

ICE NEWS

Krispy Kreme fined after I-9 audit

CINCINNATI - U.S. Immigration and Customs Enforcement (ICE) and the Butler County Sheriff's Office announced today a \$40,000 fine settlement reached with the Krispy Kreme Doughnut Corporation for violations of immigration laws.

ICE conducted an I-9 inspection of Krispy Kreme after receiving information from the Butler County Sheriff's Office which revealed the company had employed dozens of illegal aliens at one of their doughnut factories in Cincinnati.

Employers are required to complete and retain a Form I-9 for each individual they hire for employment in the United States. This form requires employers to review and record the individual's identity document(s) and determine whether the document(s) reasonably appear to be genuine and related to the individual.

"Employers have a responsibility to hire men and women who are authorized to work in the United States and fines are an important component of ensuring their compliance," said Brian Moskowitz, special agent in charge of the ICE Office of Investigations in Michigan and Ohio. "ICE will use the legal tools at its disposal to address those who neglect or falter in their corporate responsibilities."

The audit also revealed violations to the Immigration and Nationality Act. In September 2007, ICE issued a notice of Intent to Fine. The fine was settled Friday.

As part of the settlement, the company has taken measures to revise its immigration compliance program, and has agreed to begin implementing new procedures to prevent future violations of federal immigration laws.

In April, ICE implemented a new, comprehensive strategy to reduce the demand for illegal employment and protect employment opportunities for the nation's lawful workforce. Under this strategy, ICE is focusing its resources on the auditing and investigation of employers suspected of cultivating illegal workplaces by knowingly employing illegal workers. Last week, ICE announced as part of this initiative, 652 businesses around the country would be audited to determine their compliance.

As we have informed our clients in the past and on an ongoing basis, the implementation and use of an immigration compliance plan is of great assistance in negotiating and mitigation of fines with ICE. It is my guess that the fine of \$40,000 was very low because the company took an aggressive approach to compliance and showed good faith to ICE in implementing this plan. Stay tuned for more stories as I-9 audits become more commonplace.