

The Houston Chronicle

Immigration fines top \$600,000 for Texas companies

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July 16, 2010

WASHINGTON — Texas businesses that hired illegal workers or failed to follow immigration regulations have been fined more than \$600,000 since October, though few resulted in criminal prosecutions, federal records show.

A Houston Chronicle review of actions by U.S. Immigration and Customs Enforcement shows 23 Texas companies, including at least four in Houston, have been penalized since the start of the federal fiscal year in October. At the same time, statistics show workplace arrests declining, a shift from the enforcement strategies of the George W. Bush era.

Under President Barack Obama, immigration workplace enforcement has largely targeted employers, rather than workers, and depended on audits of company paperwork that is supposed to prove employees are working legally. At least 1,500 such investigations have been completed since October, compared to 503 in a 12-month span two years ago when Bush was president.

The largest fine levied in Texas, however, was an outgrowth of a 2008 raid under the Bush administration that resulted in more than 150 arrests. In January, the government ordered Action Rags USA, a used clothing company in Houston, to pay \$360,000. The fine was the second highest in the nation in the months reviewed by the Chronicle.

On the other hand, agents have arrested only 242 illegal workers since October. If agents were making criminal arrests at the same rate they did two years ago - the final year of the Bush presidency - they would have made about 735 arrests by this time.

A spokesman for ICE, Richard Rocha, declined to say how many companies were fined as a result of investigations initiated during Obama's time in office. Because of lengthy probes, some fines were the result of actions under Bush.

Documents scrutinized

Most of the recent audits scrutinized employers' I-9 forms - a document required of all workers, both citizens and noncitizens, to prove eligibility to work.

John Morton, the director of ICE, told a Senate committee during his 2009 confirmation hearings that ending unauthorized labor was a key to stopping illegal immigration.

"We cannot make sustained reductions in illegal immigration without deterring employment of unauthorized labor," he said. "We need to place renewed focus on employers to ensure that they are playing by the rules."

In May, the government fined Soncrest Egg Company, a Gonzales company, about \$34,000 for not having I-9 forms for all of its employees.

"It was not actually having any illegal aliens," general manager Randy Boone said. "It was family members ... mostly family members who had been working for the company for a long, long time. But you're supposed to have all your documents in place, and we didn't have that."

Boone said the incident motivated the company to act to avoid future fines.

"It got our attention," he said. "We just took it as having to pay more attention to what we're doing."

Another company was fined for the same violation. Girard Sign Company, a six-person outfit in San Antonio, was fined about \$4,400.

"They hit us hard," said a man who answered the phone but would not give his name. "I don't have any respect for ICE. They don't know what they're doing."

Critics: Strategy flawed

While increasing its oversight of employers, the government has chosen to pursue fewer criminal prosecutions than it had in recent years.

"We want to focus on the most egregious criminals," said Rocha, the ICE spokesman. "Our numbers support that our efforts are working."

Beto Cardenas, the executive counsel of Houston-based Americans for Immigration Reform, said one potential effect of the audits - having to fire workers - could do more harm than good.

"If you actually want to entrap or enslave a worker into a further underground economy, then this is the best way to do so," he said.

Cardenas said he supports the audits, but they don't solve the need for a larger overhaul of immigration policy.

"Everything that is being done right now does not end illegal immigration," he said. "The system we have right now is a patchwork that is fatally flawed."