

# U.S. immigration raids are about to get ugly



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**Letters listing millions of Social Security “no-match” workers are ready to mail to employers.**

The Immigration and Customs Enforcement agency personnel are trained and ready. Buses and vans are standing by for raids. Detention facilities have expanded.

All that is lacking is clearance from the courts.

Employers should be prepared in the coming months for immigration raids on scales never before staged by the federal government. The stakes for employers will be especially high if the courts give a green light to the mailing of Social Security no-match letters.

ICE already has stepped up its worksite enforcement program in recent years, even without the new kind of no-match letters that were held up by a court injunction last fall.

Social Security will not provide ICE with a list of employers receiving the possible new round of no-match letters. The letters would establish new grounds to nail employers with criminal charges.

Austin lawyers Kevin Lashus and Robert Loughran compare the federal government's preparations for increased worksite enforcement to an army practicing for battle.

“The government expects a massive disruption of the work force,” Loughran said. “A climate of fear is the strategy of this administration.”

Employers receiving the new no-match letters would have 93 days to resolve discrepancies, said Lashus and Loughran of Tindall & Foster's Austin office.

Employers could find themselves trapped by federal laws that on the one hand prohibit unauthorized workers and, on the other hand, ban discrimination. Employers cannot look beyond the employees' documents. If they do, they face federal discrimination lawsuits. If employers have not followed steps listed in the no-match letters or are determined to knowingly employ unauthorized workers, they will face criminal charges.

Lashus, a former ICE official, has been involved in some of the agency's previous workplace raids. Loughran is a longtime specialist in employer sanctions law.

Whereas ICE has routinely conducted about 10 raids a month, the lawyers expect the pace to rise significantly once the Social Security Administration mails the letters. ICE could strike workplaces 20 to 30 at a time in any given city. The agency would pause to process the cases, then begin new rounds of raids, Lashus said.

Homeland Security wanted to implement its plan last fall, but a U.S. district judge blocked Social Security's no-match letters after labor unions and other organizations contended the plan would disrupt companies and harm innocent workers.

Social Security's own inspector general already estimates that about 17.8 million of 435 million records contain errors that could generate a no-match letter. An estimated 70 percent of the erroneous records belong to U.S. citizens.

Homeland Security appealed the judge's decision but in March proposed to go ahead on its plan. Any day now, the Arizona judge must decide whether to lift the injunction or make it permanent.

If the injunction becomes permanent, Social Security will hold the letters while Homeland Security again appeals. If the injunction is lifted, the no-match letters could be mailed within days.

“The government is deadly serious about these cases,” Loughran said. “The difference is that the federal government is eager to enforce the laws now, whereas they couldn't be bothered 15 years ago.”

Especially vulnerable would be businesses 10 to 15 years old that haven't strictly monitored their new employees' documentation. “They have no understanding where the lines are,” Loughran said.

The damage would go beyond that. A sudden explosion of enforcement could victimize legal workers, either directly or indirectly. Businesses would close, throwing innocent workers out of work amid a weak economy. Families would be torn apart.

It could end up being an ugly chapter in American history.