

## EMPLOYER'S SANCTIONS FOR EMPLOYMENT ELIGIBILITY VIOLATIONS INCREASE



by  
*Kristen A. Chang and David J. Long*  
*Long, Chang & Associates, L.L.P.*  
*4915 Piedmont Parkway, Suite 103*  
*Jamestown, NC 27282*  
*Phone: (336) 855-5700*  
*www.longchangonline.com*

As of March 27, 2008, employers sanctioned for violating employment eligibility requirements are subject to stiffer fines. Under the new rule, civil fines will increase by as much as \$5,000. Under the Immigration and Nationality Act, employers who violate employment eligibility requirements are subject to civil monetary penalties. Employers may be fined for knowingly employing unauthorized aliens or for other violations, including but not limited to failure to comply with the requirements relating to Form I-9 (employment eligibility verification form), and immigration-related document fraud. Penalties are assessed on a per-alien basis, so if an employer knowingly employed, or continued to employ, five unauthorized workers, it could potentially result in five separate fines.

Following is a list of the fines prior to March 27, 2008, and the current, increased fines for certain employer violations:

<u>Violation</u>	<u>Old Penalty</u> <u>(Minimum – Maximum)</u>	<u>Current Penalty</u> <u>(Minimum – Maximum)</u>
Knowingly hire or continue to employ an unauthorized alien for employment in the United States	First Order: \$275 - \$2,200 Second Order: \$2,200 - \$5,500 Subsequent Ords.: \$3,300 - \$11,000	First Order: \$375 - \$3,200 Second Order: \$3,200 - 6,500 Subsequent Ord.: \$4,300 - \$16,000
I-9 Paperwork Violations (failure to comply with the employment verification requirements)	\$110 - \$1,100	\$110 - \$1,100
Violation relating to participating employer's failure to notify DHS of final nonconfirmation of employee's eligibility	\$500 - \$1,000	\$550 - \$1,100
Unlawful employment of aliens, per person	First Order: \$275 - \$2,200 Second Order: \$2,200 - \$5,500 Subsequent Ords.: \$3,300 - \$11,000	First Order: \$375 - \$3,200 Second Order: \$3,200 - \$6,500 Subsequent Ords.: \$3,300 - \$11,000
Violation/prohibition of indemnity bonds	\$1,100	\$1,100

Document fraud (including but not limited to forging, counterfeiting, altering or falsely making any document to satisfy a requirement of or obtain a benefit through the INA)	First Order: \$275 - \$2,200 Subsequent Orders: \$2,200 - \$5,500	First Order: \$375 - \$3,200 Subsequent Orders: \$3,200 - \$6,500
Document fraud (including but not limited to preparing or filing for yourself or someone else applications or documents with disregard to the fact that the application or document was falsely made)	First Order: \$250 - \$2,000 Subsequent Orders: \$2,000 - \$5,000	First Order: \$275 - \$2,200 Subsequent Orders: \$2,200 - \$5,500
Unfair immigration-related employment practices, per person affected	First Order: \$275 - \$2,200 Second Order: \$2,200 - \$5,500 Subsequent Ords.: \$3,300 - \$11,000	First Order: \$375 - \$3,200 Second Order: \$3,200 - \$6,500 Subsequent Ords.: \$4,300 - \$16,000
Unfair immigration-related employment practices by document abuse including but not limited to requesting more or different documents than required	\$110 - \$1,100	\$110 - \$1,100

For the full version of the rule posted in the Federal Register, please see [http://frwebgate.access.gpo.gov/cgi-bin/getpage.cgi?position=all&page=10130&dbname=2008\\_register](http://frwebgate.access.gpo.gov/cgi-bin/getpage.cgi?position=all&page=10130&dbname=2008_register).

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*Kristen A. Chang and David J. Long are attorneys in the immigration law firm of Long, Chang & Associates, L.L.P. Ms. Chang and Mr. Long are members of the North Carolina State Bar and the American Immigration Lawyers Association (AILA). Ms. Chang is fluent in both the Korean and English languages. Mr. Long has been certified by the North Carolina State Bar as a Specialist in Immigration Law. They may be reached via telephone at (336) 855-5700 or via e-mail at [info@longchagonline.com](mailto:info@longchagonline.com).*

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