

# PUBLICATION

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## ICE Enforcement Strategy: Still Tough

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**ICE has released its internal policy memo on worksite enforcement, which is as tough on employers as we thought. It does not call an end to large-scale worksite raids that results in removal of workers, but it requires high level approval before they can be conducted.**

Six months after a request for the memo under the Freedom of Information Act, ICE released the memo without redaction but has not yet released the related manual with detailed guidelines for fines and other specific instructions.

The policy memo emphasizes a focus on prosecuting employers and using all available investigative means for that purpose, including I-9 audits, informants, cooperating witnesses (sometimes facilitated by incentives offered by ICE), undercover agents (frequently wired for sound or even video), and “consensual and nonconsensual intercepts (i.e., wire taps). We have seen all of these tools used in specific cases.

While the memo does not explicitly limit criminal focus on egregious cases, it does say "ICE offices should look for evidence of the mistreatment of workers, along with evidence of trafficking, smuggling, harboring, visa fraud, identification document fraud, money laundering, and other such conduct."

The memo is consistent with ICE public statements about it made near the time the memo was disseminated internally, but it is interesting, and perhaps sobering, to see the actual document.