

Recent restaurant raids show immigration agency's new strategy

By CHRIS DETTRO

Mar 21, 2010

The filing of federal criminal charges against six Springfield restaurant employees on March 10 reflects a change in workplace enforcement strategy by the government agency charged with fighting illegal immigration.

The U.S. Department of Homeland Security, Immigrations and Customs Enforcement determined that the men — five of whom were employees of Texas Roadhouse restaurant and the other an employee of Chili's and Chipotle restaurants — had obtained their jobs by presenting fraudulent resident alien and Social Security cards to the restaurants.

ICE agents served a notice of inspection to verify employment eligibility on Texas Roadhouse Nov. 19. Six days later, the agency received 110 form I-9s for the restaurant's workers.

ICE review and database checks allegedly uncovered the fraud.

“Since ICE's work force enforcement strategy changed in April 2009, we've been focusing more on the audits process as opposed to large operations,” said ICE spokesman Gail Montenegro. “We're now looking more at the paperwork or documents.”

More than 1,000 I-9 inspections have been done across the country since last April, compared to only 503 in all of fiscal 2008, she said. So far, 142 notices of intent to fine have been sent to businesses as a result of those inspections compared to 32 the previous year. The fine notices amount to almost \$15.9 million.

The auditing process “is sending a message that the integrity of employment records is just as important as other records,” as well as promoting compliance, Montenegro said.

ICE is seeing a pattern of immigrants moving to smaller metropolitan areas, such as Springfield, she added.

“It's a factor of where jobs are available,” she said.

The Chicago ICE office is responsible for enforcing immigration laws in six states. The Springfield office is a sub-office of Chicago.

ICE conducts enforcement actions not at random, but based on specific evidence or intelligence that it receives, Montenegro said.

Previous arrests of illegal workers at Springfield restaurants took place because of information developed after a shoplifting arrest and a minor traffic stop.

Part of the new “targeted enforcement” initiative is to serve businesses with audit notices based on information ICE receives. Montenegro said she couldn’t say what prompted the Texas Roadhouse notice of inspection because the file remains open.

“In the process of auditing, the employer can be found to be completely in compliance,” she said. “Or there can be civil penalties and even criminal charges.”

In a 2006 immigration case in Springfield, the co-owner of the Buffet City restaurant was convicted in federal court of knowingly recruiting illegal aliens and hiring them to work at his restaurant.

“Our goal is to protect employment opportunities for the nation’s legal workforce,” Montenegro said. “One of our priorities is going after employers who are egregiously circumventing laws for financial benefit. Another is attacking recidivism by targeting people who previously have been deported and re-enter the country illegally.”

One of the six men arrested March 10 had been previously deported and is charged with a felony punishable by up to 20 years in prison.

Chris Dettro can be reached at 788-1510.

Springfield restaurant raids

* June 2000 — Eight people are arrested at Cancun restaurant, 2849 S. Sixth St. The restaurant doesn’t reopen.

The arrests are the result of a shoplifting charge against one of the men, who is found to be in this country illegally and tells police others are, too.

A few days later, two illegal workers are taken into custody at Xochimilco on West Iles Avenue and another at The Grand Buffet, 2753 Veterans Parkway.

* November 2000 — Six workers at the Cancun restaurant in Sherman are deported after it is found they are in the country illegally. A traffic stop in Southern View led to their arrest.

* September 2006 — Fifteen workers and a co-owner are taken into custody at Buffet City, 1774 Wabash Ave., and the restaurant is closed. The co-owner is charged with recruiting illegal aliens for employment and the workers — all from China or Mexico — are deported.

Another restaurant, New Buffet City, opens the following year at the same location with a new owner.

* March 2010 — Six Springfield restaurant workers are charged in federal court with using false documents to get work in the United States. Five of the men worked at Texas Roadhouse, another at both Chili's and Chipotle restaurants.