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Immigration Roundup: Enforcing Enforcement

by [Laura D. Francis](#)

The House Judiciary Committee held a [hearing](#) Feb. 26 on President Barack Obama's apparent failure to enforce laws enacted by Congress. Among other things, committee members called the president out on immigration enforcement, although there was some disagreement as to his record in that area.

That same week, the Department of Homeland Security's Office on Inspector General issued a [report](#) calling into question one of the administration's immigration enforcement programs—Immigration and Customs Enforcement's work-site enforcement program.

Instead of carrying out large-scale work-site raids targeting undocumented workers, as was the policy under the Bush administration, ICE now targets employers of undocumented immigrants by inspecting their I-9 employment eligibility verification forms for violations.

According to the report, ICE's Homeland Security Investigations field offices aren't being consistent in their work-site enforcement. For example, the report said HSI headquarters isn't keeping tabs on field office practices with respect to whether they issue warnings or fines for I-9 violations.

For example, between January 2009 and August 2012 the Denver and Chicago field offices each had about 31 percent of their inspections result in warnings and 31 percent result in fines. New Orleans, however, issued fines in 7 percent of its cases, with 78 percent resulting in warnings.

The report added that the Miami and Los Angeles field offices even have their own internal guidance on when to issue fines versus warnings—and HSI isn't checking to see whether that guidance is in line with ICE policy.

Even where fines are handed down, the report said HSI field offices negotiate with employers to whittle down the amount ultimately imposed. Between fiscal years 2009 and 2012, the report said, notices of intent to fine contained \$52.7 million in fines to employers—but final orders were cut down to a total of \$31.2 million.

During that same period, the report found that about 68 percent of all fines were reduced, and about 28 percent of the fines that were reduced were cut by more than half.

On top of that, the report said "key documentation" was missing from several inspection files maintained by field offices, and many aren't keeping accurate and up-to-date records in the systems HSI uses to track their efforts—making it difficult for ICE to determine whether its work-site enforcement program is actually working.

In Other News:

- There are varying reports about whether immigration is "dead" in Congress this year—America's Voice Executive Director Frank Sharry said yes Feb. 19, while Illinois Reps. Luis Gutierrez (D) and Adam Kinzinger (R) said no the day before. All speakers said the key appears to be Republican House members' willingness to take a political risk in the face of the midterm elections this year.
- In new [guidance](#), the Department of Labor is telling employers that, to meet recruitment requirements under the permanent labor certification program, they must directly notify U.S. workers laid off in the past six months of specific job opportunities they may be qualified for. Telling workers at the time they're laid off to check future online job postings isn't enough, according to the DOL.
- The DOL reached a settlement Feb. 17 with a central Pennsylvania McDonald's franchisee. The agreement requires payment of \$205,977 in back pay and damages to 291 employees, including 178 guestworkers participating in the J-1 Summer Work Travel Program. In complaints filed with the DOL and the State Department, the guestworkers claimed they were paid below the minimum wage and forced to live in "substandard basement apartments."

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