

ICE agents in California target immigrants who file complaints against employers

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Immigration and Custom Enforcement (ICE) agents in California have been targeting construction workers who sued their employers over unpaid wages, according to state labor department officials.

Since November ICE agents have shown up at least twice at California labor dispute cases in Van Nuys and Santa Ana, both heavily immigrant areas in Southern California, looking to apprehend undocumented workers who brought claims against their bosses, the state agency said in a memo issued last month, which was cited by the *Los Angeles Times*. In January, ICE contacted California state officials requesting information on another investigation into labor law violations at several construction sites in Los Angeles. It is telling that ICE is showing greater interest in undocumented “troublemakers” than in the employers that exploit them and cheat them of their wages.

The ICE agents who came to the Van Nuys and Santa Ana offices asked for the specific workers involved in the proceedings by name, and arrived within a half hour of when the meetings with employers were supposed to begin, Julie Su, California’s Labor Commissioner, told the *Times*.

Su told the newspaper that she suspects the accused employers tipped off federal immigration agents about the status of the workers. The timing of wage hearings is not public, and generally the worker and employer are the only ones who know that information outside of the agency, the newspaper reported.

Su declined to name the employers in either case, or the construction contractors involved in the investigation that ICE had called about.

Saying that the ICE agents’ presence would “have a substantial chilling effect on the willingness of workers to report violations” the Labor Commissioner issued a memo last month mandating that state employees

prevent ICE agents from entering the Labor Department’s offices without a warrant.

According to a *Times* report last week, staff members are being instructed to ask ICE agents “to leave our office, including the waiting room, and inform agents that the labor commissioner does not consent to entry or search of any part of our office.”

At best, the commissioner’s order will only delay such actions by ICE, which has seen a vast increase in its powers under the Trump administration.

In Los Angeles and other Southern California cities, construction is one of the largest employers of undocumented workers, along with garment, trucking, car washes and restaurants. Many of those workers are paid piecework rates that, when translated into hourly pay, amount to less than half of California’s \$10.50 hourly minimum. In trucking, many immigrant and non-immigrant workers are cynically categorized as “self-employed” or “independent contractors,” denied benefits and forced to pay for the leasing and operating costs of their vehicles.

According to the *Times*, at Los Angeles garment shops, piecework rates often add up to a hunger wage of \$4.00 an hour.

The presence of ICE agents in the California Labor Courts is part of a pattern in which ICE intervenes at courthouses, schools, churches and public places across the nation to carry out the detention of possible undocumented immigrants. In March, undocumented immigrant Rómulo Avelica-Gonzalez was picked up by ICE officials, while dropping off his daughters at school in the Highland Park area of Los Angeles.

On May 13, in Sacramento, California, ICE harassed churchgoers at the Vida Church, according to Pastor Alex Vaiz. One of his congregants saw ICE agents in the parking lot of the church and raised the alarm. The

agents “were very armed with three vehicles wanting to intimidate the community, specifically immigrant parishioners of the church,” declared the pastor. The ICE agents left, after being confronted by Vaiz, only to return and remain outside of the church.

This year ICE agents have also been spotted hanging around the Pasadena courthouse and in the vicinity of several Los Angeles public schools.

Tom Torkaso, California Superintendent of Public Schools, has called on school districts to declare themselves “sanctuaries” and Tani Cantil-Sakauye, California Chief Justice, has called on ICE to stop “stalking” California Courts.

With growing public opposition to the witch-hunting and mass deportation of immigrant workers, the Board of Directors of the Bay Area Transit System (BART), which transports tens of thousands of workers each day, discussed a resolution in June that offered sanctuary to undocumented immigrants. The BART authorities passed a more defensive resolution, which avoided the use of the word “sanctuary,” but mandated BART employees not to cooperate with ICE unless forced to by a court order, or state and federal laws.

The presence of ICE agents in state labor courts coincides with a more aggressive campaign by employers to threaten workers with deportation if they complain about wage theft, unpaid wages and harsh working conditions. Sweatshop employers have used the courts against their own workers 58 times this year, compared to 14 during the first seven months of 2016.

The 35,000 cases of so-called wage theft filed each year by documented and undocumented workers is only the tip of an iceberg. Facing constant intimidation undocumented workers forgo demanding their rights out of fear that they will be picked up and deported. In addition, workers are discouraged from filing legal action because most of the cases drag on for years in labor courts, with no guarantee of success.

According to the Legal Aid Association of California, “despite the abundance of wage theft claims filed in California, few workers ever end up getting the back pay that they are entitled. And even when workers do receive a judgment in their favor, many of them only receive up to 42% of the back wages they are owed.” This data applies both to immigrant and non-immigrant workers.

The anti-immigrant campaign by the Trump

administration was prepared during Obama’s eight years in office. The pace of ICE detentions and deportations under Trump is only now reaching those under Obama, the “Deporter-in-chief.” According to Human Rights Watch between January 2011 and June 2015, 292,221 adults entered the nine ICE detention facilities in California, a yearly average of 65,000. In November 2016, 41,000 were being held in the state, a record number, according to Bloomberg News, with only a small portion coming from other states.

In 1994, in the largest march ever in Los Angeles, hundreds of thousands of Californian workers and youth, immigrant and non-immigrant, protested State Proposition 187—which barred so-called illegal aliens from using non-emergency health care, public education and other state services, and mandated police to turn suspected undocumented immigrants to federal authorities.

There is widespread opposition to Trump’s policies. A CNN poll published in March found that 60 percent of Americans said the nation’s top immigration priority should be to develop a plan to allow those living in the US illegally to gain legal status, with 90 percent supporting citizenship for those who hold a job, speak English and are willing to pay back taxes they owe.



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