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Attorney General Michael B. Mukasey Announces Higher Civil Fines Against Employers for Immigration Violations

WASHINGTON—Attorney General Michael B. Mukasey today announced higher civil fines against employers who violate federal immigration laws. The announcement was made in a joint briefing today with Secretary of Homeland Security Michael Chertoff about newly enacted border security reforms put in place by the Departments of Justice and Homeland Security. Under the new rule, which was approved by Attorney General Mukasey and Secretary Chertoff, civil fines will increase by as much as \$5,000. The new rule will take effect on March 27, 2008, and will be published in the Federal Register early next week.

Under the Immigration and Nationality Act, employers who violate employment eligibility requirements are subject to civil monetary penalties. Employers may be fined under the Act for knowingly employing unauthorized aliens or for other violations, including failure to comply with the requirements relating to employment eligibility verification forms, wrongful discrimination against job applicants or employees on the basis of nationality or citizenship, and immigration-related document fraud. For each of these violations, the employer has the right to a hearing before an administrative law judge in the Executive Office for Immigration Review.

Under the new rule and applicable law, civil penalties for violations of the Immigration and Nationality Act are adjusted for inflation. Because these penalties were last adjusted in 1999, the average adjustment is approximately 25 percent. Under the specific rounding mechanism of the law, the minimum penalty for knowing employment of an unauthorized alien increases by \$100, from \$275 to \$375. Some of the higher civil penalties are increased by \$1,000; for example, the maximum penalty for a first violation increases from \$2,200 to \$3,200. The biggest increase under the rounding mechanism raises the maximum civil penalty for multiple violations from the current \$11,000 to \$16,000. These penalties are assessed on a per-alien basis; thus, if an employer knowingly employed, or continued to employ, five unauthorized aliens, that could result in five fines.

Today's announcement follows a series of reforms, announced by the Administration in August 2007, to be made within the boundaries of existing law to secure our borders, improve interior and worksite enforcement, and improve the current immigration system. In addition to the higher civil penalties, measures announced and discussed at today's briefing included expanded prosecutions and removals of criminal aliens, a streamlining of existing guest worker programs, and the Southwest Border Enforcement Initiative.

The Southwest Border Enforcement Initiative includes a \$100 million request in new Justice Department funding for FY 2009 for new hiring and resources to better enable the United States to combat the flow of illegal immigration, drugs, and weapons across the Southwest Border, and to arrest, detain, prosecute, and incarcerate violent criminals, drug offenders, and immigration violators along the Southwest Border. More information on this funding request can be found at http://www.usdoj.gov/opa/pr/2008/January/08_opa_079.html and http://www.usdoj.gov/opa/pr/2008/January/08_opa_080.html.

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