

ICE Workplace Raids

The United Food and Commercial Workers International Union represents 1.3 million workers in North America, primarily in the grocery, retail, and meatpacking industries. This paper addresses our opposition to Immigration and Customs Enforcement's (ICE) execution of workplace enforcement actions or raids that seek to detain entire workforces in search of a select population of undocumented workers, as well as our endorsement of a policy of immigration enforcement that does not undermine workers' rights.

The incoming administration should pursue a policy of immigration enforcement that targets immigrants that pose the greatest threat to the nation's security and, at the same time, respects the constitutional and workplace rights of all workers. ICE should follow the criminal justice doctrine of "innocent until proven guilty" rather than the policy currently in place during workplace raids: that workers are guilty and must all be detained until they present documents proving they are innocent.

In November 2006, approximately ten ICE agents arrived at a Swift & Company meatpacking plant in Louisville, Kentucky. They had a list of no more than thirteen workers' names on it who, they suspected through prior investigation, were engaging in unlawful identity theft. The ICE agents brought the list to the human resources office, the HR representative called the named workers to the office, and the ICE agents proceeded in interviewing those workers about the suspected criminal activity—minimal disruption to the workplace. One month later on December 12, more than 1,000 ICE agents raided six other Swift & Company meatpacking plants located all over the country, detained the thousands of workers inside the plants, and proceeded to question each worker until the agents identified roughly 1,300 workers suspected of not being compliant with immigration laws.

Enforcing our immigration laws is a critical effort; however, what we find completely unnecessary is the abuse of that enforcement power. Any enforcement action that sweeps up U.S. citizens and other lawful residents with a select minority of undocumented workers without a reasonable basis; interferes with workers' ability to eat, drink, use the restroom or use the telephone as was the case during the December 12 raids; and then proceeds to determine which people actually violated the law after everyone has been detained, would certainly seem to be an abuse of immigration enforcement powers. Not only are such enforcement actions unlawful, but they are very bad policy. Many workers detained during raids, unaccustomed to the paramilitary dress and armament of ICE agents, confused government agents with terrorists and now distrust the government itself. These raids make a mockery of immigration enforcement and call into question the validity of enforcement actions and efforts to protect the nation from true threats.

Another disconcerting policy is the consistent failure of ICE to coordinate their efforts with other law enforcement entities such as the Department of Labor, and the manner in which ICE pursues workplace raids and other workplace enforcement actions regardless of ongoing labor disputes in violation of Internal Operating Instruction (IOI) 287.3a. IOI 287.3a requires ICE agents to verify that no labor disputes are ongoing at a workplace and, if one is ongoing to obtain higher



level authorization to continue an action at a workplace. Due to lack of enforcement or oversight of compliance with these rules, ICE agents do not take this rule seriously and have consistently ignored references to the rule and appeals from the labor and immigrant advocacy communities to heed the rule. The rule's purpose was to ensure employers were not retaliating against workers through immigration enforcement, and also to respect the dignity of workplace rights and efforts by workers to assert those rights. ICE actions today have completely dismissed both of those priorities. Efforts to arrest and deport undocumented workers have continued at the expense of workers' rights and the resolution of ongoing labor disputes.

Immigration enforcement policy should not tolerate immigration enforcement at workplaces, and it should especially forbid tactics of mass detention that detain all workers in search of the select minority who are actually guilty. Just as importantly, however, is implementation of a policy of immigration enforcement that complements rather than undermines labor enforcement and workers' rights. Furthermore, a lawsuit filed by the UFCW challenging the legality of the ICE raids is currently pending in federal court. We believe that mass detention of citizens and legal residents, in addition to denying them access to legal counsel, is unconstitutional and inconsistent with our nation's values. It is our goal to ensure that ICE both upholds and adheres to the law.