Immigration Enforcement: A New ICE Age?

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Legal Prohibitions:

- Since 1952 - against the law for anyone to enter the country without proper authorization or remain past their authorized stay.
- Since 1986 - against the law to hire anyone not legally present and authorized to work in the United States.
- Since 1986 - against the law to make a pattern or practice of hiring anyone not authorized to work in the U.S.
- Since 1986 - against the law to hire anyone without completing the I-9 employment verification process.
- Since 1986 - against the law to discriminate in the hiring process on the basis of immigration related status.
- Since 1986 - against the law to “harbor” anyone not legally present in the U.S.
Enforcing Agencies:

- Department of Homeland Security
  - Customs and Border Protection (CBP)
  - Immigration and Customs Enforcement (ICE)
  - Homeland Security Investigations (HSI)
- Department of Labor
  - Wage and Hour
  - Employment and Training
- Department of Justice
  - Immigrant and Employee Rights Section - for discrimination (IER)
  - Criminal Division for harboring and pattern and practice

Recent Cases and Penalties:

- $45.5 million - Waste Management - discrimination
- $96 million - Asplundh - pattern and practice
- 3,000 workers lost - Brightview-I-9 Audit no match

Headlines:

- ICE began 2018 in dramatic fashion, in coordinated raid across 17 states and Washington, D.C. - January 10, 2018
- Massive raid in Florida and Puerto Rico, arresting 271, almost two-thirds of whom did not have any criminal record whatsoever - March 28, 2018
- On June 5, 2018, ICE detained 114 workers
  - Just two weeks after, ICE detained 146 workers - June 20, 2018
- ICE arrests 132 in the D.C. Metro Area - July 20, 2018
- So far in fiscal year 2018, there have been five times as many arrests of immigrants at workplaces than in all of FY2017 - July 24, 2018
- Immigration agents raid Texas business, detain 160 undocumented workers in surprise raid - August 29, 2018
Trends:

- Enforcement on steroids:
  - 10,000 new DHS personnel in the FY18 appropriations bill
  - I-9 audits to increase 400%

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<th>INVESTIGATIONS</th>
<th>AUDITS</th>
<th>ARRESTS</th>
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<tr>
<td>FY2017</td>
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Trends Continued:

- 2017 arrests resulted in $97.6 million in judicial penalties and $7.8 million in civil fines.
- 2018 expansion of interior removals:
  - 82,000 in 2017 to 95,000 in 2018
  - Still less than 1% of estimated undocumented population
- Policy of Deterrence:
  - Rhetoric coupled with high profile raids and prosecution
  - Adjustment of policies to discourage entry (extreme vetting) and encourage self-deportation (enforcement/public charge)

THE WALL
Impacts on Ag Labor:

- Geographic shortages continue
- Increase in use of labor enhancing technology (mechanization)
- Increased use of H-2A foreign worker program
  - 2013 - 77,000
  - 2018 - 240,000
- Opportunities for reform
  - Regulations on H-2A headed to OMB
  - AEWR legislation and litigation
  - New Congress - House package by Spring