

*Now there was a famine in the land. So Abram went down to Egypt to reside there as an alien, for the famine was severe in the land. Genesis 12:10*



## Workplace Justice

# WELCOMING IMMIGRANTS IN OUR WORKPLACES AND COMMUNITIES

Are you a kind and loving person, devoted to your family, fairly healthy, determined, and courageous? If so, and if you were a citizen of Mexico or numerous other poor countries, at this very moment you might be on a journey toward the U.S. seeking to enter without authorization. Just like Abram in Egypt so many years ago.

Today, over 12 million immigrants in the U.S. are without papers and without authorization to work. Nonetheless, most are employed including 94% of the males. Many of them work in the lowest paid jobs, under the harshest conditions. They harvest our vegetables, mow our lawns, slaughter our meat and chickens, serve us in restaurants, care for our elders in nursing homes, clean our hotel rooms, and build our houses. And most of us enjoy the services they provide and happily use the products they produce. Unscrupulous employers also like them. Unauthorized workers are easily exploited and will often accept low wages. If they complain, a call to immigration officials puts an end to the problem.

Recently, another burden has been added to the heavy load these workers already bear. Workplace raids by immigration authorities are terrorizing immigrant workers and ripping apart families, communities, and workplaces.

### Workplace Raids

If you left for work today fearfully wondering whether you would return home this evening, worrying whether you would see your spouse again, your children, and your home, then you know how many of the 12 million unauthorized immigrants in the U.S. spend their lives. They wonder if and when their workday will be interrupted by a SWAT team of immigration officials bursting into their workplace to arrest and imprison them.

As anti-immigrant sentiment has grown, workplace arrests of immigrants have also risen – up eight fold since 2002. In 2007, over 4000 immigrants were arrested in workplace raids and the numbers continue to rise. (For each 100 arrests, 50 children are impacted. Most are U.S. citizens under age ten.) These raids are not having any significant impact on the number of unauthorized workers. They are not raising wages in low-wage jobs. They do not penalize employers who abuse workers. But fear about raids is crippling immigrant communities.

As the raids have become more frequent, the penalties for unauthorized workers have also become more severe. Federal law requires a job applicant to provide his Social Security number to prospective employers. Immigrants who are unauthorized to work do not have Social Security numbers so in order to get a job they typically provide numbers that are either made

#### **Prepare for & Respond to Workplace Raids**

“How to be Prepared for an Immigration Raid” (info for immigrants, advocates, leaders). English: [http://www.nilc.org/ce/nilc/immraidsprep\\_2007-02-27.pdf](http://www.nilc.org/ce/nilc/immraidsprep_2007-02-27.pdf). Spanish: [http://www.nilc.org/ce/nilc/prepararedadas\\_2007-03-27.pdf](http://www.nilc.org/ce/nilc/prepararedadas_2007-03-27.pdf)

“From Raids to Deportation: A Community Resource Kit” (17 pages, in English and Spanish, very clear, step by step guide) <http://www.nationalimmigrationproject.org/commresourcekit.html>

up or, more commonly, borrowed from family members or friends. But starting in 2007, immigration authorities began using these false Social Security numbers as the basis for a heightened criminalization of unauthorized workers.

In the past when unauthorized workers were apprehended, they were typically charged with civil violations of immigration statutes. Their cases were adjudicated in immigration courts in a process that could take a number of months, giving the defendants time to prepare their defense and make arrangements to leave the country if that seemed the likely outcome. The standard penalty was deportation.

Immigration authorities now are charging unauthorized workers with identity theft, a federal crime that carries a two- to five-year prison sentence. Workers arrested during a raid can be detained (sometimes in a private prison hundreds of miles from their homes), tried in federal criminal court, imprisoned, and eventually deported without ever returning to their homes or seeing their families. Lawyers worry that with the criminalization of the proceedings, arrested workers may be denied meetings with immigration attorneys or give up their rights to appear before an immigration court. Moreover, in the face of such severe penalties, their claims under immigration law may be swept aside in hasty plea agreements.

To avoid hiring unauthorized workers, employers are encouraged to use an online screening service to check potential employees' work authorizations. But this system which matches data on a worker against Social Security Administration and Department of Homeland

Security data bases is fraught with problems. The SSA acknowledges that nearly 18 million of its records have errors that would lead an employer to think someone was not eligible for employment. DHS data bases are notoriously error ridden. To date, less than 1% of employers participate in this voluntary program. There is no accurate and simple way for an employer to know for sure who does, and does not, have authorization to work.

### **Why Immigrants Come**

Even though the economic situation for unauthorized immigrants in the U.S. is extremely harsh, conditions are even worse for them at home. Over half of all unauthorized immigrants in the U.S. are from Mexico and roughly one-quarter are from other countries in Latin America. Harmful economic policies have been a major force driving this migration. The North American Free Trade Agreement (NAFTA), instituted in 1994 to govern trade and investment flows among Mexico, Canada, and the U.S., has been a disaster for tens of millions of small Mexican farmers and low-wage workers (as well as for many workers in the U.S.). Average household earnings in Mexico have fallen 15%. Income for small farmers has fallen by over two thirds and two million family farmers have been driven from their land. At the same time, the price of tortillas, the most important food for many Mexicans, has shot up due to the end of government regulations and subsidies, and corporate manipulation of corn and tortilla markets within Mexico.

Farmers have been driven off the land but there are few opportunities for them in towns and cities. For example, among new jobs created in Mexico between 2000 and 2004, just over half (54%) were "wage-earning" jobs and over half of these were in firms with five or fewer employees. In other words, these jobs are very marginal, low-wage and insecure. Most of the other new jobs (43%) were in "self employment" – think of occupations such as tortilla seller or junk collector. These also fail to provide workers and their families with even a minimal level of economic well being. When all other routes to economic security are closed, the journey north to the U.S. becomes the only way forward.

### **Newcomers by the Numbers**

Some two million of our neighbors try to enter the U.S. each year. They come for numerous reasons but many are seeking the economic security that is unavailable in their homeland. Among those who attempt to enter the U.S., about half accomplish their goal. The other half (about one million people) are apprehended. In addition, some 500 people die each year as they try to cross the border, double the number of 10 years ago. Of the 1 million people who do successfully enter the U.S. each year, about half have "papers" and the other half (about half a million people) are unauthorized.

Raids may satisfy a certain political constituency that wants a get-tough approach to immigration. They may ease an anxious person's fear of the "stranger." But they don't do much else. They don't stop unscrupulous employers from exploiting workers. They don't transform jobs with low pay, few benefits, and harsh working conditions into good jobs paying good wages and benefits. They don't create jobs for the people who want to work but can't find one.

### **Immigrants and "Our" Jobs**

Some American workers are worried about competition for jobs by immigrants. Many are worried that job quality is deteriorating because employers can hire, and abuse, unauthorized immigrants with near impunity. These are real fears. But the true problem is not immigrants but weak and poorly enforced labor laws and workplace protections. Most firms do not exploit workers, immigrant or native-born. But some do, and this is more common in industries that hire low-wage, unauthorized immigrant workers.

For example, the U.S. Department of Labor found that 100% of poultry processing plants, 60% of nursing homes, and 67% of Los Angeles' garment factories engage in wage theft. That is, they fail to pay employees for all hours worked, pay wages below the legally required minimum, and/or fail to pay a higher wage for overtime hours. Moreover, abusive employers often are negligent regarding workplace safety. In meat packing, another industry heavily dependent on immigrant workers, more than one in every ten workers has a significant injury each year. Across the economy, the death rate among Mexican-born workers is 75% higher than for workers born in the U.S.

Lax and poorly enforced labor laws, coupled with workers who are afraid to speak out about abusive conditions, drive down standards for both native- and foreign-born workers. This real problem is not being addressed by workplace raids on immigrants.

### **Why not come legally**

Most unauthorized immigrants in the U.S. would have preferred to enter legally. But our laws make this nearly impossible. The majority of people who get visas to legally enter the U.S. are family members of citizens or legal permanent residents. Or they may be in special categories of "desirable" (skilled) workers or investors. A few enter as refugees from war or natural disaster, or come seeking asylum from persecution. In general, legal visas are very difficult to obtain.

Immediate family members of citizens can apply for a permanent resident visa. But visas for immediate family members of legal permanent residents ("green-card" holders) are limited to about 226,000 a year with no more than 20,000 going to any a single country. Today, for example, a legal permanent resident of the U.S. would have to wait at least five years to receive a green card for a minor child and, during this period, it would be nearly impossible for the child to get permission to visit the U.S. A green-card holder's married son or daughter living in Mexico would face a 16 year wait. If someone is here without authorization and wants to bring in a family member, there is no legal way to do this. The U.S. admits just 5,000 unskilled workers per year.

### **What to do**

To protect all workers, native- as well as foreign-born, we must strictly enforce U.S. labor laws. The current epidemic of wage theft and health and safety violations harms not only workers who are directly impacted but also drives down workplace standards for everyone. An employer paying fair wages and benefits finds it difficult to compete with one paying below-minimum wage and no overtime. Labor laws must be enforced to eliminate the "advantages" unscrupulous

employers gain by hiring and illegally exploiting unauthorized workers.

It is also widely recognized that our immigration system is fundamentally broken. The only solution is comprehensive immigration reform with a route to legalization for workers who have contributed so much to this society. When a sizable share of the population is afraid to speak out about abuses, terrified of going to the police or other authorities when they have legitimate

problems, and hesitant to even educate or seek health care for themselves and their children, all society loses.

But these changes, while difficult, are not enough. The high rate of immigration to the U.S. and other major industrialized countries is a symptom of a deeper economic brokenness. Around the world, the rich are getting richer. Many of the poor are losing their land and their livelihoods. They are moving to urban slums where, in many cases, they fail to find even a minimal level of economic security. So some of them immigrate to other countries despite the hardships that await them. Globally, some 200 million people live outside their country of origin. Most are searching for the economic well being that is unavailable to them in their homeland. Less than 8% are asylum-seekers or refugees fleeing war, persecution, or natural disaster.

To significantly address this problem, we must recognize that the current system of economic globalization – called neoliberalism – has failed the majority of people on the planet. We must renegotiate existing trade and investment agreements that favor corporations at the expense of workers and the environment. We must fundamentally reform the World Trade Organization to make it a representative, democratic institution. We must radically change

the failed development policies imposed on nations throughout the global South by the International Monetary Fund and World Bank. More specifically, Congress must renegotiate the North American Free Trade Agreement (NAFTA) between the U.S., Mexico, and Canada, and re-write proposed trade agreements with Colombia and Peru that were modeled on NAFTA.

The Church has a vital role to play in this struggle. We must call for an end to racist, xenophobic, and fear-based attitudes and policies. We must claim immigrants, including the unauthorized, as our neighbors, our sisters and brothers in Christ. We must live out God's call to love the foreigner as we love ourselves (Lev. 19:34).

When Abram traveled south to Egypt to escape the famine in his homeland, he was not turned back at the border. He was not barred from working and supporting himself and his family.

The earth is the Lord's and all that is in it (Ps. 24:1). We are called to be stewards of God's earth, to share God's abundance with all God's people, and to love our neighbors as we love ourselves. If we listen with our hearts, we will also hear God's call to fundamentally restructure U.S. immigration policy and the global economy.

***This text with foot-noted citations is available at <http://www.ucc.org/justice/immigration/> along with other UCC resources on immigration.***

#### **Additional Resources and Sources of Information**

- National Immigration Law Center <http://www.nilc.org/index.htm>
- Americas Policy Program <http://americas.irc-online.org/am/2959>  
(This organization has many articles on immigration and related issues)
- Immigration Policy Center <http://www.immigrationpolicy.org/index.php?content=fc080226>
- National Lawyers Guild Immigration Project <http://www.nationalimmigrationproject.org/>
- Pew Hispanic Center <http://pewhispanic.org/>
- Detention Watch Network <http://www.detentionwatchnetwork.org/> (tracking raids, etc)
- "Know your rights at home and at work" (information for immigrants)  
English [http://www.nilc.org/ce/nilc/imm\\_enfrmt\\_homework\\_rts\\_2008-05.pdf](http://www.nilc.org/ce/nilc/imm_enfrmt_homework_rts_2008-05.pdf)  
Spanish [http://www.nilc.org/ce/nilc/imm\\_enfrmt\\_homework\\_rts\\_sp\\_2008-05.pdf](http://www.nilc.org/ce/nilc/imm_enfrmt_homework_rts_sp_2008-05.pdf)

October 2008

For more information, contact Edith Rasell, Minister for Workplace Justice, Justice and Witness Ministries, United Church of Christ, 700 Prospect Ave, Cleveland, OH 44115-1100; [raselle@ucc.org](mailto:raselle@ucc.org); 1-866-822-8224, ext. 3709.