

Office of Investigations


U.S. Department of Homeland Security
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Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

SEP 26 2008

MEMORANDUM FOR: Assistant Directors
Deputy Assistant Directors
Special Agents in Charge

FROM: Marcy M. Forman 
Director

SUBJECT: Enhanced Worksite Enforcement Reporting

The Worksite Enforcement (WSE) program remains an ICE priority. Based upon the continued public interest in the worksite program, the timely and accurate reporting of worksite related activity to Headquarters (HQ) is necessary to ensure that senior ICE leadership is prepared to respond to questions posed by the media, congress or the administration. There are several memorandum that outline various aspects of the worksite program, however, this memorandum will serve as a reminder and provide additional guidance with respect to the importance of worksite enforcement reporting

On January 31, 2008, a memorandum entitled, *Worksite Enforcement Unit Reorganization*, was signed that transferred the operational planning and reporting of WSE activity from the Assistant Director for Operations to the WSE Unit. This memorandum remains in effect and Special Agents in Charge (SACs) should ensure that their offices, including RAC and ASAC offices are aware of this reporting structure.

On June 29, 2006, a memorandum entitled, *Worksite Enforcement Reporting Requirements*, was signed requiring Significant Prospective Enforcement Activity Reports (SPEAR) be reported to the HQ WSE Unit via the SEN system no less than five business days prior to any worksite related enforcement activity. As was stated in the June 29, 2006, memorandum, this guidance applies to all incidents, regardless of case category, in which a WSE related element exists.

The policy for completing a Significant Incident Report (SIR) within 24 hours of significant activity remains in effect. SACs are reminded that for WSE and WSE related activity, the SIR should include: criminal and administrative arrest results – number arrested, gender, nationality, immigrant status, violation(s), criminal and administrative search warrant results,

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seizures, detention status and disposition of all aliens arrested, and all humanitarian release information. During the course of a WSE or WSE *related* investigation, a SIR must be completed following all seizures, indictments, forfeitures, sentencing, and other significant activity. Finally, throughout a WSE or WSE *related* investigation, a SAC office will report via a SIR any significant activity which has gained or is likely to gain media attention.

In addition to the above requirements, the designated HQ WSE Unit, National Program Manager for each SAC office will be contacted via telephone and provided advance notification of each SPEAR or SIR completed, prior to its approval in the SEN system. This communication is required to ensure that the HQ WSE Unit is aware of the information addressed in the SPEAR and SIR prior to its distribution via the SEN system. This notification would be related to any significant activity in all programmatic case categories with a nexus to worksite, for instance, a financial investigation where the targets of the case are sentenced to knowing hiring counts and ordered to pay a significant fine in lieu of forfeiture.

Please forward the attached guidance to all personnel within your respective areas of responsibility and ensure that it is implemented immediately. Questions regarding this guidance should be directed to (b) (6), (b) (7)(C), WSE Operations at (202) 610-^{(b) (6), (b) (7)(C)} or (b) (6), (b) (7)(C)@dhs.gov

Attachment(s):

Memorandum: June 29, 2006, *Worksite Enforcement Reporting Requirements*
Memorandum: January 31, 2008, *Worksite Enforcement Unit Reorganization*