

Brazilian Restaurateur in San Francisco Can Get 5 Years for Hiring Illegals

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Glenio Silva, the owner of two northern California Bay Area pizza restaurants, has been charged with hiring illegal workers from Brazil and arranging for many of them to live at the businesses, according to an announcement made by United States Attorney Scott N. Schools.

These charges are the result of an investigation by the U.S. Immigration and Customs Enforcement (ICE) Agency and the DMV Office of Investigations. Silva is facing federal criminal charges and most of his workforce could be deported to Brazil.

Glenio Silva, 38, of Fremont, California, is accused of having staffed two restaurants in northern California - Monterey Pizza, in San Francisco and Pizza House, in Hayward - with unauthorized workers from Brazil, paying them in cash to conceal their illegal employment and avoid paying payroll taxes.

"Last week's enforcement action is part of ICE's continued effort to investigate employers who facilitate the hiring of undocumented workers," said Charles DeMore, special agent in charge of the ICE office of investigations in San Francisco.

"ICE will use every tool at its disposal to target businesses that exploit an illegal workforce to turn a profit."

In addition to the charges against Silva, four of the Brazilian national workers illegally employed by the restaurants are being charged with federal identity theft. The workers allegedly assumed the names of U.S. citizens and used that information to obtain identification documents from the California Department of Motor Vehicles (DMV).

George Valverde, Director of the California State Department of Motor Vehicles said, "The security of our customers' identities and personal information is of paramount importance to the DMV. By working with our law enforcement partners, the Department helps apprehend and fully prosecute any persons who threaten that security."

Two of those workers using the names were arrested during the operation. The remaining two workers charged with identity theft are still being sought.

The Brazilian restaurateur was arrested late Friday, June 15, 2007 at one of the two restaurants he operates, Monterey Pizza in San Francisco. Criminal search and arrest warrants were also executed at a second establishment Silva runs in Hayward called the Pizza House.

Silva made his initial appearance in federal court in San Francisco on Monday, June 18, 2007 and was released on a US\$ 75,000 unsecured bond. He and his wife were ordered to surrender their passports. Mr. Silva's next scheduled appearance is at 9:30 am, on July 11, 2007, for a Preliminary Hearing before Chief Magistrate Judge James Larson.

The maximum statutory penalty for harboring illegal aliens, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii) is five years and a fine of US\$ 250,000. However, any sentence following conviction would be imposed by the court after consideration of the U.S. Sentencing Guidelines and the federal statute governing the imposition of a sentence.

Denise Marie Barton is the Assistant U.S. Attorney who is prosecuting the case with the assistance of Wilson Wong. The prosecution is the result of a four month investigation by the U.S. Immigration and Customs Enforcement (ICE) Agency and officers from the DMV Office of Investigations.

"What they did is not right," Silva told reporters earlier this week. "This is going to change many people's lives." He described how armed agents invaded one of this restaurants at 6:30 pm, last Friday.

Silva, who has been living in the US for about 18 years, used to be a pizza deliveryman himself. He opened Monterey Pizza, a decade ago. The Hayward pizza parlor started in 2004. The father of two small children, he says he doesn't know what's coming next.

More than 17,500 Brazilians have been deported from the US since 2003, according to ICE data. Most of them seem to have arrived on business or vacation visas overstaying them.