

## What Are the Penalties for Hiring an Illegal Immigrant?

Hiring illegal immigrants can lead to many severe penalties, such as:

- **Criminal and civil fines**
- **Loss of business licenses**

### Fines

Most fines are broken down to the following:

**First offenders** can be fined \$250-\$2,000 per illegal employee.

**For a second offense**, the fine is \$2,000-\$5,000 per illegal employee.

**Three or more offenses** can cost an employer \$3000-\$10,000 per illegal employee. A pattern of knowingly employing illegal immigrants can mean extra fines and up to six months in jail for an employer.

## What Counts as Hiring an Illegal Immigrants?

Under federal law, it is illegal for any employer to engage with illegal immigrants in the following manner:

- **Hiring illegal immigrants**
- **Recruiting illegal Immigrants**
- **Referring illegal Immigrants for work & Receiving a fee**

This also includes hiring contractors who use illegal immigrants. There are criminal and civil penalties associated with this conduct.

It is also illegal for employers to not verify work authorization.

Three days after an employee is hired, employers should correctly complete an I-9. Failing to do so will subject employers to criminal and civil punishment.

## Is There Any Exception to This Law

Yes. There are two exceptions to verifying immigrations status:

- **Casual Domestic Services**, such as a handyman, babysitter or cleaning person that is paid to help in or around your private home, AS LONG AS the services are:
  - Sporadic
  - Irregular or
  - Intermittent
- **Previous Employees** who have resigned or have been terminated and have been rehired.

If the rehiring takes place within three years from the date of their previous I-9 form, it is not necessary to complete another. Employers must retain the form for either three years after the employee's date of hire or for one year after the termination or resignation of an employee, whichever is longer.

## What Can You Do?

To protect and prevent becoming subject to the fines or criminal prosecution, all employers are required to verify that all employees are legally authorized to work in the United States.

This applies to businesses of any size and number of employees, and also applies to part-time employees, domestic help, and farm laborers.

**REMEMBER:** this verification applies to **ALL** employees.

## Harboring an Illegal Immigrant

This does not include “*harboring*” illegal immigrants, or employing ten or more illegal immigrants in one year. Harboring an illegal immigrant can lead to **ten years of prison** time.

Additionally, employers should be aware of the **Racketeer Influenced Corrupt Organizations (RICO)** Act. Employers can be sued under the act for hiring illegal immigrants, and can face large settlement deals.

The lawfully documented workers of the Zirkle Fruit Company settled a class action lawsuit brought under RICO. The suit alleged that their employer knowingly hired undocumented workers, driving down their wages.

## ARE YOU GUILTY?

### Penalties of Hiring an Illegal Immigrant



## PUBLICATIONS

For More Information

<https://www.legalmatch.com/law-library/article/illegal-alien-employment.html>

<https://www.uscis.gov/i-9-central/complete-correct-form-i-9/who-needs-form-i-9>



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