

UNITED STATES DEPARTMENT OF JUSTICE
 EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
 OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

UNITED STATES OF AMERICA,)
Complainant,)
)
v.) 8 U.S.C. 1324a Proceeding
) CASE # 90100203
MANCA IMPORTS, INC.,) File # SEA 274A-89-0526
Respondent.)
_____)

DECISION AND ORDER AS TO COUNT I

A. Procedural History

On April 23, 1990, the Immigration and Naturalization Service (INS), pursuant to 8 C.F.R. §274a.9(a), issued a Notice of Intent to Fine against Respondent alleging fourteen (14) violations of Title 8 U.S.C. §1324a(a)(1)(A). INS served the Respondent with the Notice of Intent to Fine on or about April 24, 1990. On May 18, 1990, Respondent, pursuant to 8 C.F.R. §274a.9(d), requested a hearing before an Administrative Law Judge. On June 20, 1990, INS issued a Complaint against the Respondent alleging violations of §1324a(a)(1)(A) as set forth in Count I of the Notice of Intent to Fine.

On June 26, 1990, Respondent was advised by the Office of the Chief Administrative Hearing Officer (OCAHO) of, *inter alia*, (1) the filing of the Complaint, (2), the right to Answer the Complaint within 30 days, and (3) the possibility of a default judgment if the Complaint was not answered. Respondent answered the Complaint on July 20, 1990, in which Respondent denied the allegations as stated in the Complaint.

An evidentiary hearing was set for October 22, 1990. However, the trial was continued in order to allow for the completion of discovery. A new hearing date was set for March 25, 1991. As the March hearing date approached, it became apparent that there were scheduling conflicts with the attorneys. After consultation, both parties agreed to move the hearing forward to July 10, 1991.

On June 14, 1991, the parties settled the case. Counsel for the Complainant informed the ALJ's office of the settlement.

On June 14, 1991, Complainant's attorney forwarded to the ALJ a Motion to Approve Consent Findings, Settlement Agreement, and Installment Payment Agreement signed by both parties.

B. Finding of Fact

1. That the Respondent violated 8 U.S.C. §1324a(a)(1)(A) which renders it unlawful, after November 6, 1986, for a person or other entity to hire, for employment in the United States, an alien knowing the alien is unauthorized for employment in the United States. Respondent hired for employment in the United States three (3) individuals identified in the Settlement Agreement and contained in Count I of the Complaint without complying with the requirements in 8 U.S.C. §1324a(a)(1)(A).

2. That there is no genuine issue as to the amount of damages and therefore, Complainant is entitled to a civil monetary penalty as to the three (3) individuals identified in the Settlement Agreement and contained in Count I of the Complaint in the amount of \$2,100.00.

C. Conclusions of Law

1. Respondent has violated §274A(a)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. 1324a(a)(1)(A), which renders it unlawful, after November 6, 1986, for a person or other entity to hire, for employment in the United States, an alien knowing the alien is unauthorized for such employment in the United States. Respondent hired for employment in the United States three (3) individuals identified in the Settlement Agreement and contained in Count I of the Complaint without complying with the requirements in 8 U.S.C. 1324a(a)(1)(A).

ORDER

1. That Respondent pay a civil monetary penalty of \$2,100.00 for the three (3) knowingly hired violations set forth in the Settlement Agreement and contained in Count I of the Complaint.

2. That the Respondent shall cease and desist from violating the prohibitions against hiring, recruiting, referring, or continuing to employ unauthorized aliens in violation of 8 U.S.C. §1324a(a)(1)(A).

3. That, pursuant to 8 U.S.C. §1324a(e)(6) and as provided in 28 C.F.R. 68.51, this Decision and Order shall become the final decision and order of the Attorney General unless within thirty (30) days from this date the Chief Administrative Hearing Officer shall have modified or vacated it.

SO ORDERED this 24th day of June, 1991, at San Diego, California.

ROBERT B. SCHNEIDER
Administrative Law Judge