

New York cook arrested by ICE after filing lawsuit for \$200,000 in stolen wages

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A squad of Immigration and Customs Enforcement (ICE) agents seized Xue Hui Zhang on August 12 in Albany, New York during a break in the middle of giving a deposition against his former employer. Zhang, an undocumented immigrant worker, was in the process of filing a suit for over \$200,000 in unpaid and stolen wages for years spent working as a cook in an Albany restaurant.

Zhang now lives in Brooklyn, New York but traveled to Albany in August to file his suit in the state's federal courts. The restaurant where he had worked for over seven years, Ichiban, went out of business in 2015 and Zhang was seeking repayment. On August 12, Zhang and his lawyers were in a meeting with the former Ichiban owner at their lawyers' office when Zhang was suddenly nabbed by ICE agents during a break for lunch.

"We got out of the car and we walked toward the diner entrance," Zhang's lawyer, Adam Dong, said. Five or six ICE agents approached and "stopped us and said, 'Mr. Zhang, can you come with us?'"

Neither the ICE agents who arrested Zhang nor the agency's spokespeople speaking to his lawyers informed them of how they found Zhang's whereabouts. Dong told the press, "It is not difficult to infer ICE was there because someone tipped them off, they were waiting for Mr. Zhang to come out to arrest him." According to the ICE agents, Zhang had an "outstanding warrant" from a judge from 2003. This means Zhang has been in the United States for more than 15 years and had not committed a crime that would have caused him to interact with the legal system since then.

Zhang is currently being held in a detention center in Buffalo, New York. As is common practice for brutalizing immigrant workers, the detention center is

far from his home and his arrest site: 300 miles from the courts in Albany and nearly 350 miles from his home in Brooklyn.

Dong told reporters that this case was unusual because there exists a "memorandum of understanding" between the Department of Labor and ICE that is officially supposed "to set forth the ways in which the Departments will work together to ensure that their respective civil worksite enforcement activities do not conflict and to advance the mission of each Department."

Point IV, section B of the memorandum states "ICE will continue its existing practice of assessing whether tips and leads it receives concerning worksite enforcement *are motivated by an improper desire to manipulate a pending labor dispute, retaliate against employees for exercising labor rights, or otherwise frustrate the enforcement of labor laws.*" (emphasis added) Dong is working to free Zhang on the basis that ICE had been tipped off in a motivated retaliation for his suit against his former employers.

ICE has stated in response to Zhang's case that this memorandum "doesn't completely restrict their authority." To the extent ICE ever followed this memorandum and abided by its division of oversight, this is now long in the past. In February, a lawsuit was filed over a case from early 2017 when Boston construction worker Jose Martin Paz Flores was arrested by ICE as he left the office of the construction firm where he had just filed a workers' compensation claim for an on-the-job injury.

Whether it was the courts or the former bosses of Zhang that tipped off ICE, both are scenarios that must be taken seriously with implications for the entire working class.

This would not be the first time that the New York

courts have shared information with ICE. Since 2017, the federal agency has arrested hundreds of individuals outside county and city courts in New York state, having been tipped off that the immigrants would be at the court for procedures such as challenging or paying a parking fine. Information-sharing between courts, police departments and federal government agencies is widespread.

ICE also conducts its operations without “permission” to do so in counties all over the United States, including in so-called “sanctuary cities,” which do not provide any real sanctuary for immigrant workers or their families. The term, promoted by Democratic Party mayors during the 2016 presidential election and in the run-up to the 2018 congressional elections, simply meant that local police departments would not aid ICE in their operations or in their databases, but also would not interfere with them or do anything otherwise to protect immigrant communities.

Since the massive ICE raids at Mississippi in July, which in one morning resulted in the detention of 680 workers, the owners and management of the poultry plants have not been fined or imprisoned for conducting illegal workplace practices. Instead, the workers were punished for the “crime” of not being born or having a visa in the United States. This is despite the fact that affidavits indicate management knew the undocumented status of many of their employees, which they no doubt used to their advantage in exploiting the workers.

Like the arrest of Zhang, the Mississippi raid was evidently directed against more militant workers willing to assert their rights. As the *World Socialist Web Site* noted after the Mississippi raid: “It is quite likely that companies collaborated with ICE to target plants where workers were considered more likely to assert themselves. In one plant raided Wednesday, the Koch Foods facility in Canton, Mississippi, the company was compelled last year to pay out \$3.75 million after a class action suit charged it with harassment of workers based on sex, race and national origin.”

The unions, far from protecting the rights of workers, have joined in the attacks on immigrants while dividing workers and selling out strikes. An especially repugnant example was Bill Bing, the Buffalo representative for the Northeast Regional Council of

Carpenters, bragging to the *Buffalo News* that tips from his union had led to raids and arrests targeting immigrants. He told the paper in 2017 that, while other unions also rat out immigrant workers, “they are not as proactive as we are. The carpenters union devotes a lot of money and resources to this.”

The arrests of immigrant workers in New York, Mississippi and elsewhere are directed against the entire working class, immigrant and native-born alike. ICE’s terrorizing of immigrant workers seeks to build up the infrastructure of a police state that will be used to try to block the development of serious social opposition.



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