



IMMIGRATION/LABOR & EMPLOYMENT

ALERT

ICE EXECUTES WARRANTS IN WORKSITE ENFORCEMENT INVESTIGATION AT SIX SWIFT & COMPANY FACILITIES THROUGHOUT THE UNITED STATES

Special agents from U.S. Immigration and Customs Enforcement (ICE) concurrently executed civil search warrants at six facilities owned by Swift & Company on Tuesday, December 12, 2006. Swift & Company is the world's second-largest processor of fresh beef and pork with more than \$9 billion in annual sales.

Headquartered in Greeley, CO, Swift processes, prepares, packages, markets, and delivers fresh, further processed and value-added beef and pork products to customers in the U. S. and international markets.

ICE agents executed the court-authorized warrants at Swift's processing facilities in Greeley, CO; Grand Island, NE; Cactus, TX; Hyrum, UT; Marshalltown, IA; and Worthington, MN, allowing ICE agents to search for and apprehend any illegal alien workers encountered at these facilities. Operations at the affected Swift facilities were temporarily suspended for the day while ICE officials questioned all Swift employees present in each respective plant.

Evidence uncovered during the ICE investigation, which began in February 2006, indicated that large numbers of illegal aliens may have illegally assumed the identities of U.S. citizens or lawful U.S. residents and improperly used their Social Security numbers to gain employment at Swift facilities. ICE agents and the Federal Trade Commission stated that they had identified hundreds of potential victims prior to the raid and by the end of the first day of investigation arrested approximately 1300 individuals on administrative immigration violations. Of these, 65 have also been

charged with criminal violations related to identity theft or other violations, such as re-entry after deportation. Countries of origin of those arrested were: Mexico, Guatemala, Honduras, El Salvador, Peru, Laos, Sudan and Ethiopia; others have yet to be identified. ICE further states that additional criminal charges of aggravated identity theft and other violations may also be brought at a later time. The investigation is ongoing.

At this time, Swift cannot assess how, if at all, the results of the employee interview process will affect its business or results of operations. The six facilities represent all of Swift's domestic beef processing capacity and 77% of its pork processing capacity. Swift also operates a pork processing facility in Louisville, KY. Operations have now resumed at all facilities, but at reduced output levels given the significant number of employees detained in the raids.

It appears that Swift was aware that it was being targeted in a false documentation probe for several months before the raids took place. In March, ICE issued administrative subpoenas to review Swift's I-9 forms for all its employees at two facilities and, in the end, retained more than half of the 1300 forms for "further review." Throughout the summer, ICE reviewed the files of all the Swift facilities and then notified Swift in late November of the intended shut down of the six facilities in order to permit ICE to interview every employee, regardless of suspected document status. Swift filed a federal claim seeking injunctive relief to prevent the raids as disruptive to its

business and in violation of Swift's previous agreements with the government in relation to the Basic Pilot Program. ICE postponed its actions until a federal court ruled, ultimately permitting the raids to occur.

For more information on Swift & Company visit www.swiftbrands.com.

For more information on U.S. Immigration Customs and Enforcement (ICE) visit www.ice.gov.

ICE is currently conducting additional employer actions, including multi-state raids on specific companies, and continuing sweeps in communities in various parts of the country. If ICE appears at your company's doorstep, determine whether they are seeking permission to enter to identify and arrest individual aliens or whether they are seeking to inspect the company's files. ICE must obtain permission to enter the premises, unless they possess a judge's order or warrant. If the government wants to inspect your I-9s:

- Call your attorney immediately.
- Don't consent to an immediate inspection if agents show up without notice; you have up to three days to respond.
- Don't let agents take original records; provide copies.
- Don't allow officers to talk with employees before you call your attorney.
- If Department of Labor agents show up for an inspection without notice, decline the inspection. They'll notify the USCIS.
- If USCIS discovers technical errors on I-9s, you have 10 days to correct them.
- Know your rights, but never refuse to cooperate.

If you require assistance with your company's immigration issues, including I-9 related training, private internal audits, investigations or other IRCA compliance issues, please contact Alka Bahal, Esq., Partner at Fox Rothschild LLP at 973.992.4800 or via e-mail at immigration@foxrothschild.com