



Wednesday, February 27, 2008

**CIVIL PENALTIES INCREASE FOR VIOLATIONS OF EMPLOYMENT ELIGIBILITY VERIFICATION REQUIREMENTS, OTHER THAN SIMPLE FORM I-9 PAPERWORK VIOLATIONS**

On February 26, 2008, the Department of Homeland Security (DHS) published in the Federal Register a rule that, effective March 27, 2008, increases the civil fines that may be imposed for violations of employment eligibility verification requirements, other than simple Form I-9 “paperwork violations.”

Although the government announced that the increase was intended to adjust for inflation, Attorney General Mukasey’s comments in a statement released February 22, 2008, make it clear that the increase in penalties is part of a recent enforcement initiative. Attorney General Mukasey stated that the announced increase “follows a series of reforms, announced by the Administration in August 2007, to be made within the boundaries of existing law to secure our borders, improve interior and worksite enforcement, and improve the current immigration system.” In fact, based on provisions authorizing the government to “round up” fine increases, some fines will increase by 45%, underscoring the apparent enforcement motive behind the new rule.

Chart of Fines

<b>Violation</b>		<b>Old Fine Range</b>	<b>New Fine Range</b>
<b>Hiring, recruiting, or referring for fee an unauthorized worker; Unlawful employment</b>	<b>1<sup>st</sup> Order</b>	\$275 - \$2,200	\$375 - \$3,200
	<b>2<sup>nd</sup> Order</b>	\$2,200 - \$5,500	\$3,200 - \$6,500
	<b>Subsequent</b>	\$3,300 - \$11,000	\$4,300 - \$16,000
<b>Document Fraud</b>	<b>1<sup>st</sup> Order</b>	\$250 - \$2,200	\$275 - \$3,200
	<b>Subsequent</b>	\$2,000 - \$5,500	\$2,200 - \$6,500
<b>Unfair Immigration Related Employment Practice</b>	<b>1<sup>st</sup> Order</b>	\$275 - \$2,200	\$375 - \$3,200
	<b>2<sup>nd</sup> Order</b>	\$2,200 - \$5,500	\$3,200 - \$6,500
	<b>Subsequent</b>	\$3,300 - \$11,000	\$5,000 - \$16,000

For more information on how your company can proactively assess its potential liability while minimizing liability in the event of a government audit, please contact your Tindall & Foster immigration attorney. Attorneys in our firm's Workforce Compliance practice group will be able to evaluate your company's potential exposure and develop an effective plan that reduces your risk of incurring civil and criminal penalties in the event of an enforcement action.

As always, Tindall & Foster will continue to monitor all developments and regulatory initiatives impacting an employer's obligations to verify employment eligibility and will make additional updates available on the [Tindall & Foster web site](#) and via future Email Bulletins.