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ICE fines Massachusetts companies hiring unlawful employees

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ICE fines Massachusetts companies hiring unlawful employees *Worksite enforcement strategy holds employers accountable for violations*

BOSTON ? Following an investigation and audit of Form I-9 documents by U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations ^[2] (HSI ^[2]), 17 Massachusetts employers were fined a total of \$349,619.54 in fiscal year (FY) 2012 for various employment violations. The inspection of the employers' documents is part of HSI's worksite enforcement strategy that launched in 2009 to reduce the demand for illegal employment and protect employment opportunities for the nation's lawful workforce. This strategy focuses agency resources on the investigation and audit of employers suspected of cultivating illegal workplaces by hiring workers who are not authorized to work.

Employers are required to complete and retain a Form I-9 for each individual they hire. This form requires employers to review and record the individual's identity and employment eligibility document(s) and determine whether the document(s) reasonably appears to be genuine and related to the individual. Additionally, an employer must ensure that the employee provides certain information regarding his or her eligibility to work, on the Form I-9.

Fines in Massachusetts in FY 2012 include:

- Alliance for Affordable Housing Inc. of Everett was fined \$888.25;
- Amex Inc. of East Boston was fined \$70,000;
- Bread & Company Inc. of Everett was fined \$9,804;
- Cap Seafood Inc. of New Bedford was fined \$9,804;
- Danco Retail Food Outlet Inc. of Worcester was fined \$935;
- Fruitlands Restaurant, Inc., aka Sorrento's Pizza, of Harvard was fined \$2,805;

- Jae's Spice of Pittsfield was fined \$3,000;
- Leechen Restaurant Inc. of Lawrence was fined \$9,441.63;
- Metropolitan Linen Services Corp. of Everett was fined \$13,635.19;
- Northern Pelagic Group LLC (NORPEL) of New Bedford was fined \$151,200;
- Ocean Crest Seafoods of Gloucester was fined \$9,000;
- Panda House Inc. of Westfield was fined \$4,675;
- Pier Fish Company Inc. of New Bedford was fined \$2,200;
- Quality Workforce Inc. of Brockton was fined \$26,881.25;
- Samar Company Inc. of Stoughton was fined \$33,786.22;
- Sampco Inc. of Pittsfield was fined \$550; and
- STAT Products Inc. of Ashland was fined \$1,014.

"These settlements serve as a reminder to employers that HSI will continue to hold them accountable for hiring and maintaining a legal and compliant workforce," said Bruce M. Foucart, special agent in charge of HSI Boston. "We encourage employers to take the employment verification process seriously, as we expand the number of audits we are conducting throughout Massachusetts each year. My agency will continue to focus its attention on employers that are knowingly employing illegal workers and will continue to target specific industries and businesses known or alleged to hire illegals."

During FY 2012, HSI conducted 35 inspections of employers' I-9 documents in Massachusetts, an increase over the 30 inspections conducted in FY 2011, 20 in FY 2010 and 17 in FY 2009.

In previous years, the fines in Massachusetts were:

- FY 2011: HSI issued fines for worksite violations against 11 companies totaling \$175,420.25;
- FY 2010: HSI issued fines for worksite violations against three companies totaling \$67,440; and
- FY 2009: HSI issued fines for worksite violations against one company totaling \$9,753.

HSI worksite investigations

Effective worksite enforcement plays an important role in the fight against illegal immigration. HSI has developed a comprehensive worksite enforcement strategy that promotes national security, protects critical infrastructure and targets employers who violate employment laws or engage in abuse or exploitation of workers.

An effective worksite enforcement strategy must address both employers who knowingly hire illegal workers, as well as the workers themselves. In worksite cases, HSI investigators adhere to high investigative standards, including the following:

- HSI will look for evidence of the mistreatment of workers, along with evidence of trafficking, smuggling, harboring, visa fraud, identification document fraud, money laundering and other such criminal conduct; and
- HSI will obtain indictments, criminal arrests or search warrants, or a commitment from a U.S. attorney's office to prosecute the targeted employer before arresting employees for civil immigration violations at a worksite.

HSI also works with the private sector to educate employers about their responsibilities to hire

only authorized workers and how to accurately verify employment eligibility, through such tools as the IMAGE program.

IMAGE program

Undocumented workers create vulnerabilities in today's marketplace by presenting false documents to gain employment, completing applications for fraudulent benefits and stealing identities of legal United States workers. To combat this, ICE initiated the IMAGE program in 2006. As part of the IMAGE program, ICE provides employers with education and training on proper hiring procedures, including use of employment screening tools such as E-Verify. IMAGE certified employers also undergo an audit of their I-9 forms to ensure current employees are eligible to work in the United States.

Employers that are certified with ICE through the IMAGE program pledge to maintain a secure and stable workforce and curtail the employment of unauthorized workers through outreach and education. ICE recently revamped IMAGE, simplifying program requirements.

E-Verify

All IMAGE members must participate in the U.S. Department of Homeland Security (DHS) E-Verify employment eligibility verification program. Through this program, employers can verify that newly hired employees are eligible to work in the United States. This Internet-based system is available throughout the nation and is free to employers. It provides an automated link to the Social Security Administration database and DHS immigration records.

Immigration Law :

Forms ^[3]

Agency:

ICE ^[4]

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