



Forging a New Legacy

IMAGE

ICE Mutual Agreement between
Government and Employers

Homeland Security Investigations (HSI)

Presentation Components

Creation of DHS and ICE

Homeland Security Investigations

Worksite Enforcement Strategy

IRCA (1986) and the Employer Challenge

ICE Mutual Agreement between
Government and Employers



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Creation of DHS and ICE

In response to the terrorist acts of September 11, 2001, the Homeland Security Act of 2002 created the Department of Homeland Security (DHS), combining numerous federal agencies with a mission dedicated to securing the United States.

On March 1, 2003, U.S. Immigration and Customs Enforcement (ICE) was formed as the largest investigative agency within DHS. ICE is a 21st century law enforcement agency with global reach. ICE has two operational divisions: Homeland Security Investigations (HSI) and Enforcement and Removal Operations (ERO).



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Worksite Enforcement Strategy

Criminal Investigations

ICE investigates employers who commit criminal violations, are willfully blind to the presence of unauthorized aliens in their workforce, or engage in worker exploitation.

Compliance Inspections

ICE is charged with regulatory enforcement of the Form I-9 employment eligibility verification process. ICE has reinvigorated its compliance efforts by increasing Form I-9 inspections and revamping the administrative fine process.



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Worksite Enforcement Strategy

Critical Infrastructure Protection

ICE prioritizes worksites, such as nuclear facilities, airports, and chemical plants, that are critical to our nation's infrastructure. The presence of unauthorized aliens at these sites is a significant threat to national security.

Outreach and Education

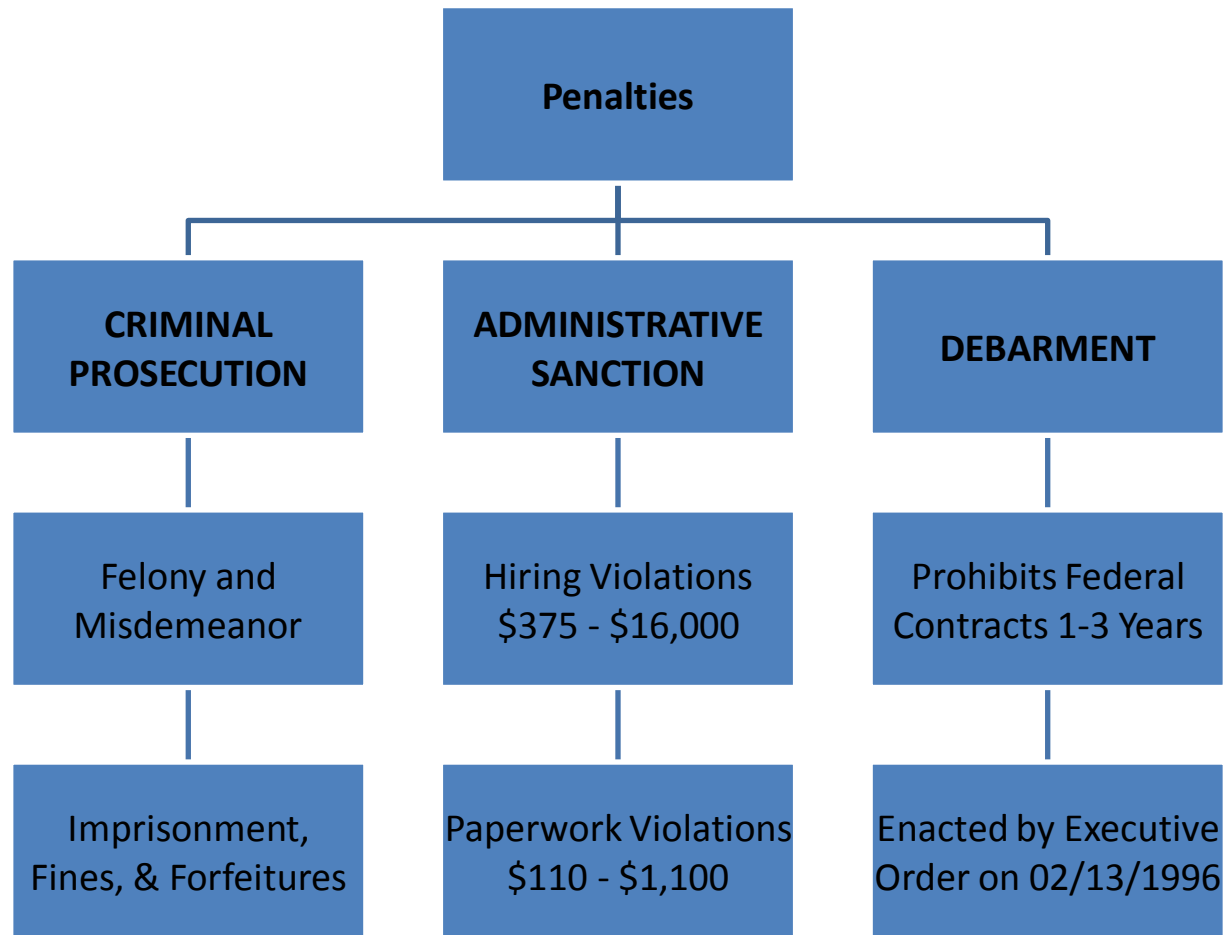
The ICE Mutual Agreement Between Government and Employers (IMAGE) program provides employers with solutions to hiring process challenges through outreach and education with the goal of fostering workforce integrity and compliance with the law.



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Consequences of Hiring Unauthorized Aliens



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The Immigration Reform and Control Act of 1986 (IRCA)

For the first time, employers were required to verify the identity and employment eligibility of all persons hired for employment after November 6, 1986.

Imposed administrative sanctions for Form I-9 hiring and verification violations.

Made it unlawful to knowingly hire or continue to employ unauthorized aliens.

The goal was to remove the “magnet” of employment that drives illegal immigration.



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Employer Challenge

ICE recognizes that while most employers want to comply with our nation's immigration laws, their hiring policies and training may not be sufficient to ensure a lawful workforce.

- Use of counterfeit documents
- Increased use of identity theft schemes
- Complicated laws and regulations
- Multiple regulatory responsibilities
- Lack of government guidance



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On July 26, 2006, the Department of Homeland Security introduced the IMAGE program as a comprehensive solution to the many challenges facing an employer in the area of employment eligibility verification.

ICE recognizes that the highest level of employment compliance can only be achieved through close coordination with industry partners. IMAGE was developed as an innovative concept for enhanced employer self-compliance.



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Through close coordination and partnership with the private sector, IMAGE seeks to promote principals of ethical business conduct, prevent the hiring of unauthorized workers, and empower employers with a pragmatic immigration compliance strategy.

As ethical and diligent employers begin to adopt the IMAGE best employment practices, ICE will more efficiently focus its attention on unscrupulous employers and egregious violators of our nation's immigration laws.



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IMAGE-Twelve Best Employment Practices

1. E-Verify.
2. Social Security Number Verification Service (SSNVS).
3. Establish a written hiring and employment eligibility verification policy.
4. Establish an internal compliance and training program related to hiring and the verification process.



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IMAGE-Twelve Best Employment Practices

5. Require the Form I-9 and E-Verify process be preformed by trained personnel and conduct a secondary review.
6. Conduct an annual Form I-9 audit.
7. Establish a procedure to report to ICE credible information of suspected criminal misconduct.
8. Ensure contractors and subcontractors establish procedures to comply with employment verification requirements and encourage IMAGE Twelve Best Employment Practices.



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IMAGE-Twelve Best Employment Practices

9. Establish a protocol for responding to government agencies concerning discrepancies in information provided by the employer or employee.
10. Establish a tip line mechanism.
11. Establish policies, practices, and safeguards to avoid anti-discrimination allegations during the Form I-9, E-Verify, and SSNVS process.
12. Maintain copies of all documents accepted as proof of identity and/or employment authorization.

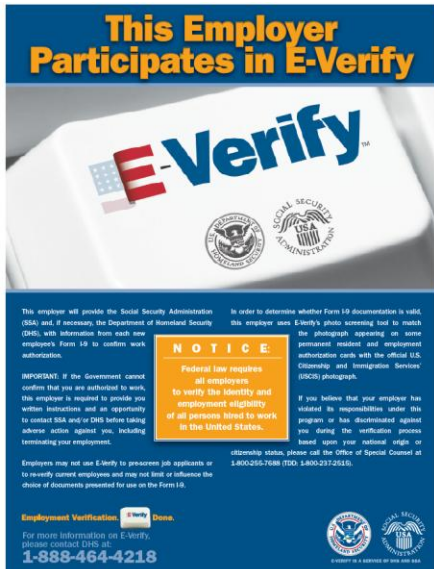


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E-Verify

E-Verify is an internet based system operated by DHS in cooperation with the Social Security Administration (SSA) that allows the employer to electronically verify employment eligibility of new hires.

- Cornerstone element of the IMAGE program.
- Protects jobs for authorized workers, improves the accuracy of wage and tax reporting, and helps employers maintain a legal workforce.
- Offered to U.S. employers at no cost.
- Currently the best employment eligibility verification system available.



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Anti-Discrimination

The anti-discrimination provisions of IRCA prohibit four types of unlawful conduct under Title 8 U.S.C. § 1324b:

- Citizenship or Immigration Status Discrimination
- National Origin Discrimination
- Document Abuse
- Intimidation or Retaliation

Under the provisions of IRCA, the U.S. Office of Special Counsel (OSC) is responsible for enforcing these anti-discrimination provisions.

IMAGE members receive training to prevent violations of anti-discrimination law.



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Changes to IMAGE

- Employers will now be IMAGE Certified
- Current IMAGE Partners are designated as Charter Members
- IMAGE Twelve Best Employment Practices are still highly encouraged, although not all Twelve Best Practices are required for IMAGE certification
- Agreement is signed prior to the Form I-9 audit and not at the end of the IMAGE process
- Agreement is not indefinite (two years)
- Recertification opportunity after two years



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Why change IMAGE?

- Streamline the complicated enrollment process
- Develop a less intimidating program for employers
- Make the program more attractive and attainable to a broader base
- Ultimately, preserving the core purpose of the IMAGE program



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The IMAGE Certification Process



Complete an IMAGE Self-Assessment Questionnaire.



Sign an official IMAGE agreement.



Enroll in E-Verify within 60 days.



Establish written hiring policy and conduct an annual internal audit.



Participate in an ICE Form I-9 inspection.



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Benefits to Company

Fine Avoidance

ICE will waive potential fines if substantive violations are discovered on fewer than 50% of the required Forms I-9.

In instances where more than 50% of the Forms I-9 contain substantive violations, ICE will mitigate fines or issue at the statutory minimum of \$110 per violation.

Avoid Disruption

ICE will not conduct another Form I-9 inspection for a minimum of two years.



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Benefits to Company

Lawsuit Avoidance

Reduces the risk of lawsuits and other legal actions resulting from unauthorized employment.

Workforce Integrity

Ensure workforce stability by hiring only persons authorized to work in the U.S.

Expert Training

Receive training on proper hiring procedures, fraudulent document detection, and use of the E-Verify employment verification system.

Brand Protection

Promote and protect a positive corporate image with a stable, authorized workforce.



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Benefits to Company

Increased Marketability

Establish a competitive marketplace position by leveraging your ability to advertise and promote a stable and authorized workforce.

Workforce Stability

Increase efficiency and maximize the returns of costly training by ensuring employment authorization.

Risk Mitigation

Reduce the likelihood of ICE enforcement actions or administrative sanctions.

Customer Service

Receive the benefits associated with a dedicated ICE point of contact.



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IMAGE

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Report Suspicious Activity

1-866-DHS-2-ICE



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Protecting the Borders Against Illicit Trade, Travel, and Finance