

HOUSTON CHRONICLE

ICE audit targeting 1,000 companies 42 Houston-area businesses among firms that must prove they comply with immigration law

By SUSAN CARROLL

Nov. 19, 2009

U.S. immigration officials put an unprecedented 1,000 businesses — including 42 in the Houston metro area — on notice Thursday that their paperwork would be inspected to make sure they don't employ illegal immigrants.

The announcement marks the largest round of immigration-related business audits ever, and the latest in an ongoing Department of Homeland Security campaign to create a “culture of compliance” with immigration law among employers, Immigration and Customs Enforcement Assistant Secretary John Morton said Thursday.

The audits will target businesses ICE has identified as being associated with the nation's “critical infrastructure,” which includes some industries key to Texas — oil, transportation, medicine, public health and finance. During an audit, ICE reviews the I-9 forms that all employers must use to document the eligibility of new workers.

ICE officials declined to identify the companies being targeted, but a total of 161 Texas businesses were served with notices that they will be audited. More than half of the Houston-area companies targeted employ more than 50 people, and 28 percent have more than 100 on their payrolls, ICE officials said.

This spring, ICE announced a shift in focus away from sweeping up illegal immigrants in high-profile work site enforcement raids, which were a hallmark of the final years of the Bush administration. Instead, ICE has forced thousands of U.S. businesses to open up their books to investigators.

Morton said the audits could lay the groundwork for possible civil penalties or criminal prosecution. “It's just not acceptable for there to be a perverse incentive to hire people who are not here lawfully,” he said.

While ICE's new strategy has been praised by many immigrant advocates, a group of Republicans this week sharply criticized ICE for a steep decline — about 60 percent — in criminal arrests related to workplace enforcement during the past fiscal year.

“It is hard to conceive of a worse time to cut work site enforcement efforts by more than half,” U.S. Rep. Lamar Smith, R-San Antonio, said in a statement. “There are 16 million Americans out of work. And yet, the administration has chosen to ignore the fact that

there are nearly 8 million illegal immigrants in the work force. Those stolen jobs should be returned to out-of-work citizens and legal immigrants.”

Major increase in fines

Immigrant advocates, however, dismiss such arguments as simplistic.

Wendy Sefsaf, a spokeswoman with the Immigration Policy Center in Washington, said there is not a direct correlation between the number of illegal immigrants in the U.S. workforce and the native-born unemployment rate.

“It doesn't really make any kind of real economic sense,” Sefsaf said. “It's just a really neat sound bite to say, ‘Remove 8 million (illegal immigrants) and you have 8 million (jobs).’”

Matt Chandler, a spokesman for Homeland Security, said just looking at the decline in criminal or administrative work site enforcement arrests — without considering ICE's new strategy — reflects a “myopic, outdated and distorted view of effective enforcement.”

In addition to targeting employers, Chandler said, the agency has dedicated its resources to going after “hardened criminals” in the nation's jails and prisons.

Since April 30, ICE has filed 142 notices of an intention to fine companies nearly \$16 million, up from about \$2.4 million in 2008.

Audits called effective

In 2008, ICE conducted more than 500 I-9 audits. In July alone, it announced audits of more than 650 companies. So far, agents have reviewed more than 85,000 I-9 forms in connection with those audits and have identified more than 14,000 suspect documents — about 16 percent of the total number scrutinized, according to ICE data.

Gordon Quan, a Houston immigration attorney and co-chairman of the firm Foster Quan, said the audits have been effective at getting some local employers to ensure that they're complying with the law.

“I think it's a serious measure by the government to establish credibility,” he said. “It shows that they're not just taking people at their word.”

Just hours before announcing the audits, Morton and top Homeland Security officials launched a kind of public relations campaign to get more companies to voluntarily sign up for its electronic employment verification system, dubbed “E-Verify.”

The “I E-Verify” campaign will supply signs to participating businesses so they can show they are enrolled in the program.

E-Verify has been criticized by some big-business organizations for being inefficient at detecting fraud and burdensome for smaller employers, but Homeland Security officials said the system has significantly improved in recent years, and now has nearly 170,000 participants.

“At the end of the day, we want to promote widespread, voluntary compliance with the law,” Morton said. “It’s that simple. And if we can do that without sending agents to knock on people’s doors, all the better.”