

November - December 2008 U.S. Immigration Alert!
A Monthly Newsletter from National Immigrant Solidarity Network
November - December, 2008 Issue, Volume 28
No Immigrant Bashing! Support Immigrant Rights!



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2008 Election and Beyond.... New Hope for Immigrant Rights Movement?

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National Immigrant Solidarity Network 4th National Grassroots Immigrant Strategy Conference

April 10-12, 2009 UIC College of Medicine, Chicago, IL

<http://www.ImmigrantSolidarity.org/2009Conference/>

**Stop Immigrant Raids! Support Immigrant Workers Rights!
Together We Build A New Immigrant Rights Movement!**

****Calling for Workshop and Speaker Proposals**Registration Open! Student/Low-Income Discount****

Mark Your Calendar! National Immigrant Solidarity Network (NISN), the leading national immigrant activist network, is calling for 4th National Grassroots Immigrant Strategy Conference the weekend of April 10-12, 2009 at Chicago, IL!

The conference will be our strategy planning meeting for grassroots immigrant activists looking 2009 and beyond. We want to send a clear message to the Congress and our new President: Stop Immigrant Raids! Support Immigrant Workers Rights!

Comprehensive Immigration Law Not Likely Before 2011, but Other Changes Expected

**Thursday, November 20, 2008
BNA DAILY REPORT FOR EXECUTIVES**

Comprehensive immigration legislation is unlikely to pass before 2011, but changes in immigration policy are expected soon after President-elect Obama takes office, speakers said at a Nov. 19 forum sponsored by Cornell Law School.

Doris Meissner, senior fellow at the Migration Policy Institute and former commissioner of the Immigration and Naturalization Service, said the presidential election provided Obama with a "mandate to take action and make changes," including immigration reforms.

For the past eight years, the Bush administration has set out general principles for immigration legislation and waited for Congress to take action, Meissner said. An Obama administration will be different, she said.

Obama's administration will lead an immigration legislation effort by developing solutions and vetting ideas, Meissner said.

Due to the current state of the economy, when comprehensive legislation is adopted it is unlikely the bill will include increased levels of temporary worker visas, according to Meissner, Frank Sharry, executive director of America's Voice, an immigrant rights organization, and Jeanne Butterfield, executive director of the American Immigration Lawyers Association.

According to the speakers, an immigration bill may be introduced in the fall of 2009, but if it does not pass it is extremely unlikely immigration will be addressed during the 2010 election year. At that point, comprehensive immigration legislation will likely be taken up again in 2011.

In the meantime, Obama is expected to set the tone of the immigration debate, curtail worksite enforcement raids, and step up the Labor Department's enforcement of worker protections.

Passage of Immigration Bill Expected in 2011.

There is a "less than 50-50 chance that comprehensive immigration reform will pass in the first two years of an Obama administration," Sharry said.

In late 2009, Congress will likely "take a hard look" at immigration, but Democrats "may get spooked" by Republicans running on a tough-on-immigration platform in 2010, he said.

However, Sharry predicted that there is a "better than 50-50 chance" that comprehensive immigration legislation will pass in 2011. There is "an imperative" on both sides of the aisle to pass immigration legislation before the next presidential election so that the issue is not center stage, he said.

Butterfield said she "holds out hope" that immigration legislation will pass in 2009, but that largely depends on whether Congress has time to address the issue after dealing with the "looming huge financial crisis" and the wars in Iraq and Afghanistan.

If immigration legislation does not pass in 2009, Butterfield said the immigrant vote in the midterm election of 2010 could prove critical. If the power of immigrant communities at the polls continues in the 2010 election, it could help push comprehensive immigration reform forward in 2011, she said.

Meissner was more pessimistic, stating that she is "on the fence" about whether comprehensive immigration legislation can pass in Obama's first term, but said she expects it to pass if Obama wins a second term.

Guestworker Programs Not Likely to Be Expanded.

Butterfield said she expects a comprehensive immigration bill to be "streamlined" because of the downturn in the economy. "Changes to temporary worker programs and the future flow of immigrants will probably be punted into the future," Butterfield said.

Instead, comprehensive legislation will likely include provisions regarding E-Verify, the federal government's voluntary, electronic employment verification program; agricultural workers; and some form of legalization for the estimated 12 million undocumented aliens currently in the United States, she said.

Meissner agreed that changes to current guestworker programs and the future flow of legal immigrants will not likely be addressed in any upcoming comprehensive immigration bills.

Even with a higher unemployment rate among American citizens and legally authorized workers, there can still be a continued demand for guestworkers in certain industry sectors, Meissner said. This can be "difficult to explain" when trying to build a political coalition to support comprehensive immigration legislation, she said.

Because guestworker issues are unlikely to be included in comprehensive immigration legislation, businesses "won't be as enthusiastic" in their support, she predicted.

However, business groups may support comprehensive reform even without an expansion of current guestworker programs if the proposed legislation includes a path to citizenship for existing workers, Butterfield said. "Businesses want to see their existing workforce legalized" to remove the fear of worksite enforcement raids, she said.

Obama May Change Tone of Debate.

The new heads of the Department of Homeland Security and DOL will "take a hard look" at current tactics the agencies use to deter illegal immigration, Meissner said.

Under an Obama administration, DOL will likely be a "reinvigorated department," she noted. The department will likely step up enforcement of labor protections for workers, which in turn deters abusive practices by unscrupulous employers who often hire illegal workers.

In addition, Meissner said she expects changes in policy at all of the agencies within DHS and a "revisiting of DHS overall in terms of what the proper balance should be among key agency responsibilities."

There is a "huge grassroots demand" to change DHS's enforcement tactics by ceasing worksite enforcement raids, Sharry said.

While the administration will likely curtail worksite enforcement and other controversial immigration enforcement tactics, a public moratorium on raids is a "nonstarter" from a political standpoint because Democrats still need to "seem tough on enforcement," Butterfield said.

Even if DHS reviews the raid tactics employed under the Bush administration, it will take months to install new leadership at the agency and conduct reviews of current policies, Butterfield said. In addition, many immigration raids are driven by local law enforcement agencies, which may continue the practice, she said.

"Immigrant communities will still feel the brunt of worksite and other immigration raids for some time," she said.

In addition to re-envisioning the role of DHS, Meissner said Obama should and likely will change the tone of the overall immigration debate.

"We've become tolerant of a demonizing of immigrants that isn't acceptable," Meissner said. "Obama won't stand for that," and will likely set a new tone embracing the idea that "we are one people," she said.

The Obama-Biden Plan on Immigration

From the official Barack Obama's Presidential transition website
http://www.change.gov/agenda/immigration_agenda/

For too long, politicians in Washington have exploited the immigration issue to divide the nation rather than find real solutions. Our broken immigration system can only be fixed by putting politics aside and offering a complete solution that secures our border, enforces our laws, and reaffirms our heritage as a nation of immigrants.

Create Secure Borders: Protect the integrity of our borders. Support additional personnel, infrastructure and technology on the border and at our ports of entry.

Improve Our Immigration System: Fix the dysfunctional immigration bureaucracy and increase the number of legal immigrants to keep families together and meet the demand for jobs that employers cannot fill.

Remove Incentives to Enter Illegally: Remove incentives to enter the country illegally by cracking down on employers who hire undocumented immigrants.

Bring People Out of the Shadows: Support a system that allows undocumented immigrants who are in good standing to pay a fine, learn English, and go to the back of the line for the opportunity to become citizens.

Work with Mexico: Promote economic development in Mexico to decrease illegal immigration.

New On-Line Tools for Congressional Advocacy and Community Activism!

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U.S. Immigration News Briefs

Immigration News Briefs (INB), a weekly English-language summary of US immigration news, is forwarded out to the email list of the Coalition for the Human Rights of Immigrants (CHRI). E-mail: nicaajg@panix.com

1. RAIDS PROTESTED IN OHIO

On Oct. 30, US Immigration and Customs Enforcement (ICE) agents arrested two workers at the Casa Fiesta restaurant in Oberlin, Ohio. Two employees of the Casa Fiesta restaurant in Fremont and one employee of Casa Fiesta in Ashland were also taken into custody on Oct. 30, said ICE spokesperson Mike Gilhooly. It was the second raid at the local restaurant chain in less than 100 days; on July 23 ICE agents arrested 58 Mexican workers at eight Casa Fiesta restaurants in northern Ohio, including five workers at the restaurant in Oberlin. The Fremont and Ashland restaurants were also among those raided on July 23.

On Nov. 8, about 50 people held a candlelight vigil at Tappan Square in Oberlin to protest the latest raid; about 100 people attended a similar vigil in Oberlin following the July raid. La Alianza Latina, a nonprofit student group at Oberlin College, plans to form a rapid response team to stage peaceful protests and provide legal observation when raids happen, said the group's secretary, Cindy Camacho. "People...should not have to be afraid in the place where they live and work," said Camacho.

La Alianza Latina has been working with community leaders and the Immigrant Worker Project to draft a resolution proposing that the city of Oberlin establish a non-cooperation policy with federal immigration authorities. [*Chronicle-Telegram (Elyria, Ohio) 11/8/08, 11/9/08*] Oberlin's Human Relations Commission has recommended that the city council adopt the resolution as law; City Manager Eric Norenberg said it would enable all Oberlin residents to seek help from the police or fire department without fear of being turned over to immigration officials. "If Immigration comes to town, the city and the police force would not assist them unless ordered to by law or the court," Norenberg explained. "To me, it's important that our city residents trust us." [*Plain Dealer (Cleveland) 11/13/08*]

"Oberlin has an historic precedent for this," said Mark Fahringer, chair of the Catholic Action Commission of Lorain County. "They stood up to the slave-hunters with the Oberlin Rescue because the city was part of the Underground Railroad. That's the heritage we have here, and we have a responsibility to live up to it." [*Chronicle-Telegram 11/9/08*]

2. IOWA MEAT PLANT RAIDED AGAIN

ICE agents returned to the Agriprocessors Inc. kosher meat processing plant in the small town of Postville, Iowa on Nov. 4 and arrested one suspected unauthorized worker, an ICE official said. Agents remained at the plant following the arrest, and frightened plant employees and their families quickly fled to the sanctuary of St. Bridget's Catholic Church, which has been providing support to Postville's immigrant population since ICE agents arrested 389 workers at the plant on May 12. "It's appalling that the federal agents chose today, Election Day, to spread fear amongst the residents of Postville," said Marissa Graciosa, director of the Fair Immigration Reform Movement. [Postville is in a mainly rural area in northeastern Iowa. Throughout northeastern Iowa, voters overwhelmingly supported Democratic presidential candidate Barack Obama on Nov. 4.] [*Des Moines Register 11/5/08*]

Agriprocessors filed for Chapter 11 bankruptcy protection on Nov. 4, prompting the cancellation of a hearing scheduled for Nov. 5 in US District Court in Cedar Rapids, where the company was to face its biggest lender, First Bank of St. Louis. Agriprocessors owes at least \$33 million to First Bank. The bank is seeking to foreclose on the Postville plant and appoint a third party to oversee the company's assets.

The bankruptcy filing says Agriprocessors owes between 200 and 999 creditors. The company owes \$845,390 to the Des Moines-based labor company Jacobson Staffing, which had served as its human-resources and recruitment arm. During the last week of October, Jacobson suspended its relationship with Agriprocessors and pulled out its 450 employees, leaving the slaughterhouse with about 250 workers. [*AP 11/5/08; Houston Chronicle 11/5/08*]

By Nov. 12, all but about 25 of 200 workers who came to the plant from the island nation of Palau had left Postville, said Joanne Obak, one of the Palau workers. The remaining workers from Palau, including Obak, all planned to leave soon. The plant has not processed beef in about two weeks, and shifts in the chicken and turkey departments have been cut back to eight hours a day, workers said. "[T]hose who still have jobs can't make it on eight hours a day," Obak explained. Jeff Abbas, manager of local radio station KPVL, said buses arrived on Nov. 12 to take away the last of the Agriprocessors workers hired

by Jacobson Staffing and another recruitment firm, One Force Staffing. [*The Gazette (Cedar Rapids) 11/13/08*]

On Oct. 30, ICE agents arrested Agriprocessors former chief executive Sholom Rubashkin at his home in Postville. In a criminal complaint unsealed Oct. 30 in US District Court in Cedar Rapids, Rubashkin was charged with conspiring to harbor unauthorized immigrants for commercial gain, aiding and abetting document fraud, and aiding and abetting aggravated identity theft. Rubashkin was released on \$1 million bail after a hearing; he faces a maximum of 22 years in prison if convicted on the federal charges.

According to the complaint, in the days before the raid, plant managers told many workers they would have to present valid identity documents or be fired. Two floor supervisors said they asked Rubashkin for a \$4,500 loan to "help the employees who were to be terminated"; Rubashkin allegedly agreed to the cash loan on May 9. One supervisor said he loaned \$200 each to about a dozen workers, who paid a line supervisor to buy fake documents. On May 11, the complaint charges, human resources managers worked all day under Rubashkin's supervision to fill out job applications for workers with new fake documents. [*New York Times 10/31/08; Wall Street Journal 10/31/08; Washington Post 10/31/08; ICE News Release 10/30/08*]

Agriprocessors supervisor Juan Carlos Guerrero-Espinoza pleaded guilty on Aug. 20 to conspiring to hire and aiding and abetting the hiring of unauthorized workers. Another supervisor, Martin de la Rosa, pleaded guilty to harboring charges on Aug. 27. [*ICE News Release 8/27/08*] The two supervisors were arrested at the plant on July 3.

Agriprocessors human resources manager and payroll supervisor Laura Louise Althouse pleaded guilty on Oct. 29 to conspiracy to harbor unauthorized immigrants for financial gain and aggravated identity theft. [*ICE News Release 10/29/08*] Althouse and human resources manager Karina Freund were arrested in September. Freund, a Spanish translator who helped process work papers, is charged with aiding and abetting unauthorized immigrants. [*AP 10/30/08*]

On Oct. 16 ICE spokesperson Tim Counts announced that 18 former Agriprocessors workers who were arrested in the May 12 raid had completed their five-month prison sentences for false document convictions at the Federal Correctional Institution in Miami and had been released under supervision--with GPS electronic monitors on their ankles--to act as witnesses against Althouse and Freund. Less than a week after the workers completed their prison terms, federal agents had obtained warrants to hold them as material witnesses in the case; a federal judge then ordered that the workers be released with supervision. All 18 workers returned to Postville, where they are to remain for as long as federal prosecutors need them. They are eligible for work permits but will still face deportation after their cooperation is no longer needed. Court papers identified two of the workers as witnesses in the Freund

case; the other 16 were listed as witnesses against Althouse. [It was unclear how Althouse's Oct. 29 guilty plea may have affected their situation.] Robert Teig, assistant US attorney for the northern district of Iowa, said his office planned to call as additional witnesses another 13 immigrants who had just finished federal prison sentences in Tallahassee and Miami. Tim Counts said ICE has asked US Citizenship and Immigration Services (USCIS) to fast-track the immigrants' applications for work permits so they can find jobs. [*Des Moines Register 10/17/08*]

On Oct. 29, Iowa labor authorities levied \$10 million in fines against Agriprocessors for wage violations. About \$9.6 million of the fines were for 96,436 illegal deductions totaling \$192,597, taken from the paychecks of 2,001 workers for protective clothing that packinghouse workers were required to wear. Iowa inspectors assessed fines at \$100 per incident. Agriprocessors was also fined \$339,700 for illegally deducting more than \$72,000 from the paychecks of 1,073 workers for "sales tax." The company also failed to give final paychecks to 42 workers arrested in the raid, and owes \$264,786 in back wages, Iowa officials said. The fines cover violations from January 2006 through June 2008. [*NYT 10/29/08*]

On Sept. 9, the Iowa attorney general charged several Agriprocessors officials including Sholom Rubashkin and his father, Agriprocessors founder Abraham Aaron Rubashkin, with 9,311 misdemeanor violations of state child labor laws. The charges allege that Agriprocessors illegally hired 32 minors--including seven who were not yet 16 years old at the time--over the eight months prior to the May 12 raid, exposed the youths to dangerous chemicals and allowed them to operate meat grinders, circular saws and other heavy machinery. [*WP 10/31/08; NYT 9/10/08*]

The Oct. 30 arrest of Sholom Rubashkin appeared designed to appease those who had criticized the May 12 ICE raid in Postville as punishing the plant's workers and not the employer. "Today, we are seeing concrete accountability in Postville, though it should not have taken the destruction of a town and cost more than five million taxpayer dollars to get here," said US Rep. Luis Gutierrez, a Democrat from Illinois who is a strong supporter of immigrants' rights. [*WP 10/31/08*] Rubashkin's arrest came a day after the New York Times reported: "No federal charges have been brought against senior managers and owners of Agriprocessors." [*NYT 10/29/08*]

3. ELECTION WEEK RAID IN FLORIDA

In a five-day operation from Nov. 3 through Nov. 7--the week of the Nov. 4 presidential elections--ICE arrested 96 "immigration fugitives" and 15 "immigration violators" in southern and central Florida. ICE made 43 arrests in Miami-Dade County, 23 in Broward County, 13 in Palm Beach County, 16 in Orlando and 16 in Tampa. [The raids, announced on Nov. 7, were all in areas where Democratic presidential candidate Barack Obama defeated Republican John McCain.] Of the total 111 people arrested, 20 had criminal records. ICE released 42 people under supervision (presumably with electronic ankle

monitors) as part of the Alternatives to Detention Program after verifying that they were sole caregivers or had medical concerns. The other 69 people remained in ICE custody as of Nov. 7. Those arrested were from countries including Brazil, Colombia, Haiti, Peru, Cuba, Honduras, Argentina, Dominica, Guyana, Venezuela, Guatemala, Nicaragua, Tunisia, Mexico, Dominican Republic, China, Jamaica, Romania, and El Salvador. [*ICE News Release 11/7/08; Miami Herald 11/8/08*]

On Nov. 6, Florida activists urged President-Elect Obama to call a moratorium on ICE raids until Congress passes an immigration reform bill that includes a path to legalization. Obama's office responded that "our position is well-known" and that Obama's commitment "to immigration reform and all the important issues for Latinos in the US still stands." [*New California Media 11/9/08*]

4. NJ: DETAINEE ESCAPES, OTHERS MOVED

On Oct. 25, immigration detainee Mamadou Bah escaped from Delaney Hall, a private detention facility in Newark, New Jersey which was holding 120 immigration detainees under contract with the federal government. Essex County corrections director Scott Faunce would not comment on how Bah was able to get out of the facility. ICE spokesperson in Newark Harold Ort said Bah had been turned over to the immigration agency after being convicted of fraud in Essex County, and that he was picked up by an ICE fugitive unit in Kentucky four days after his escape. Ort declined to disclose Bah's country of origin. Essex County officials have moved the remaining immigration detainees to the county jail and will keep them there while investigators from the county and ICE review the circumstances of the escape. Delaney Hall began taking federal detainees earlier this year under contract with ICE and the US Marshals Service, which pay the facility \$105 a day for each detainee, according to the Newark Star-Ledger. [*Star-Ledger 11/2/08*]

5. YOUTH MARCH IN SAN FRANCISCO

Hundreds of high school and college students from throughout the San Francisco Bay Area skipped class on Halloween morning, Oct. 31, to participate in a youth-led "Stop the Raids" protest against immigration enforcement in downtown San Francisco. Transit officials shut down the Fruitvale and Coliseum BART stations in Oakland and the Richmond BART station after hundreds of East Bay students entered the stations and board trains to San Francisco without paying. Officials kept the stations closed for more than an hour. Some BART trains bound for San Francisco were delayed at the West Oakland station by protesters who held doors open and demanded that the Fruitvale station be reopened, passengers and BART officials said. Three people were detained at the Richmond station. [*San Francisco Chronicle 11/1/08*]

Oakland Unified School District (OUSD) police detained Oakland Tribune videographer Jane Tyska and confiscated her videotape as she was filming the student protest outside the Fruitvale BART station. Tyska was released about a half hour later without citation. Tyska said OUSD Police Chief Art Michel grazed her with his car

as she was walking backwards, videotaping protesters in the middle of the street. Michel then stopped his car, began yelling profanities at her and accused her of hitting his car and inciting a riot, Tyska said. "I immediately identified myself as a photographer for the Oakland Tribune, showed him my press pass, and said I was just doing my job, but he continued yelling and screaming profanities and said he was going to arrest me. I asked the officer why it was illegal for me to shoot from the street and he said it was a 'moving crime scene'. To my knowledge, there is no such thing, and photographers are always in the middle of the action at protests." Troy Flint, the spokesman for the Oakland school district, accused Tyska of elbowing the police car as Michel drove by. "The officer confiscated the tape as alleged evidence of the photographer's interference with his ability to conduct his responsibilities, which in this case was protecting student-protesters," Flint said. [*Oakland Tribune 10/31/08*]

The protest in San Francisco began with a morning rally at Ferry Park on the Embarcadero. Around noon, hundreds of people (about 400 according to the San Francisco Chronicle) marched peacefully through the downtown financial district to the Immigration and Customs Enforcement (ICE) building, demanding an end to immigration raids, detention and deportation. Many of the marchers wore skull makeup or other Halloween costumes. The march tied up traffic on several streets. At the immigration building, about 100 protesters took part in civil disobedience, at least a dozen of them linking themselves together or chaining themselves to oil drums to block a vehicle entrance. Police decided to wait them out and made no arrests. "What we are doing is shutting down ICE with our bodies. We are blocking a major entrance where the vans go in and out," said protester Inez Sunwoo. [*SF Chronicle 11/1/08; Bay Area Indymedia (article & photos) updated 11/2/08; KGO-TV (San Francisco) 10/31/08*]

Sagnicthe Salazar, a protest organizer from a youth group called Huaxtex, said protesters had jumped fare gates because they were organized independently and had no funding. "This was a peaceful protest. We were not trying to start anything," said 17-year old Kenya Ramirez, who traveled from San Diego for the rally. "We were just trying to get our message out. Our message is civil disobedience." [*SF Chronicle 11/1/08*]

The San Francisco Bay Area Chapter National Lawyers Guild (NLGSF) issued a statement in support of the protesters. "The NLGSF deplores BART's station closures which prevented hundreds of East Bay high school students from reaching the demonstration today at [ICE] headquarters in downtown San Francisco," the organization said. "These are young people who care about their communities and their loved ones," said NLGSF executive director Carlos Villarreal. "Our legal support team first heard about the BART closures this morning and we think it is unfortunate that our public transit system took such extreme measures, preventing these young people from exercising their First Amendment rights."

Among other incidents, the protesters were reacting to a series of ICE raids in the Bay Area on Oct. 22 which allegedly targeted gang members. In the sweep, dubbed "Operation Devil Horns," ICE agents violently invaded 11 residences, setting off explosive devices and pointing high-powered weapons at children. [NLGSF Statement 10/31/08] ICE announced the operation in an Oct. 23 news release, saying it had taken into custody 26 of 29 people indicted in a racketeering probe targeting the Mara Salvatrucha (MS-13) gang. Of the 29 people indicted, 22 face charges under the Racketeer Influenced and Corrupt Organizations (RICO) Act and seven face non racketeering charges.

ICE said it executed nearly two dozen search warrants and 20 arrest warrants in the operation, and also served search and arrest warrants at eight correctional facilities in California where 15 of the defendants named in the indictment were already jailed on other charges. ICE said four other individuals who were not named in the indictment were arrested on criminal charges in the sweep along with "11 gang members and gang associates" picked up on administrative immigration violations.

Agencies providing support during the operation included the Drug Enforcement Administration (DEA); the California Highway Patrol; the California Department of Justice; the California Bureau of Narcotics Enforcement; the San Mateo County Gang Task Force; and the Richmond, San Francisco and South San Francisco police departments. During the three-year investigation that preceded the raids, ICE got help from the DEA; the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); the Federal Bureau of Investigation (FBI); the California Highway Patrol; the San Francisco Police Department; and other local law enforcement agencies. In addition, the Salvadoran National Police and ICE's Attaché Office in El Salvador aided with the case by conducting searches and interviews of MS-13 associates in El Salvador. Over the course of the probe, 17 other alleged gang members were taken into custody on criminal charges; some of them are also named in the 52-count indictment unsealed on Oct. 23. [ICE News Release 10/23/08]

6. INDIAN WORKERS ARRESTED IN NORTH DAKOTA

On Oct. 28, ICE agents arrested 23 workers from India at the construction site for an ethanol plant near Casselton, North Dakota. All 23 had been hired several months ago to work for Wanzek Construction Inc. of Fargo. A task force led by ICE made the arrests without incident when the workers showed up for what had been announced as a staff meeting at the Wanzek Construction office west of West Fargo. The raid was prompted by a tip from Wanzek Construction. Company president Jon Wanzek said members of his staff contacted authorities after noticing irregularities on the workers' identity documents, a few weeks after they were hired. The workers "just went through the normal process" to get hired, Wanzek said. "They just came in and applied just like everyone else." Company officials "have cooperated throughout the investigation in this case and they are to be complimented for making this investigation possible at all through their

initial report," said Drew Wrigley, US Attorney for North Dakota.

All 23 workers face federal felony charges for possession of counterfeit documents. They also are accused of falsely claiming they were US citizens. Wrigley said they entered the US legally on a temporary worker visa and were issued a temporary social security card. "What happened then, we allege, is that they subsequently got counterfeit social security cards which look the same, have the same number which is legitimate for them but now doesn't have the limiting information on it. That opens a whole variety of opportunities for them, for employment and then to overstay that visa," Wrigley said. The false Social Security cards also enabled them to obtain driver's licenses from Illinois, Louisiana, Mississippi and Nebraska, said Wrigley. [The Forum (Fargo) 10/28/08, 11/1/08; Grand Forks Herald (ND) 10/29/08 from The Forum; Minnesota Public Radio 10/29/08; AP 10/29/08; KXMB.com (Bismarck, ND) 10/28/08]

According to the New Orleans Workers' Center for Racial Justice, the workers arrested in North Dakota were among a group of some 500 people trafficked to the US after Hurricane Katrina by Gulf Coast employer Signal International, LLC and subjected to forced labor in Mississippi and Texas labor camps. The workers escaped the labor camps earlier this year, reported the company's human trafficking to the Department of Justice, filed a federal class action lawsuit in New Orleans against Signal International and labor recruiters in the US and India, and held a march to Washington and a hunger strike to demand protection as witnesses to trafficking. The criminal trafficking investigation triggered by their protest is still open. Upon realizing that they were being targeted by ICE, the workers in North Dakota presented letters explaining they were victims and witnesses to the federal crime of human trafficking. The letter listed their attorney's name and contact information. They communicated that they did not want to be questioned without legal counsel. ICE summarily refused the workers' requests and questioned them individually without attorneys or interpreters.

"It is an outrage that workers who courageously came forward at great personal risk to cooperate with the Department of Justice in a federal trafficking investigation were targeted by ICE and then denied access to their own legal counsel," said Marielena Hincapié, executive director of the National Immigration Law Center. "Why isn't ICE spending national resources investigating criminal traffickers, instead of targeting and terrifying the victims?" asked Saket Soni, director of the New Orleans Workers' Center for Racial Justice. "Since these workers have come forward to report Signal International, LLC, to the Department of Justice, they have faced ICE surveillance, ICE arrests, and now an ICE sting operation." [New Orleans Workers' Center for Racial Justice 10/29/08]

On Oct. 31, the 23 workers made a court appearance at the Cass County Jail, with three interpreters communicating via speaker phone. Hearings are usually

held at the federal courthouse. "There's some logistical difficulties, as you might imagine, with a case that involves 23 defendants all coming in en masse like this," Wrigley said. US Magistrate Judge Karen Klein set the detention hearing for next Nov. 7 after defense lawyers asked for

more time to prepare. Nick Chase, assistant US attorney, told the magistrate that he expects a federal grand jury will consider the evidence against the workers early in the week of Nov. 3. [*The Forum (Fargo) 10/28/08, 11/1/08; AP 10/29/08*]

Immigrant Detention Watch: <http://www.immigrantsolidarity.org/detention.html>

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About National Immigrant Solidarity Network

NISN is a coalition of community, immigrant, labor, human rights and student activist groups, founded in 2002 in response to the urgent needs for the national coalition to fight immigrant bashing, support immigrant rights, no to the sweatshops exploitation and end to the racism on the community. Please visit our website:
<http://www.ImmigrantSolidarity.org>

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