

Forging a New Legacy

IMAGE

ICE Mutual Agreement between
Government and Employers

Presentation Topics:

Creation of DHS and ICE

Homeland Security Investigations

Worksite Enforcement Strategy

IMAGE

Benefits of IMAGE

IMAGE Certification Process

IMAGE Best Employment Practices



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Creation of the Department of Homeland Security (DHS)

In response to the terrorist acts of September 11, 2001, the Homeland Security Act of 2002 created DHS, combining numerous federal agencies with a mission dedicated to protecting the national security of the United States.



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Federal Agencies within DHS

U.S. Customs and
Border Protection

U.S. Citizenship and
Immigration Services

Transportation
Security
Administration

Federal Emergency
Management Agency

U.S. Secret Service

U.S. Coast Guard



U.S. Immigration and
Customs Enforcement
(ICE)



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Creation of ICE

- On March 1, 2003, ICE was formed pursuant to the Homeland Security Act of 2002.
- HSI is the largest investigative arm of DHS and is a 21st Century law enforcement agency with global reach.
- The agency's law enforcement authorities encompass more than 400 U.S. federal statutes.

ICE consists of two enforcement entities:

- Enforcement and Removal Operations (ERO)
- Homeland Security Investigations (HSI)



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Worksite Enforcement

- Initiated with the passage of the Immigration Reform and Control Act (IRCA) of 1986
- IRCA required all employers to verify the identity and work eligibility of all employees hired after November 6, 1986
- IRCA created criminal and civil penalties for employers who knowingly employ unauthorized workers
- IRCA established the use of the Employment Eligibility Verification Form I-9 to comply with the law



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HSI's Worksite Enforcement Strategy

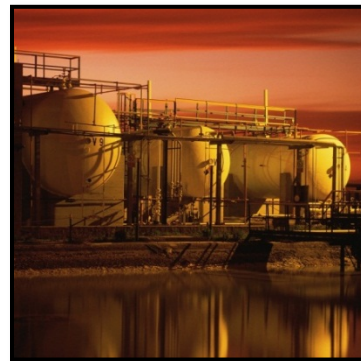
Enforcement

Criminal Prosecution of Employers

HSI investigates employers who commit criminal violations, are willfully blind to the presence of unauthorized aliens in their workforce, or engage in worker exploitation.

Critical Infrastructure and National Security Sites

HSI prioritizes worksites, such as nuclear facilities, airports, and chemical plants, that are critical to our nation's infrastructure.



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HSI's Worksite Enforcement Strategy

Compliance

Form I-9 Inspections

HSI conducts Form I-9 inspections to verify that employers are complying with the federal employment eligibility verification requirements.

Suspension and Debarment

Suspension and Debarment serves to protect the government's interest in contracting with reputable suppliers.



HSI's Worksite Enforcement Strategy

Outreach

The ICE Mutual Agreement between Government and Employers Program



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Form I-79,
Eligibility Verifi

ICE Mutual Agreement between
Government and Employers

IMAGE



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Creation of IMAGE

The IMAGE program was created in July 2006, as a joint government and private sector initiative designed to build cooperative relationships that strengthen hiring practices and encourage employer compliance to ensure a lawful workforce.

Through close coordination and partnership with the private sector, IMAGE seeks to promote principles of ethical business conduct, prevent the hiring of unauthorized workers, and empower employers with a pragmatic immigration compliance strategy.



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Employer Challenges

HSI recognizes that while most employers want to comply with our nation's immigration laws, their hiring policies and procedures may not be sufficient to ensure a lawful workforce.

Some issues that employers need to be aware of include:

- Use of counterfeit documents
- Increased use of identity theft schemes
- Complicated laws and regulations
- Multiple regulatory responsibilities



IMAGE Benefits to Your Company

Brand Protection

Promotes and protects a positive corporate image with an authorized workforce.

Increased Marketability

Establishes a competitive stable marketplace position by leveraging your ability to advertise and promote an authorized workforce.

Workforce Integrity

Ensures that your workforce consists of only those persons authorized to work in the United States.

Workforce Stability

Help reduce the turnover rate of employees.



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IMAGE Benefits to Your Company

Lawsuit Avoidance

Reduces the risk of lawsuits and other legal actions resulting from unauthorized employment.

Avoid Disruption

Upon completion of the IMAGE certification process, HSI will not conduct another Form I-9 inspection for a minimum of two years.

Customer Service

Companies receive the benefits associated with having a dedicated HSI IMAGE point of contact.



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IMAGE Benefits to Your Company

Fine Avoidance

HSI will waive potential fines if substantive violations are discovered on fewer than 50% of the required Forms I-9.

In instances where more than 50% of the Forms I-9 contain substantive violations, HSI will either mitigate or issue fines at the statutory minimum of \$110 per violation.

Training

- Form I-9
- Anti-Discrimination
- E-Verify
- Fraudulent Document Detection



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Training: Form I-9

Department of Homeland Security
Citizenship and Immigration Services

OMB No. 1615-0047; Expires on...
Form I-9, Employment Eligibility Verification

Instructions
Read all instructions carefully before completing this form.

Anti-Discrimination Notice. It is illegal to discriminate against any individual (other than an alien not authorized to work in the United States) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents presented have a finite expiration date may also constitute illegal discrimination. For more information, call the Office of Special Counsel for Immigration Related Unfair Employment Practices at 1-800-255-8155.

What Is the Purpose of This Form?
The purpose of this form is to document that each new employee (both citizen and noncitizen) hired after November 6, 1986, is authorized to work in the United States.

When Should Form I-9 Be Used?
All employees (citizens and noncitizens) hired after November 6, 1986, and working in the United States must complete Form I-9.

Filling Out Form I-9

Section 1, Employee
As part of the form must be completed no later than the time which is the actual beginning of employment. The Social Security Number is voluntary, except for

in Section 2 evidence of employment authorization that contains an expiration date (e.g., Employment Authorization Document (Form I-766)).

Preparer/Translator Certification
The Preparer/Translator Certification must be completed if Section 1 is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete Section 1 on his or her own. However, the employee must still sign Section 1 personally.

Section 2, Employer
For the purpose of completing this form, the term "employer" means all employers including those recruiters and referrers for a fee who are agricultural associations, agricultural employers, or farm labor contractors. Employers must complete Section 2 by examining evidence of identity and employment authorization within three business days of the date employment begins. However, if an employer hires an individual for less than three business days, Section 2 must be completed at the time employment begins. Employers cannot specify which document(s) listed on the last page of Form I-9 employees present to establish identity and employment authorization. Employees may present any List A document OR a combination of a List B and a List C document.

If an employee is unable to present a required document (or documents), the employee must present an acceptable receipt in lieu of a document listed on the last page of this form. Receipts showing that a person has applied for an initial grant of employment authorization, or for renewal of employment

- Proper completion
- Common mistakes
- Filing and retention





Training: Anti-Discrimination

The anti-discrimination provisions of IRCA prohibit four types of unlawful conduct under Title 8 U.S.C. § 1324b:

- Citizenship or Immigration Status Discrimination
- National Origin Discrimination
- Document Abuse
- Intimidation or Retaliation


The U.S. Office of Special Counsel is responsible for enforcing anti-discrimination provisions.



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Training: E-Verify



This Employer Participates in E-Verify

This employer will provide the Social Security Administration (SSA) and, if necessary, the Department of Homeland Security (DHS), with information from each new employee's Form I-9 to confirm work authorization.

NOTICE: Federal law requires all employers to verify the identity and employment eligibility of all persons hired to work in the United States.

IMPORTANT: If the Government cannot confirm that you are authorized to work, this employer is required to provide you written instructions and an opportunity to contact SSA and/or DHS before taking adverse action against you, including terminating your employment.

Employers may not use E-Verify to pre-screen job applicants or to reverify current employees and may not limit or influence the choice of documents presented for use on the Form I-9.

Employment Verification. **E-Verify Done.**

For more information on E-Verify, please contact DHS at:
1-888-464-4218

In order to determine whether Form I-9 documentation is valid, this employer uses E-Verify's photo screening tool to match the photograph appearing on some permanent resident and employment authorization cards with the official U.S. Citizenship and Immigration Services (USCIS) photograph.

If you believe that your employer has violated its responsibility under this program or has discriminated against you during the verification process based upon your national origin or citizenship status, please call the Office of Special Counsel at 1-800-255-7688 (TDD: 1-800-237-2515).

E-VERIFY IS A SERVICE OF DHS AND SSA.

E-Verify is an internet-based system, operated by DHS in cooperation with the Social Security Administration, that allows the employer to electronically verify the employment eligibility of new hires.



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Becoming IMAGE Certified

ICE Mutual Agreement between Government and Employers

IMAGE

This Certificate of IMAGE Membership is awarded to

⟨Name of Company⟩

In recognition of your partnership with ICE in the IMAGE program as a
Certified Member.



**U.S. Immigration
and Customs
Enforcement**

⟨Name of Special Agent In Charge⟩
Special Agent In Charge, ⟨City⟩
U.S. Immigration and Customs Enforcement

Date



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The IMAGE Certification Process

- Receive an IMAGE presentation
- Complete an IMAGE Self-Assessment Questionnaire
- Complete the signing of an official IMAGE Agreement by a company representative and HSI representative



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The IMAGE Certification Process

Upon enrolling in the IMAGE program, the company agrees to:

- Enroll in E-Verify within 60 days
- Establish a hiring policy within 120 days
- Conduct annual internal Form I-9 audits
- Submit to an HSI Form I-9 inspection



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The IMAGE Certification Process

HSI agrees to:

- Waive any applicable fines if substantive violations are discovered on fewer than 50% of the Forms I-9 reviewed
- Mitigate or issue fines at the statutory minimum of \$110 per violation in instances where more than 50% of the Forms I-9 contain substantive violations
- Refrain from conducting additional Form I-9 inspections for 2 years



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The IMAGE Certification Process

HSI agrees to:

- Work with the company to resolve discrepancies discovered during the Form I-9 inspection process
- Assist with any training or technical advice needed to implement an agreement
- Publicly recognize the company for participating in the IMAGE program



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IMAGE Best Employment Practices



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IMAGE Best Employment Practices

- Enroll in E-Verify
- Establish a written hiring and employment eligibility verification policy
- Conduct an annual Form I-9 audit
- Participate in the Social Security Number Verification Service (SSNVS)
- Establish an internal compliance and training program related to the hiring and the verification process



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IMAGE Best Employment Practices

- Require that the Form I-9 and E-Verify process be performed by trained personnel who then conduct a secondary review
- Establish a procedure to report credible information of suspected criminal misconduct to HSI
- Ensure that contractors and subcontractors establish procedures to comply with employment verification requirements and encourage the IMAGE Best Employment Practices
- Establish a protocol for responding to government agencies concerning discrepancies in information provided by the employer or employee



IMAGE Best Employment Practices

- Establish a tip line mechanism (inbox, email, etc.) for employees to report activity relating to the employment of unauthorized workers and a protocol for responding to credible employee tips
- Establish policies, practices, and safeguards to avoid anti-discrimination allegations during the Form I-9, E-Verify, and SSNVS processes
- Maintain copies of all documents accepted as proof of identity and/or employment authorization



IMAGE Best Employment Practices

As employers continue to join IMAGE and incorporate the best employment practices, HSI will be able to focus its attention on unscrupulous employers and egregious violators of our nation's immigration laws.



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A few current IMAGE Members

General Dynamics

City of Palmdale

Swissport Cargo Services, LP

Aluminum Precision Products, Inc.

Tyson Foods, Inc.

A-1 Fire Protection

Paulson Manufacturing Corporation

True Blue, Inc.

Little Lady Foods, Inc.

Fox Transportations

Mission Chevrolet Ltd.

Starbucks Coffee Puerto Rico, LLC

Sargento Foods Inc.

National Life Insurance Company

Mighty Taco, Inc.

Olympic Water & Sewer, Inc.

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IMAGE

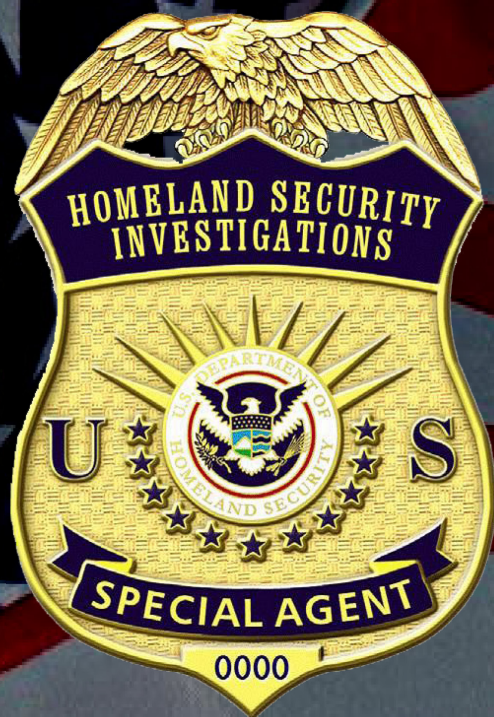
Your Workforce Compliance Partner

Carmen Jacobsen
Special Agent/ IMAGE Coordinator
Homeland Security Investigations
Carmen.Jacobsen@ice.dhs.gov



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Protecting the Borders Against Illicit Trade, Travel, and Finance