

Resources

U.S. Immigration and Customs Enforcement Efforts Continue

Criminal Fines and Forfeitures in the Millions

March 8, 2011

U.S. Immigration and Customs Enforcement (ICE) is maintaining pressure on U.S. companies employing illegal aliens. Two recent cases have resulted in prison time and fines/forfeitures nearing \$3 million.

Chicago Staffing Companies

The president of two Chicago-area staffing companies that supplied temporary workers to suburban warehouses was sentenced on February 16, 2011, to 18 months in prison for knowingly hiring illegal aliens to form his labor pool. His prison sentence will be followed by three years of supervised release.

Clinton Roy Perkins, president of the Anna II Inc. and Can Do It Inc. staffing companies in Bensenville, Illinois, pled guilty in September 2010. On February 25, 2011, U.S. District Judge Joan B. Gottschall also ordered the forfeiture of \$465,178.00 in proceeds obtained as a result of the criminal activity.

In his plea agreement, Perkins admitted to knowingly hiring more than 10 illegal aliens from Mexico as temporary workers between October 2006 and October 2007. The illegal workers were not required to provide documents establishing their immigration status or lawful right to work in the United States. In addition, Perkins paid their wages in cash and failed to deduct payroll taxes or other withholdings.

Howard Industries-Mississippi

Howard Industries, Inc., one of the largest employers in Mississippi, pled guilty before U.S. District Judge Keith Starrett in federal district court in Hattiesburg, Mississippi, on February 24, 2011, to knowingly violating federal criminal conspiracy laws in its employment of illegal aliens at the company's electrical transformer plant in Laurel, Mississippi. The plant was raided by ICE special agents on August 25, 2008, resulting in the administrative arrest of nearly 600 unlawful aliens working there.

In pleading guilty, the corporation admitted to conspiracy to encourage and induce illegal aliens to reside in the United States, even though the corporation knew or recklessly disregarded the fact that these illegal aliens lived here in violation of the law. The conspiracy also involved the company's concealing, harboring, and shielding illegal aliens from detection, knowing and in reckless disregard of the fact that such illegal aliens had come to, entered, or remained here in the United States in violation of law.

The company agreed to pay a criminal fine in the amount of \$2.5 million, which it acknowledged is in excess of the penalty provided by statute. Under the federal conspiracy statute, a corporation is ordinarily subject to a term of not less than one and not more than five years of probation and a \$500,000 fine. Previously, the company's human resources manager pled guilty to a similar federal criminal conspiracy charge relating to the employment of unlawful aliens at the plant.

Dykema

In addition to the services we provide related to obtaining and maintaining legal immigration status for our clients and their employees, Dykema provides counseling related to employment eligibility and employer sanctions, including defending audits of Form I-9 compliance by federal authorities.

Please contact **James G. Aldrich** at 248-203-0583 if you have any questions or would like more information on Dykema's Immigration Practice.

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U.S. Immigration and Customs Enforcement Efforts Continue (Cont.)

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