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The Department of Homeland Security's Section 287(g) Program, through which local law enforcement teams up with federal immigration authorities to enforce immigration laws, is gaining momentum across the country. Georgia is the latest in a list of more than 12 states to execute a Memorandum of Agreement with DHS to work collectively to investigate and prosecute immigration violators.

ICE and Local Police Join Forces to Ramp Up Immigration Enforcement

By Jorge Lopez and Lisa A. Cottle

U.S. Immigration and Customs Enforcement (ICE), a division of the U.S. Department of Homeland Security (DHS), has added two more members to its growing family: the Sheriff's Offices of Hall County and Whitfield County, Georgia.

Hall and Whitfield teamed up with ICE pursuant to Section 287(g) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), a provision of law by which the DHS can enter into agreements with state and local law enforcement agencies. The 287(g) program is one component of the ICE ACCESS (Agreements of Cooperation in Communities to Enhance Safety and Security) umbrella of services offered to assist local law enforcement officers. ICE ACCESS provides local law enforcement agencies an opportunity to team up with ICE to address specific challenges in their communities, such as gangs, document fraud, and the presence of a criminal aliens.

Under a 287(g) Memorandum of Agreement (MOA) defining the scope and limitations of their authority, state and local law enforcement officers are designated to perform immigration law enforcement functions following the receipt of appropriate ICE training. It is this rigorous training in which the Hall and Whitfield officers now find themselves immersed. For five intense weeks, the officers will be grilled on subjects ranging from immigration law and inter-cultural relations to using DHS databases

to identify criminals and immigration violators.

To date, the government reports that it has enjoyed tremendous success with the 287(g) program. It is reported that 34 local law enforcement agencies in Alabama, Arizona, California, Colorado, Florida, Georgia, Massachusetts, North Carolina, New Hampshire, Oklahoma, Tennessee and Virginia have signed MOAs with ICE and nearly 600 officers have been trained and certified to enforce immigration law. Over the past two years, those officers have been credited for identifying more than 37,000 people with possible immigration violations.

ICE boasts numerous 287(g) "success stories," including the Mecklenburg, North Carolina Sheriff's Office, which examined over 1,600 arrestees and placed 853 of them in deportation proceedings during the first nine months that it participated in the program. Similarly, in Alabama, ICE reports that state troopers work in conjunction with motor vehicle licensing stations to check the immigration status of all foreign nationals applying for driver's licenses. This partnership has led to numerous convictions for using fraudulent documents to obtain Alabama driver's licenses.

Indeed, the proof is in the pudding. For 2008, the federal government has allocated more than \$25 million dollars to the 287(g) program – a significant gain on the \$15 million dollars that the program received last year.

As ICE puts it, “[s]tate and local law enforcement play a critical role in protecting our homeland security because they are often the first responders on the scene when there is an incident or attack against the United States. Terrorism and criminal activity are most effectively combated through a multi-agency/multi-authority approach that encompasses federal, state and local resources, skills and expertise.” Hall County Sheriff Steve Cronin reportedly stated that “this program is not anti-immigrant; its focus is simply those individuals who have entered our country illegally and continue to break the law while here.”

Although its true effects on the employment and business worlds have yet to be seen, the popularity of the 287(g) program further feeds the firestorm of immigration enforcement actions being taken across the country. Indeed, the local agencies’ participation in the 287(g) program comes just on the heels of a new Georgia state law regulating Form I-9 verification procedures. Like many states across the country, Georgia has jumped on the enforcement bandwagon in enacting Senate Bill 529 (Official Code of Georgia § 13-10-91), requiring public contractors to confirm the work eligibility of their employees using the federal government’s E-Verify program. In addition, this new state law mandates that public contractors submit statements of compliance and respond to information requests propounded by state government agencies. Therefore, employers are cautioned to strictly comply with immigration laws and contact counsel immediately in the event of an audit by ICE or the U.S. Department of Labor (DOL).

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