\*Call for Moratorium on Worksite Enforcement Raids \*

 Erik Camayd-Freixas

 August 5, 2008

 I hereby call on labor, legal, religious, and civic organizations, and

 on all free Americans, to demand that Congress declare a Moratorium on

 Worksite Enforcement Raids, until congressional investigations are

 completed and immigration enforcement is duly regulated by uniform

 national legislation.

 The dramatic escalation of worksite enforcement raids since 2006 and

 the deployment of unprecedented operations and methods of enforcement

 and prosecution against alien workers constitute an administrative

 enactment of immigration policy, which violates Congress’s plenary

 constitutional power over immigration law. DHS/ICE’s power is

 delegated by Congress. In order to effect a policy decision of this

 magnitude, the agency needs congressional approval.

 It is inconceivable in a democracy that paramilitary operations

 against foreign nationals can be carried out at such a scale inside

 our borders, without discussion and approval by our elected officials;

 in short, without congressional authorization.

 In March 2007, after the New Bedford raid, the ACLU uncovered

 “Operation Endgame” ([www.aclum.org/pdf/endgame.pdf](http://www.aclum.org/pdf/endgame.pdf)

 <<http://www.aclum.org/pdf/endgame.pdf>), ICE’s 10-year plan to

 repatriate all deportable aliens by 2012. The ACLU warned that raids

 would escalate, and that the inevitable human rights violations and

 profiling make this an ethnic cleansing campaign.

 Now we have “Operation Scheduled Departure” –where undocumented aliens

 can turn themselves in and self-deport by a certain deadline. Some

 criticize this initiative because it provides no incentive for aliens

 to come forward. They are missing the point. Operation Scheduled

 Departure is meant to justify more raids. It is a call on the “enemy”

 to surrender, after the paramilitary operation in Postville, and

 before they strike again. They do not need to provide an incentive,

 because it is actually an ultimatum, a threat, an intimidation.

 The very decision to suddenly start charging alien workers with

 outdated and ill-fitting criminal charges is also, not a judicial

 decision, but rather a policy decision. Thereby the agency is

 impinging upon both the legislative and judicial branches of

 government. In the Postville raid, the operation also stepped over a

 Department of Labor investigation.

 These ill-fitting charges are but one symptom of a broken immigration

 system. It is irresponsible for our government to allow this level and

 type of enforcement to proceed based upon a broken and outdated system

 of laws. This escalation of raids is carried out in a lawless vacuum,

 in uncharted and unchartered legal territory, and consequently with

 absurd results. First comes immigration reform; then comes authorized

 immigration enforcement.

 Even without criminal charges, thousands of workers have been

 administratively arrested, only to languish indefinitely in

 immigration detention, waiting for a deportation hearing. Avoiding

 such abusive arbitrariness requires a much higher regulation and

 accountability of the immigration detention process and detention

 centers, many of which are privately owned and operated.

 Aside from the lack of congressional authorization, there are pending

 investigations of the legalities and methods of arrest, detention, and

 prosecution involved in worksite enforcement raids. No matter how

 professional ICE agents are in executing these operations, ethnic

 profiling and human rights violations are inherent to the

 identification of suspects and the resulting separation of families.

 These are inevitable, undeniable, and fully foreseeable consequences

 of worksite enforcement raids.

Moreover, the extensive collateral damage these raids are known to inflict on American citizens and communities exposes them as reckless operations in blatant disregard for human hardship, economic costs, and public wellbeing. There are still too many unanswered questions pending congressional investigation, including among many others:

 · The total human cost of the raids and the length of their aftermath

 · The impact on communities, institutions, and citizenry, especially

 children

 · The impact on American workers and local economies

 · The cost of raids and prison-feed operations to taxpayers

 · An accounting of federal funds transferred to privately owned jails

 and detention centers

 · Length and conditions of immigration detention

 · How many families have been separated, and how many with American

 children

 · How many Hispanics in the armed forces have had loved ones deported

 · Why are labor laws not being enforced instead at the worksite

 Until we get straight answers, a Moratorium on Worksite Enforcement

 Raids should be the call of all freedom-loving, law-abiding Americans.

 I call on organizations to draft and send me their resolutions. I will

 forward them to the House Immigration Subcommittee and the Hispanic

 Caucus. If you send them directly, please copy me so I can keep track

 of this collective effort. Individuals should contact their

 representatives directly and demand a moratorium on raids.

 Thank you for your decisive and responsible action.

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 \*Statements of Support: \*

 SEIU Service Employees International Union:

 \*http://www.seiu.org/media/pressreleases.cfm?pr\_id=1712 \*

 \*The American Immigration Lawyers Association\* – for more information:

 Contact: George Tzamaras, 202-507-7649, gtzamaras@aila.org

 <mailto:gtzamaras@aila.org ; Cite as "AILA InfoNet Doc. No. 08073161

 (posted Jul. 31, 2008)"

 \*Society of American Law Teachers — SALT\* — and \*National Lawyers

 Guild — NLG\* — Joint Statement on ICE Immigration Raids and Criminal

 Immigration Enforcement

 "SALT and NLG deplore these raids that are creating a moral, legal,

 and humanitarian crisis in our nation. ICE’s heavy handed enforcement

 against undocumented workers in the wake of failed immigration reform

 is shameful. Immigration laws remain completely out of touch with

 reality, and the absence of labor protection for these workers leaves

 them vulnerable to exploitation." June 6, 2008.

 \*National YA BASTA! Campaign\*. For more information contact:

 Emma Lozano, 773.671.1798, Familia Latina Unida/Sin Fronteras

 Catherine Salgado, 312.332.7360 ext. 235 ICIRR

 Olivia Flores, 773.592.0251, Universidad Popular

 Carlos Heredia, 773.218.6344, Latino Organization of the South West

 \*Labor Council for Latin American Advancement \*

 \* Contact: \*Silvana Quiroz, 202-508-6917\* \*