



One Minute Memo[®]

Attorney General Announces Higher Fines for Employers Who Violate Federal Immigration Laws

On Friday, February 22, Attorney General Michael B. Mukasey announced higher civil fines for employers who violate federal immigration laws. Under the new rule, which takes effect on March 28, 2008, civil fines will increase by as much as \$5,000.

Under the Immigration and Nationality Act (INA), employers face civil monetary penalties for violating employment eligibility requirements, including knowingly employing undocumented workers, failure to comply with I-9 requirements, and wrongful discrimination based on nationality. Under the INA, and the new rule announced by the Attorney General, civil penalties are adjusted for inflation pursuant to a specific rounding mechanism. Because the last adjustment occurred in 1999, the fines will increase by an average of 25% per violation. For example, the minimum penalty for knowing employment of an undocumented worker increases by \$100 from \$275 to \$375. The largest increase raises the

maximum civil penalty for employers who have committed multiple violations from \$11,000 to \$16,000. Penalties are assessed on a per-worker basis, which means that knowing employment of ten undocumented workers could result in a fine of \$160,000.

Given the increase of civil fines and the increased enforcement efforts by the Department of Homeland Security (DHS), it is critical that employers evaluate their current policies and procedures and take corrective action to ensure a fully compliant workforce. Seyfarth Shaw, through its Seyfarth Workforce Authorization Team (SWATeam), offers a full range of services and products to assist employers in this area.

If you have any questions regarding this One Minute Memo, please contact the Seyfarth Shaw attorney with whom you work, or any immigration attorney on our website, www.seyfarth.com.

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