

Government Investigations – Immigration

Government Investigations and Immigration Practice Serving Maryland, Virginia and Washington DC

On January 25, 2017, the President signed Executive Order 13768, *Enhancing Public Safety in the Interior of the United States*, and on February 20, 2017, DHS issued its corresponding implementation memo. These rules stipulate that undocumented immigrants who so much as commit “acts that constitute a chargeable offense” – even if the immigrant has not been charged, let alone adjudicated – have been “prioritize[d] for removal.” So, too, are those who, “in the judgment of an immigration officer, otherwise pose[s] a risk to public safety or national security.”

So, what does that mean for you, an employer or business owner in sectors or industries that regularly hires foreign nationals? The fact is that such sweeps are not new and are not limited to seeking out employees. The Department of Labor, in conjunction with the Department of Justice and the Internal Revenue Service, have joined with ICE to implement its Worksite Enforcement (WSE) program through which it targets “employers, owners, corporate managers, supervisors, and others in the management structure of a company for criminal prosecution through the use of carefully planned criminal investigations.” Indeed, has been DHS policy to “prosecute the targeted *employer* before arresting employees ... [.]” (Emphasis added.) *If you are caught violating these laws, you can be **imprisoned, fined** up to \$4,300 per undocumented worker, and **debarred** from receiving government contracts – even for a first offense.*