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## Immigration

### Is Trump in Showdown With Immigrant Families, Businesses?

**J**oe Arpaio, Maricopa County, Ariz.'s sheriff for 24 years, built a name for himself as being tough on illegal immigration.

His workplace raids were a hallmark of his enforcement tactics up until early 2015, when he disbanded the squad used for the raids as part of a settlement with the Obama administration. Now there's concern that federal immigration enforcement under President Donald Trump will mirror that of Arpaio, an ardent Trump supporter.

"Arizona for the past 10 years has been a microcosm of what we're going to see on the national level for the next four years," Phoenix attorney Ray Ybarra Maldonado told Bloomberg BNA. "If the business community doesn't speak up," it's going "to wreak havoc not just on families, but on businesses," he said.

Guadalupe Garcia de Rayos, a client of Maldonado's, was arrested during one of Arpaio's raids in June 2008. The raid was conducted based on a tip that undocumented immigrants were working at Golfland Entertainment water parks in Phoenix, where Garcia de Rayos was working as a janitor. She pleaded guilty to criminal impersonation—using another person's Social Security number to get her job—in 2009, Maldonado said.

Garcia de Rayos was awarded voluntary departure, allowing her to leave the U.S. without being deported. She appealed unsuccessfully.

But she received a stay of deportation, allowing her to remain in the U.S. with her U.S.-citizen children and receive a work permit. That was contingent on her checking in with Immigration and Customs Enforcement to make sure she was "staying out of trouble," Maldonado said.

When Garcia de Rayos went for her check-in on Feb. 8 of this year, she was taken into custody and deported to Mexico the next day.

**Restaurant Raid 'Devastating.'** In 2013, Arpaio raided the Phoenix restaurant Uncle Sam's. Ten workers were arrested on identity theft and forgery charges and nine were turned over to ICE. Bret Frimmel, the owner of the restaurant's employee leasing company, Frimmel Management, also was charged with trafficking in stolen identities.

"They had no basis to do the raid in the first place," the restaurant's attorney, Leon Silver of Gordon & Rees in Phoenix, told Bloomberg BNA Feb. 14. Arpaio's of-

fice presented false testimony to get the warrants to conduct the raids and so the criminal charges were dropped, he said.

"In the meantime," Arpaio appeared on television and "falsely told the world that they had evidence that my client was providing false identities to people," Silver said.

The fallout has been "devastating" for the restaurant, Silver said. "This is a family business that's been operated by the same family since 1980" and up to this point, "they've been wonderfully successful," he said.

"People stopped coming to work," Silver said. Immigrant workers were scared of another Arpaio raid and prospective U.S. citizen workers told Uncle Sam's they wouldn't work there because "you're hiring illegals," he said. For the same reason, "more people didn't want to go eat there," he said.

Frimmel Management currently is fighting a legal battle with ICE, which audited the company's I-9 employment verification forms after Arpaio's raid. Uncle Sam's also is suing the Maricopa County Sheriff's Office, Silver said.

**Same Old?** Is the federal government's immigration enforcement policy starting to look more like Arpaio's? The Department of Homeland Security says it's just continuing long-standing practices.

ICE agents carried out raids in the Los Angeles, Chicago, Atlanta, San Antonio and New York City areas during the week of Feb. 6, arresting more than 680 immigrants, Homeland Security Secretary John Kelly said Feb. 13. About 75 percent of those were "criminal aliens" who were convicted of various crimes, he said in a statement.

"ICE conducts these kind of targeted enforcement operations regularly and has for many years," Kelly said. "The focus of these enforcement operations is consistent with the routine, targeted arrests carried out by ICE's Fugitive Operations teams on a daily basis," he said.

Trump "means what he says," Matthew Kolken of Kolken & Kolken in Buffalo, N.Y., told Bloomberg BNA Feb. 9.

Former President Barack Obama said he was deporting "felons, not families," but "a very small overall percentage" of those he deported actually committed a serious crime or were a national security threat, Kolken said. Most had only minor offenses, such as traffic tickets, or were prosecuted federally for immigration-related crimes such as returning to the U.S. after having been deported, he said.

Trump, by contrast, has made clear that he intends to deport a much broader swath of undocumented immigrants, Kolken said.

**Different Tactics.** Many in the immigrant community referred to Obama as “Deporter in Chief,” La Habra, Calif., attorney Annaluisa Padilla told Bloomberg BNA Feb. 15. But “I never saw tactics so forceful as the ones we’re seeing now,” said Padilla, who serves as president-elect of the American Immigration Lawyers Association.

“The agency is now emboldened” by a grant of broad discretion “to go against individuals that really pose no danger to our communities,” she said.

Trump appears to be going through his predecessor’s backlog: people, like Garcia de Rayos, who received final orders of removal but haven’t yet been deported, Kolken said. But deportation of immigrants who haven’t yet been discovered by authorities will take much, much longer, he said.

To be deported, undocumented immigrants must be served with notice, and they’re entitled to a hearing before an immigration judge. During the hearing, the immigrant can contest the charges and/or request affirmative relief from removal.

“That’s just the preliminary portion of the due process,” Kolken said. Immigrants also can appeal to the Justice Department’s Board of Immigration Appeals and the federal appeals courts, he said. “I’ve had cases from beginning to end that have taken more than a decade,” he said.

And the immigration courts “are facing a half million deportation backlog right now leftover from Obama,” Kolken said. In fact, if someone is picked up today by ICE agents, it’s likely he or she won’t be deported until the end of Trump’s term, Kolken said.

**10,000 More ICE Agents.** Yet Trump’s executive order on interior immigration enforcement calls for 10,000 additional ICE agents, Maldonado said. “He’s going to want to see results,” he said. And that means beating Obama’s already record-setting deportation numbers, he said.

From a business perspective, “you had to be pretty stupid to be raided by the feds” under Obama, Maldonado said. ICE would provide an employer prior notice that a worker appeared not to be authorized, giving the employer the opportunity to fire that person and “get on with life,” he said. The businesses that really felt the heat were those that fired those workers and rehired them under false identities, he said.

The Trump administration isn’t likely to provide that kind of notice before going in, Maldonado said.

That’s bad news for industries that rely on undocumented labor. “We have a number of dairy farms” in western New York where a “larger percentage” of the labor force is undocumented, Kolken said. And a lot of those undocumented workers are “key employees” whose sudden departure is likely to kill the business, he said.

“I think businesses should be coming together” and doing what they can to stop Trump “from implementing these executive orders,” Maldonado said. “They don’t want these employment raids.”

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