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ICE continues enforcement efforts emphasis by utilizing an undocumented insider to gain information about employer and staffing company.

Littler Mendelson is the largest law firm in the United States devoted exclusively to representing management in employment and labor law matters.

Global Edition

A Littler Mendelson Newsletter
specifically for the Global Industry

Pass Me the “Salt” - ICE Continues Enforcement Efforts

Yesterday, based on an affidavit that relies on information from a “confidential informant” who is himself an undocumented alien, US Immigration and Customs Enforcement (ICE) agents armed with warrants conducted raids in Portland, Oregon, on offices of American Staffing Resources, Inc., and its client, Fresh Del Monte Produce. American Staffing is a staffing firm that recruits and hires workers for Fresh Del Monte Produce’s packing operations.

The informant told ICE agents that he had told managers at both American Staffing and Del Monte that he had no legal status in the US and that he no identification. According to the agent, he was later put to work and provided with a bogus Social Security card.

The ICE agent then executed an affidavit upon which the warrants were issued to find evidence of the following federal crimes:

- Hiring of illegal aliens
- Harboring illegal aliens
- Encouraging illegal aliens to reside in the US
- Identity theft
- Immigration document fraud
- Social Security fraud

Potential trouble for the produce packing company does not stop there. Allegations in the affidavit also pointed to violations of federal and state wage and hour laws, child labor laws, and workplace safety regulations.

It is clear that ICE continues to engage in large scale employer raids and is using informants to get inside information. Employers should be aware that these undercover informants will be reporting back not only what they perceive directly about suspected undocumented

workers (and other violations) but also second and third hand hearsay.

These investigations have become multi-agency affairs, shown by the fact that this investigation was conducted by ICE and the Office of the Inspector General of the Social Security Administration. Thus, it is conceivable that future raids will involve more agencies, including follow up by federal and state labor and workplace safety agencies.

Littler Global continues to monitor the immigration law landscape, including workplace enforcement, and will keep you updated regarding all important developments. Our attorneys are available to discuss your company’s current practices to ensure that you are in compliance with the law.