



News & Types: Immigration Update

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Practices: Immigration

THE DOJ'S IER SETTLES IMMIGRATION-RELATED DISCRIMINATION CLAIM AGAINST CVS SUBSIDIARY

The Department of Justice, through its Immigrant and Employee Rights Section (IER), formerly known as the Office of Special Counsel for Immigration-Related Unfair Employment Practices, has settled an anti-discrimination claim with Omnicare, Inc., a CVS Health Corporation subsidiary which provides long-term care pharmacy services in Ohio. IER had been investigating whether Omnicare violated the Immigration and Naturalization Act (INA's) anti-discrimination provision against citizenship status discrimination.

An asylee job applicant complained that the company refused to consider him for an interview and removed from consideration for a job due to the fact that he was an asylee and not a lawful permanent resident or US Citizen. The complaint and the subsequent IER investigation revealed that Omnicare engaged in citizenship status discrimination against a work-authorized job applicant.

The settlement agreement requires Omnicare to pay the maximum civil penalty for a single instance of citizenship status discrimination violation; post notices informing workers about their rights under the INA's anti-discrimination provision; have its staff and contractors undergo DOJ-provided training on the INA's anti-discrimination provision; evaluate all employment applicants in a non-discriminatory manner; and be subject to DOJ monitoring and reporting requirement for two years.

ICE AGENTS RAID 77 NORTHERN CALIFORNIA WORKSITES

Following the raid of nearly 100 7-Eleven stores nationwide in January 2018, last week the Immigration and Customs Enforcement (ICE) raided 77 businesses in Northern California. ICE agents visited these businesses in the Bay Area and the Sacramento region over a span of three days and served each business with a Notice of Inspection which provided three working days to comply. ICE raids typically require employers to produce I-9 forms, as well as payroll records and documentation regarding hiring procedures. In addition, agents may ask for an employee's proof of identity and work authorization. No immediate arrests were made.

According to an ICE spokesman, the raids reflect "stepped up" efforts to enforce laws that prohibit employers from hiring undocumented workers. The agency's acting director, Thomas Homan, has been vocal in criticizing California for state and local efforts to protect undocumented workers. Recent state legislation signed by California's Governor Jerry Brown requires employers to notify workers of an audit and provide them with the

results. The law also requires employers to ask ICE agents to obtain a judicial warrant before granting agents access to their worksite.

DOJ ADJUSTMENT OF CERTAIN IMMIGRATION-RELATED EMPLOYER PENALTIES FOR INFLATION

On January 29, 2018, the Department of Justice (DOJ) published a final rule implementing the annual adjustment of civil monetary penalties for inflation. Included were immigration-related penalties, such as penalties against employers for unlawful employment of immigrants and for immigration-related documentation violations and unfair employment practices. For any DOJ penalties assessed after February 3, 2017, the new penalties are:

Description of Violation	DOJ penalty assessed after 8/1/16	DOJ penalty assessed after 2/3/17
Unlawful employment of aliens, first order (per unauthorized alien)	Min. \$539 Max. \$4,313	Min. \$548 Max. \$4,384
Unlawful employment of aliens, second order (per such alien)	Min. \$4,313 Max. \$10,781	Min. \$4,384 Max. \$10,957
Unlawful employment of aliens, subsequent order (per such alien)	Min. \$6,469 Max. \$21,563	Min. \$6,575 Max. \$21,916
Paperwork violation (per relevant individual)	Min. \$6,469 Max. \$21,563	Min. \$6,575 Max. \$21,916
Violation relating to participating employer's failure to notify of final non-confirmation of employee's employment eligibility (per relevant individual)	Min. \$751 Max. \$1,502	Min. \$763 Max. \$1,527
Violation/probation of indemnity bonds (per violation)	\$2,156	\$2,191
Unfair immigration-related employment practices, first order (per individual discriminate against)	Min. \$445 Max. \$3,563	Min. \$452 Max. \$3,621
Unfair immigration-related employment practices, second order (per individual discriminated against)	Min. \$3,563 Max. \$8,908	Min. \$3,621 Max. \$9,054
Unfair immigration-related	Min. \$5,345	Min. \$5,432

employment practices, subsequent order (per individual discriminated against)	Max. \$17,816	Max. \$18,107
Unfair immigration-related employment practices, unfair documentary practices (per individual discriminated against)	Min. \$178 Max. \$1,782	Min. \$181 Max. \$1,811
Document fraud, first order-for violations described in USC 1324c(a)(1)-(4) (per document)	Min. \$445 Max. \$3,563	Min. \$452 Max. \$3,621
Document fraud, first order-for violations described in USC 1324c(a)(1)-(4) (per document)	Min. \$3,563 Max. \$8,908	Min. \$3,621 Max. \$9,054
Document fraud, first order-for violations described in USC 1324c(a)(5)-(6) (per document)	Min. \$367 Max. \$3,005	Min. \$382 Max. \$3,054
Document fraud, first order-for violations described in USC 1324c(a)(5)-(6) (per document)	Min. \$3,005 Max. \$7,512	Min. \$3,054 Max. \$7,635