enforcement investigation that was initiated during an I-9 audit – one of the most powerful tools ICE uses to ensure that businesses are complying with U.S. employment laws.

“HSI San Diego Special Agents are focused on bringing to justice those employers who knowingly break the law, and hire an illegal workforce causing unfair disadvantages to those companies that do comply,” said David Shaw, special agent in charge of HSI in San Diego. “Worksite enforcement operations and investigations are important for strengthening public safety and national security, while eliminating worker exploitation, child labor and other illegal practice within the workforce.”

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. After the business owner is issued a notice of intent (NOI) to audit the company’s hiring records, employers are required to produce their I-9 records within three business days, after which ICE will conduct the audit.

HSI’s worksite 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.

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The investigation remains ongoing. Any potential criminal charges or other penalties will be coordinated with the U.S. Department of Justice.

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.

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.

As part of HSI's worksite surge in FY18, San Diego HSI agents opened 302 worksite investigations and initiated 282 audits. San Diego HSI agents expect to initiate another 265 worksite audits in the San Diego area of responsibility during FY19.

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