

Stop the Workplace Raids

Edith Rasell
Minister for Workplace Justice

What if you left for work today fearfully wondering whether you would return home this evening? What if you did this every day? This is how many immigrants in the U.S. live: wondering if and when their workday will be interrupted by a SWAT team of immigration officials bursting into their workplace to arrest and imprison them.

There are over 12 million immigrants in the U.S. who are unauthorized to work. Nonetheless, most of them are employed. They harvest our vegetables, mow our lawns, slaughter our hogs and chickens, serve us in restaurants, clean our hotel rooms, take care of our elders in nursing homes, and build our houses. Many of them work in the lowest paid jobs under the harshest conditions. And most of us enjoy the services they provide and happily consume the products they produce. Unscrupulous employers also like them. Their labor is cheap and they are easily exploited.

Because these immigrants are unauthorized to work, they typically get jobs by using false immigration papers and Social Security numbers which are either made up or borrowed from family members or friends.

As anti-immigrant sentiment has grown, workplace arrests of immigrants have also risen – up eight fold since 2002. Last year, over 4000 immigrants were arrested in workplace raids. (For each 100 arrests, 50 children are impacted.) These raids do not have a significant impact on the number of unauthorized workers. They do not raise wages in low-wage jobs. But they do terrorize immigrant workers and disrupt families, communities, and workplaces.

In recent months, the criminalization of unauthorized workers has intensified. In addition to immigration violations, workers are now charged with identity theft, a federal crime that carries a two- to five-year sentence. Lawyers worry that arrested workers are denied meetings with immigration attorneys, may give up their rights to go before an immigration court, and that their claims under immigration law are being swept aside in hasty plea agreements.

To avoid hiring unauthorized workers, the Bush administration is encouraging employers to use an online screening service to check potential employees' authorization for work. But this system, which matches data on a worker against Social Security and Department of Homeland Security databases, is fraught with problems. The Social Security Administration acknowledges that nearly 18 million of its records have errors that could lead an employer to think someone is ineligible for employment.

Workplace raids may satisfy a political constituency that wants a get-tough approach to immigration. Raids may ease an anxious person's fears of the "stranger." But they don't do much else.

Unscrupulous employers who hire unauthorized immigrants so they can pay them illegally low wages, cheat them out of overtime pay, maintain unsafe work conditions, or call immigration agents if they organize a union are a serious problem. Weak 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 true workplace problem is not addressed by raids. The only solution is comprehensive immigration reform with a route to legalization for workers who have contributed so much to this society.