

# Immigration Tightens Up for Prince William County Business Owners

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Attention Prince William County small-business owners—in case you missed it, it's time to dig out your birth certificates or dust off your passports. The County has recently ordered small-business owners to bring their documentation and appear in person to prove that they are living in the country legally. As reported in the Washington Post on February 10, approximately 4,000 small-business owners in the County recently received notices about the new requirement telling them they have until March 1 to provide proof that they are legal residents. Compliance is required in order to get their business licenses renewed <http://www.washingtonpost.com/wp-dyn/content/article/2009/02/09/AR2009020903382.html>.

Prince William's mandate to small business owners has been met with a chorus of conflicting responses. Those protesting the requirement fear that the measure has put the County at a competitive disadvantage in a tough economy because people in other counties can continue to apply for their certification online or by mail. Whether this new legal status verification measure has more than a symbolic effect remains to be seen.

Along with a few other counties, Prince William is a pioneer in focusing its immigration enforcement efforts on business owners at the county level. In doing so, the County is actually in sync with the current strategies of the federal government. Specifically, in March 2008, a raid by U.S. Immigration and Customs Enforcement (ICE) at CMC Concrete in Manassas resulted in the arrest of 34 illegal workers. Although none of the principals at the company were charged, the raid is a clear statement that Prince William employers must be diligent in their employment and hiring practices in order to stay compliant with the law (<http://www.washingtonpost.com/wp-dyn/content/article/2008/03/24/AR2008032402649.html>). Elsewhere in the area, ICE has raided the Dulles International Airport twice in Loudon County. In 2006, ICE arrested 55 undocumented workers, and then in August 2008 they arrested 42 additional undocumented workers working on construction at the facility (<http://www.ice.gov/pi/nr/0808/080813washington.htm>; <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/14/AR2006061401107.html>).

It's clear that the U.S. government is cracking down on undocumented or unauthorized workers in the U.S. What's also important to keep in mind is that the U.S. government has also focused their enforcement on business owners and managers that allow undocumented workers to work without authorization.

At a recent forum I attended, an ICE official confirmed that the agency's top priority at this time is workplace enforcement. Although the Obama Administration has taken over since I attended that forum, all indicators suggest that ICE will continue to focus aggressively on workplace enforcement of immigration regulations. ICE's use of criminal charges, asset forfeiture and imposition of large fines leaves little doubt that the federal government is keenly interested in targeting employers, as well as their undocumented employees.

In 2008, ICE made more than 1,100 criminal arrests tied to work-site enforcement investigations—not coincidentally this number is up from 25 in 2002. Of those charged criminally in these types of cases in 2008, 135 were business owners, managers, supervisors, or human resource employees. In addition to the criminal arrests, ICE also took 5,100 undocumented workers into custody on administrative immigration violations during worksite investigations and raids in the fiscal year 2008 (<http://www.ice.gov/pi/news/factsheets/worksites.htm>).

In the hiring process, business owners can protect themselves through proper use of Form I-9 Employment Eligibility Verification. The government requires that U.S. employers complete the Form I-9 Employment Eligibility Verification in order to verify employment eligibility of all employees. The recent raids by ICE present very clear reminders why employers need to be diligent about completing the Form I-9. The law requires that all employees complete the Form I-9 within three days of hire. In addition, employers must certify that they have carefully examined original documents to show that their employees are legally authorized to work in this country.

Given the multicultural nature of Prince William County, one has to assume that ICE is looking as closely at our area as any area in the country. The affect of this enforcement, combined with the County's immigration stance, will no doubt have an impact on local businesses and the community as a whole. While one may argue that jobs for legal workers may be freed up, which no one would argue is important during these tough economic times, the other side is that there will be less people in the area buying products and ultimately contributing to the economy of the County. The arguments on each side could go on and on, but the real question is will the impact ultimately be positive or negative.

Whether or not you agree with ICE's enforcement policy and the County's anti-illegal immigrant laws, you do not want to end up the victim of an ICE raid or lose your business license. So the bottom line for Prince William County businesses is that you must stay compliant and abreast of federal, state and county laws. Ensuring the legal immigration status of workers *and* business owners has become too much of a hot button issue both nationally and locally to be ignored.