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U.S. Puts Onus on Employers of Immigrants

By JULIA PRESTON

CINCINNATI, July 30 — Immigration agents had prepared a nasty surprise for the Garcia Labor Company, a temporary worker contractor, when they moved against it on charges of hiring illegal immigrants. They brought a 40-count federal indictment, part of a new nationwide strategy by immigration officials to clamp down on employers of illegal immigrant laborers.

Maximino Garcia, the president of the company, which provides low-wage laborers to businesses from Pennsylvania to Texas, stood before a federal judge here on Tuesday to answer conspiracy charges of aiding illegal immigrants and money laundering. If convicted, Mr. Garcia, who pleaded not guilty, could serve 20 years in jail and forfeit his headquarters building and \$12 million.

The criminal charges against Mr. Garcia and his company were brought by the Immigration and Customs Enforcement agency, part of the Department of Homeland Security. The campaign has included at least five other federal indictments of business executives in Ohio and Kentucky and has sent payroll managers rushing to re-examine their workers' papers and rethink plans for their work force.

It also created a new environment of fear in Ohio's immigrant communities.

"It's a very uneasy feeling," said Sister Teresa Ann Wolf, a Roman Catholic nun who works with immigrant workers in Canton, Ohio. "People are afraid to leave the house to go to the store. They are afraid to come to church."

Until recently, the worst that Mr. Garcia, 43, might have expected from the immigration authorities was a civil fine and the deportation of some illegal workers. In April, with President Bush under fire from both Democrats and Republicans who accused him of being lax on employers of illegal immigrants, Homeland Security Secretary Michael Chertoff announced the new campaign. It focuses on those suspected of violations with felony charges that could lead to huge financial penalties and the seizing of assets.

The White House is hoping the increased enforcement will strengthen Mr. Bush's hand in the battle over immigration reform, Homeland Security Department officials said, by pre-empting House Republicans who are pressing a bill they passed in December that centers on enforcement and border security but does not provide a way for illegal immigrants to become legal. The president supports a bipartisan Senate measure that enhances enforcement but also opens a path to citizenship for illegal immigrant and creates a guest worker program.

For years, workplace raids were a low priority for immigration authorities. Testifying in June before a Senate immigration subcommittee, Richard M. Stana, a director in the Government Accountability Office, reported that civil fine notices issued to employers dropped to 3 in 2003, from 417 in 1999.

Officials at Immigration and Customs Enforcement, which was created in 2003 and is known as I.C.E., acknowledge that past efforts were lackluster.

“We found that the fines were not an effective deterrent,” said Julie L. Myers, the Department of Homeland Security assistant secretary who heads I.C.E. “Employers treated them as part of the cost of doing business.”

While the old immigration agency brought 25 criminal charges against employers in 2002, this year Immigration and Customs Enforcement has already made 445 criminal arrests of employers, officials said. Some 2,700 immigrant workers were caught up in those operations, and most were deported, the officials said.

Hiring illegal immigrants “has been a low-risk, high-reward enterprise,” said Brian M. Moskowitz, the agency’s special agent in charge for Ohio and Michigan. “We want to send the message that your cost of business just went up because you risk your livelihood, your corporate reputation and your personal freedom.”

Immigration and Customs Enforcement agents said they homed in on Garcia Labor because of a contract it had with ABX Air, a cargo airline that flies express shipments for DHL, with a fleet of 112 airplanes based at its privately owned airport in Wilmington, Ohio. From 1999 to 2005, the indictment charges, Garcia Labor sent more than 1,000 illegal immigrants, mostly Mexicans, to sort freight at ABX Air.

Companies like Garcia Labor have sprung up across the United States. Instead of hiring immigrants directly, employers create a buffer by contracting with a labor company, which is responsible for verifying its workers’ documents. Employers can argue that they were not aware that workers provided by a contractor did not have valid papers.

According to the indictment, in a single month, May 2003, the Social Security Administration informed Mr. Garcia that 186 of his employees who were working at ABX Air had invalid Social Security numbers. Garcia Labor continued to send laborers to ABX Air even after they answered no when asked on applications if they were eligible to work in the United States, the indictment says.

“This was a huge, gaping vulnerability,” Mr. Moskowitz said. “You had people who you really don’t know who they are having access to the underbelly of an airplane.”

Two other executives associated with Garcia Labor were accused along with Mr. Garcia. His lawyer, James Perry, said he could not comment on pending litigation.

Douglas Steele, a human resources manager for ABX Air, pleaded guilty in April to one misdemeanor charge of hiring illegal immigrants and agreed to a \$10,000 fine. ABX Air said in a statement last week that the company ended its contracts with Garcia Labor in February 2005 and had sued Garcia Labor for breach of contract.

In April, federal indictments were brought against two temporary labor companies in Canton, identified as HV Connect Inc. and TN Job Service. In raids in mid-May, agents arrested four supervisors from Fischer Homes, a home builder in northern Kentucky, as well as 76 illegal immigrant workers at company construction sites.

On July 20, two other Kentucky corporations, Asha Ventures and Narayan, pleaded guilty to harboring illegal immigrants. They provided workers for Holiday Inn and other hotels in Kentucky. The next day, federal agents shut down a prosperous Chinese restaurant, Bee’s Buffet in Fairfield, Ohio, and took away the owner, Jing Fei Jiang. He was charged with importing illegal Asian workers who were living in the basement of his home.

The impact of the blitz was immediate, both among illegal immigrants and American Latinos. The wave of anxiety came as immigrants were feeling new confidence after two nationwide demonstrations in the spring where they rallied for immigration reform.

“People took a giant step backwards,” said Sylvia Castellanos, a leader of a Cincinnati coalition of Hispanic immigrants. Neighborhood gatherings stopped, she said. Owners of Hispanic groceries and restaurants reported slower business.

“It is causing people to watch their backs,” said Rubén Castilla Herrera, a Mexican-American leader of the Latino Leadership Initiative, an Ohio group. He said Latinos were worried that they could come under law enforcement suspicion.

“All I have to do is take off my tie and I can be confused,” Mr. Herrera said. “What’s to say whether I am legal or illegal?” Mr. Herrera said many Ohio immigrants believed the I.C.E. raids were timed to respond to the spring marches. Agency officials said their operations were not related to the protests.

Juan Jose Perez, a lawyer in Columbus who represents many Hispanic businesses, said that under the labor laws, managers were not required to verify their workers’ documents exhaustively. He said managers were scrambling to find out what they should do to protect themselves and to take care of their workers if they learned that some were illegal immigrants.

“The need for workers continues,” said Mr. Perez, a Mexican-American who said he started out as a Texas farmworker and is now the head of a law firm and the chairman of the Ohio Republican Hispanic Assembly. Despite the anxiety among immigrants, “nobody is going home,” he said. “They remain and become fearful and try to become more anonymous.”

That was what was happening Saturday up the listing, garbage-strewn stairs of a dingy clapboard house in Cincinnati where seven immigrants from Mexico and Guatemala had been detained in an immigration agency sweep in mid-July. Some illegal immigrant residents escaped capture because they were at work that day.

“The fright nearly killed me,” said Silvia T., 39, a Mexican who was one of the few building residents willing to open their door to a stranger. Two relatives were caught in the raid and deported, she said. Now she stays indoors with the jitters as rumors swirl daily about another raid.

“Migration takes us away with no respect,” said Silvestre G., 55, another building resident, who is from Guatemala. “They forget that we have human blood in our veins too.”

The immigrants asked that their last names not be published.

Mr. Moskowitz, the special agent, said the agency’s priority was not to deport immigrant workers, but to stop employers who built their businesses on cheap immigrant labor.

“These are not crimes of passion,” he said. “Nobody wakes up in the middle of the night and says, ‘I’m going to hire illegal aliens.’ These are people who have made a conscious decision that they can profit from this.”