

THE NEW YORK TIMES

February 11, 2006

U.S. Officials Defend Ploys to Catch Immigrants

By STEVEN GREENHOUSE

Despite criticism from advocates for immigrants, federal immigration officials said in recent days that they would not forswear the practice of impersonating occupational safety officials to round up illegal immigrants.

Last July, federal agents arrested 48 workers at Seymour Johnson Air Force Base in North Carolina on charges of being illegal immigrants after the agents tricked the workers into attending what was billed as a mandatory training session sponsored by the federal Occupational Safety and Health Administration.

Afterward, the federal Labor Department, North Carolina officials and immigrant and job safety advocates criticized the ploy. They argued that the sting might cause immigrant workers to distrust safety officials just as the authorities were stepping up efforts to reduce the disproportionately high injury rate among Hispanic workers.

Lawyers for several labor and immigrant groups said yesterday that they were dismayed that when they met with officials at Immigration and Customs Enforcement on Jan. 30, the officials refused to rule out again using a safety-related ruse to lure immigrant workers.

Marielena Hincapié, director of programs at the National Immigration Law Center, said, "They said they would not commit to not doing this anymore, despite the fact that this would have a chilling effect on workers."

Ana Avendano, a lawyer with the A.F.L.-C.I.O., also criticized immigration officials for not providing the assurances that safety advocates were seeking.

"We told them that the population of workers that we're dealing with is suffering the highest mortality rate and highest injury rate on the job," Ms. Avendano said. "If immigration officials are going to use OSHA as a ruse, all they will do is reduce the trust of workers to go to OSHA with concerns about safety problems."

Dean Boyd, a spokesman for Immigration and Customs Enforcement, emphasized that ruses were standard law enforcement policy. "We're not going to rule out valid investigative techniques," he said.

Mr. Boyd said that if immigration officials were to do such a sting in the future, it would be only after coordinating with federal safety officials.

OSHA officials repeated yesterday the stance they took after the July raid, saying the agency worked to build trust with Hispanic workers. They also said they did not condone using the agency's name in this type of ruse.

At a Senate hearing in October, Michael Chertoff, the secretary of homeland security, said it was appropriate to use ruses, but he added that those involving health and safety were not appropriate.

Mr. Boyd said the employment of illegal immigrants at sensitive facilities like military bases posed a serious threat to domestic security. He said that, given their illegal status, they might be vulnerable to exploitation by criminals or terrorists.

"That's why we're aggressively targeting these types of workers at sensitive facilities," Mr. Boyd said. "We've got an obligation under the law to do what we need to do to remove those people immediately from a position where they could do potential harm."

On Thursday, immigration agents arrested nine illegal immigrants who were working for a subcontractor at the Dugway Proving Ground, a military testing site southwest of Salt Lake City. Last month, immigration officials arrested 11 illegal immigrants at Tyndall Air Force Base near Panama City, Fla.