

Immigration Criminals

©2020 Ted H. Schaar

Recent estimates from the Pew Research Center (an organization the US government cites in its publications) are 7.8 million unauthorized immigrant workers were employed in the US during 2016¹—about 5% of the total US labor force.²

Meanwhile, the US Department of Homeland Security reports: "In Fiscal Year, 2018, HSI [Homeland Security Investigations] opened 6,848 worksite-related cases that resulted in 779 criminal arrests, 1,525 administrative arrests, and 49 criminal convictions of employers in management positions."³

These are pathetic performance statistics! There were 7.8 million opportunities to prosecute criminal employers but only 49 (*six thousandths of one percent*) of the violators were convicted.

Why such a dismal failure?

Under the I-9 Inspection Program that I learned about through interactions with Nicole Alberico, Public Affairs Officer, U.S. Immigration and Customs Enforcement, agents are able to request identification of laborers if they suspect a business is employing illegal immigrants so constitutional prohibitions against such checks isn't the reason.

It really comes down to plain old priorities, said Ms. Alberico in an e-mail: "Please keep in mind, ICE has limited resources and HSI investigates more than 400 federal crimes at any given moment."

The website of a group called the New American Economy, an organization Wikipedia describes as "...a coalition of business leaders and mayors launched by Michael Bloomberg and Rupert Murdoch to influence public opinion and policymakers toward comprehensive immigration reform..." published the table on page 2 listing the kinds of jobs undocumented workers have in the United States. A major goal of NAE, according to Wikipedia, is creating "a path to legal status for all undocumented immigrants now in the United States."⁴

The percentages in the NAE table ring true in terms of what I see in the Milwaukee area. Many landscape and roofing crews, for example, appear to have all Latino workers. This is stereotyping but according to migrationpolicy.org, almost 75% of the "unauthorized population" in the US is from Mexico and Central and South America.⁵

¹ <https://www.pewresearch.org/fact-tank/2018/11/30/key-findings-about-u-s-immigrants/>

² https://en.wikipedia.org/wiki/Labor_force_in_the_United_States

³ <https://www.ice.gov/features/worksite-enforcement>

⁴ https://en.wikipedia.org/wiki/Partnership_for_a_New_American_Economy

⁵ <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US>

Occupations where Undocumented Immigrants Make up the Largest Share of Workers, 2017

| Occupation | Share of Workers, Undocumented | Number of Undocumented Workers |
|---|--------------------------------|--------------------------------|
| Drywall Installers, Ceiling Tile Installers, and Tapers | 34.0% | 51,837 |
| Roofers | 31.3% | 70,251 |
| Graders and Sorters, Agricultural Products | 26.4% | 16,041 |
| Pressers, Textile, Garment, and Related Materials | 26.3% | 9,414 |
| Miscellaneous Agricultural Workers | 25.7% | 204,795 |
| Painters and Paperhangers | 25.4% | 156,565 |
| Carpet, Floor, and Tile Installers and Finishers | 24.0% | 36,714 |
| Maids and Housekeeping Cleaners | 21.6% | 331,577 |
| Construction Laborers | 21.2% | 391,042 |
| Brickmasons, Blockmasons, Stonemasons, and Reinforcing Iron and Rebar Workers | 20.9% | 31,270 |

Source: New American Economy
newamericaneconomy.org

It's easy to spot what likely are illegal immigrants in high-visibility jobs such as planting, harvesting, and tending crops; wielding picks, shovels, hoes, etc. on landscaping projects; construction and roofing; and working in restaurants. Often they don't speak English.

With many likely to be here illegally violating the law openly, why aren't more accosted and deported and their employers arrested and punished? Good question.

Some Americans are bothered by people who are different and speak a foreign language and usually trace the trouble to a border that doesn't make illegal entry difficult enough. President Trump and other totalitarians exploit xenophobia to get elected while capitalists—Trump included—hire illegals who receive lower wages so they can get richer. Consumers, too, buy many products and services for less.

Last summer an Iowa college student was slain by a 24-year-old man quickly determined to be in the country illegally and "employed by Yarrabee Farms," a Brooklyn, Iowa enterprise the *Des Moines Register* reported is, "owned by the brother of a prominent state Republican."⁶ At first Yarrabee Farms said Rivera had been "vetted through the government's E-Verify system,"⁷ but later, "...realized an employee had used a less-thorough Social Security Administration system to check Rivera's status, and he had supplied false information."⁸

⁶ *Des Moines Register*, Aug. 24, 2018

<https://www.desmoinesregister.com/story/money/agriculture/2018/08/24/mollie-tibbetts-slaying-iowa-student-exposes-need-undocumented-illegal-workers-verify-immigration/1071563002/>

⁷ Ibid.

⁸ Ibid

Some Iowans commented that Cristhian Rivera and other undocumented immigrants working side-by-side with those who are documented is *necessary*. Kent Pruisman, a cattleman, was blunt: "Agriculture wouldn't be possible, because of the amount of immigrant labor needed in the dairy industry, in the hog industry, in the cattle industry...The fact is that Iowa's economy depends on its 84,000 immigrant workers—including those here without legal documentation..."⁹

People struggling to survive in their own countries or who live under oppressive regimes are strongly motivated to travel to America where low-skill jobs are plentiful—even if the voyage is dangerous and their employment here illicit.

Employers barely try to weed out illegals as is amply demonstrated in case of the man accused of killing Mollie Tibbetts. His name is Cristhian Bahena Rivera, but he went by the alias John Budd. "John Budd"? John is a common American name; Budd, possibly a play on "bud," slang for marijuana. Rivera was born and spent most of his life in Mexico and speaks English as a second language.

According to an AP report, "Farm officials have said Rivera presented an out-of-state photo ID and a Social Security number when he was hired in 2014, and they believed he was the person depicted in those documents until his arrest last month."¹⁰

Erica Johnson, "an advocate who directs the American Friends Service Committee's immigration program in Iowa," said: "We have an immigration system that doesn't account for the labor needs or economic realities of Iowa businesses and farms. So what do you do?"¹¹

The fundamental problem is not enough American citizens want backbreaking, monotonous work for poor pay and few if any benefits, but illegal immigrants take it happily. *It's that much better than what they leave behind.*

The government's E-Verify program is effective in identifying illegals, according to an AP story, but has side effects. Estimates are requiring E-Verify would reduce production by \$60 billion resulting in a five to six percent increase in food prices.¹²

⁹ Ibid.

¹⁰ <https://apnews.com/ef8e722176bd4bd4a5128828955acca1>

¹¹ Ibid.

¹² Ibid

Trump's own businesses were notorious for employing undocumented workers, but once the spotlight swung his way, those in charge began identifying and severing illegals. "Some of the fired workers had been employed by the company for years," *The Washington Post* reported, "and said that their supervisors knew their papers were false but allowed them to work there, anyway. The company has denied knowledge that any of its workers were undocumented."¹³

Lies from Trump and his minions are standard operating procedure¹⁴ so anything emanating from his corner is suspect.

Business principals who employ illegals may be fined as much "\$3,000 per undocumented worker and face prison terms of six months,"¹⁵ but few are charged; immigration authorities are happier chasing people in the country illegally than going after those employing them.

Mississippi poultry companies Koch Foods and Peco Foods are examples. "Since 2002, federal officials have reported," according to *The Washington Post*, "more than 350 encounters or arrests of undocumented people" who said they worked at the firms. However no Koch or Peco executive or manager was charged.¹⁶

A May, 2019, *New York Times* story reported: "In the 12 months that ended in March, more than 112,000 people were prosecuted for illegal entry or re-entry, while just 11 employers faced criminal charges for hiring undocumented workers, according to analysis of government data obtained under the Freedom of Information Act by the Transactional Records Access Clearinghouse..."¹⁷

That's one employer busted for every 10,000 or so undocumented workers rounded up.¹⁸ Another pathetic ratio! Worse, few were convicted and only three served time in prison.

¹³ https://www.washingtonpost.com/politics/if-youre-a-good-worker-papers-dont-matter-how-a-trump-construction-crew-has-relied-on-immigrants-without-legal-status/2019/08/09/cf59014a-b3ab-11e9-8e94-71a35969e4d8_story.html

¹⁴ <https://www.washingtonpost.com/politics/2019/12/16/president-trump-has-made-false-or-misleading-claims-over-days/>

¹⁵ Ibid.

¹⁶ <https://www.washingtonpost.com/business/2019/08/15/investigators-believe-five-poultry-companies-violated-immigration-law-search-warrants-say/>

¹⁷ <https://www.nytimes.com/2019/05/31/us/illegal-immigration-employers-prosecutions.html>

¹⁸ Ibid.

The Obama administration targeted employers at least half-heartedly, but the 44th president's greatest success was during his first term when 25 were prosecuted.¹⁹ Still a miniscule number.

Things are even worse under Trump. John Sandweg, acting director of ICE under Obama said:²⁰ "This administration's focus has been on conducting worksite operations with an eye toward arresting and deporting workers and not necessarily prosecuting employers."²¹

Another example of the government focusing on workers not management was detailed in *The New York Times*: "In April, agents rounded up about 280 people at a Dallas-area company [CVE Technology Group] and transported the workers to an ICE facility. Most of them were then released but are now in deportation proceedings..."²² *It appears no CVE management employees were arrested during the raid.*²³

The *Plano Star Courier* reported 233 CVE-employed women and 51 men were arrested, most from Mexico and South America, but 48 from Nigeria.²⁴ "Of the 284...110 were detained and 174 are expected to be released on their own recognizance...nine [of the 110] have illegally re-entered the United States after having been previously deported and eight had already received final orders of removal. People who have reentered the county after previous deportation can be punished for up to 20 years in federal prison, if convicted."²⁵

Why *aren't* more employers, the real criminals, arrested and punished? Just guessing but probably because business people have the financial resources needed to mount expensively effective defenses and that requires the government to counter with a commensurately costly and time-consuming prosecutions.

It's a lot easier rounding up and processing-prosecuting those working in the country illegally. Anyway, citizens are likely to vent against people who look different and speak a foreign language rather than American employers who might be their relatives or friends.

¹⁹ Ibid.

²⁰ <https://www.nytimes.com/2019/05/31/us/illegal-immigration-employers-prosecutions.html>

²¹ <https://www.nytimes.com/2019/05/31/us/illegal-immigration-employers-prosecutions.html>

²² Ibid.

²³ <https://www.cbsnews.com/news/ice-raid-allen-texas-280-arrested-at-cve-technology-group-largest-operation-in-10-years/>

²⁴ https://starlocalmedia.com/planocourier/news/cve-investigation-continues/article_a8978c4a-660b-11e9-9884-2f70ee0de993.html

²⁵ Ibid.

An anomaly occurred in 2018 at Southeastern Provision, a meat processing plant in Bean Station, Tennessee, when owner James Brantley was arrested and ultimately pleaded guilty.²⁶

The US Department of Justice issued a news release on the case: "According to the plea agreement, beginning in 1988 and continuing through April 2018, Brantley knowingly hired, or caused others employed by him to hire, unauthorized aliens to work as employees...to reduce Brantley and Southeastern Provision's FICA tax obligations, unemployment insurance premiums, unemployment tax obligations, and workers' compensation insurance premiums."²⁷

Violations at the company were grievous as recounted in *The New York Times*: "...a federal search warrant was executed at Southeastern Provision, during which agents discovered at least 104 unauthorized aliens employed there. Evidence showed Brantley had previously reported to the Internal Revenue Service (IRS) he had only 44 wage-earning employees. Further investigation revealed he paid the unauthorized aliens in cash at a rate of \$8-\$10 per hour. Employees were often asked to work overtime at their standard rate of pay, rather than the 'time and a half' required by the Fair Labor Standards Act for overtime work."²⁸

Senior U.S. District Judge Ronnie Greer gave Brantley, who had already paid back taxes of \$1.5 million and a fine of \$41,775, a prison term of 18 months with three years probation upon release.²⁹

Brantley asked to avoid imprisonment but the judge said: "I cannot impose a probationary sentence in this case. In my view, to do so would undermine respect for our court system and create a situation where people would draw the conclusion that a certain class of people are treated more leniently than others."³⁰

But that's true nevertheless!

What if Brantley had been an illicit drug supplier for 30 years? Even relatively minor drug law violations result in severe penalties as evidenced by the following from a January 28, 2020, story on the KNWA-TV (Fox24, Fayetteville, Arkansas) webpage: "A man [Bruce Richter, 51] from Missouri will spend 14 years in prison...followed by four years of supervised release on

²⁶ <https://www.nytimes.com/2019/05/31/us/illegal-immigration-employers-prosecutions.html>

²⁷ <https://www.justice.gov/usao-edtn/pr/southeastern-provision-owner-james-brantley-pleads-guilty-federal-information>

²⁸ <https://www.nytimes.com/2019/05/31/us/illegal-immigration-employers-prosecutions.html>

²⁹ <https://www.knoxnews.com/story/news/crime/2019/07/31/bean-station-ice-raid-slaughterhouse-owner-18-months-prison-james-brantley-wall-illegal-immigration/1867197001/>

³⁰ Ibid.

one count of possession with intent to distribute more than 50 grams of a mixture or substance containing methamphetamine."³¹ Fifty grams is a little more than two ounces. A typical jar of instant coffee contains 12 ounces.

Brantley and other businessmen and -women who hire undocumented laborers, are driven by greed. Affected workers are abused in terms of wages and benefits and suffer greatly when discovered and deported. Over two decades thousands were probably exploited in Brantley's criminal enterprise.

The obvious: Employers who hire undocumented workers are the reason they stream into America.

Illegal immigrants know they can find employment and *so they come*. I don't blame them for seeking a better life. Employers know they can take advantage of them with little chance of being detected so they do so.

But, if foreign workers *knew* there was *no chance* of finding employment here...and if employers knew they *would be* targeted...

Trump is building a border wall between the US and Mexico to stop the northward flow of illicit jobseekers but will it work? The cost is enormous, \$20 million per mile according to Wikipedia for a total of \$45 billion;³² maintenance is estimated to require another \$750 million annually.³³

The barrier, however, will be vulnerable especially during the rainy season, according to a *Washington Post* story: "President Trump's border wall probably will require the installation of hundreds of storm gates to prevent flash floods from undermining or knocking it over, gates that must be left open for months every summer during 'monsoon season' in the desert, according to U.S. border officials, agents, and engineers familiar with the plans. The open, unmanned gates in remote areas already have allowed for the easy entry of smugglers and migrants into the United States."³⁴

Desperate people seeking better lives are resourceful and determined and those prepared to help them for a fee, opportunistic, numerous, and tenacious. If jobs are waiting, people who need employment for themselves and their families—and *are willing to do just about anything*—will find a way.

If it isn't under or over Trump's wall or through an open gate between the US and Mexico then possibly it's landing on a beach somewhere along America's

³¹ <https://www.nwahomepage.com/news/knwa/missouri-man-sentenced-to-14-years-for-drug-trafficking/>

³² https://en.wikipedia.org/wiki/Trump_wall

³³ <https://www.americanimmigrationcouncil.org/research/cost-of-border-wall>

³⁴ https://www.washingtonpost.com/immigration/trumps-border-wall-vulnerable-to-flash-floods-needs-large-storm-gates-left-open-for-months/2020/01/30/be709346-3710-11ea-bb7b-265f4554af6d_story.html

expansive coast or even heading north, breaking into Canada, and traveling south across its approximately 5,000-mile border with the United States.

Conclusion? *Jobs waiting is the key.* It's that simple. No jobs waiting, no reason to come. Period.

Stop blaming those who make the journey; *blame those who make the journey worthwhile. Immigration criminals.*

Four actions are needed immediately: First, prioritize identifying workers who might be in the country illegally and request identification. When undocumented immigrants are discovered, *arrest those who employed them.* This should have been happening all along.

Second, expand and refine temporary or guest worker programs³⁵ that permit legal admittance of foreign laborers to work for a specified period and then return to their home nations. Currently such programs are characterized as "complicated, expensive, and time-consuming."³⁶

Third, screen out workers who have entered or are staying in the country illegally by making the E-Verify system mandatory and hold employers 100% responsible for ensuring laborers on their payrolls are in the nation legally.

Finally, employers who hire illegal workers should be subject to intensive enforcement and punishment efforts. Identify, arrest, try, and, if found guilty, sentence them to long terms behind bars. No excuses. Compared to drug dealers, such criminals are easy to find and prosecute especially if the E-Verify system becomes mandatory. Employers or managers who operate without E-Verify should be arrested and tried for that alone.

Maybe such techniques as "three strikes and you're out," "mandatory minimums," and "truth in sentencing" will help make criminal employers give up their illicit practices.

With no jobs waiting, immigrants who do not have temporary or other work permits will quit traveling to America...

But that will cause other problems because so many modern challenges are created by two realities: overpopulation and dwindling resources. *And they must be addressed immediately, too.*

* * *

³⁵ <https://www.cfr.org/backgrounder/us-temporary-foreign-worker-programs>

³⁶ https://en.wikipedia.org/wiki/Guest_worker_program