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Department of Justice

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Southern District of Texas

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Waste Management to Forfeit \$5.5 Million for Hiring Illegal Aliens

HOUSTON – Waste Management Texas has entered into a non-prosecution agreement with the government based upon a pattern and practice of hiring illegal aliens at the company's Houston location, announced U.S. Attorney Ryan K. Patrick along with Special Agent in Charge Mark Dawson of Immigration and Customs Enforcement's Homeland Security Investigations (HSI).

Waste Management Inc. is North America's leading provider of waste disposal and collection headquartered in Houston. The company serves nearly 20 million municipal, commercial, industrial and residential customers. Waste Management of Texas employed at least three managers at its Afton location who actively encouraged and induced aliens to work illegally between 2003 and April 2012.

The five-year HSI investigation resulted in the execution of search warrants in April 2012 where authorities discovered 16 illegal aliens at the Afton location with at least 100 employees in company records verified as fraudulently documented or using an identity that did not belong to them.

"The non-prosecution agreement requires Waste Management to continue its substantial remedial measures to address all past immigration violations and forfeit more than \$5.5 million in proceeds gained from hiring an illegal workforce at the Afton location," said Patrick. "In considering whether to enter into such agreements, we must take into account the collateral consequences that a criminal prosecution would have on the company's contracts with many municipalities across the country and the thousands of employees for the conduct of three managers at one operating unit in Houston."

“Federal law requires employers to hire only U.S. citizens and aliens who are authorized to work in the country,” said Dawson. “This company hired manual laborers with little or no regard for their legal status for almost 10 years at their Afton location. Today, they paid a substantial price for that conduct. We will continue to vigorously enforce immigration law where we find employers engaging in a pattern or practice of hiring unauthorized individuals in reckless disregard of the law.”

Waste Management of Texas hired various staffing agencies to provide contract laborers. Many were hired or rehired at the Afton location in reckless disregard of the fact that they were not authorized to work. The undocumented workforce allowed the company to maintain their preferred helper workforce to maximize profits and productivity. The estimated proceeds to the company derived from this conduct at the Afton location is \$5,527,091.55, the amount forfeited to the United States today.

Managers at the Afton location fired at least 10 employees in January 2012 because they lacked documentation. The aliens were told to assume the identity of actual U.S. citizens or individuals with legal status in order to work there. Managers also engaged in an identity theft scheme providing the terminated aliens with names and identifiers of actual individuals with status in the United States to allow the illegal aliens to be employed and added to the company’s payroll.

A federal grand jury indicted three managers in May 2014 for engaging in a conspiracy between 2008 and 2012 to induce and encourage unlawful immigration through a scheme to employ undocumented aliens as helpers on waste trucks picking up garbage in and around Houston. All were convicted and received sentences of 27 - 94 months.

Waste Management of Texas cooperated with the government’s criminal investigation and conducted their own internal investigation. They determined the managers at their Afton location intentionally thwarted pre-existing immigration compliance procedures that have since been enhanced to prevent future hiring of unauthorized aliens seeking employment by fraud or identity theft.

HSI conducted the long-term investigation. Assistant U.S. Attorneys Casey N. MacDonald, Douglas Davis and Edward Gallagher prosecuted the case and negotiated the non-prosecution agreement with the company.

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