

**MISSISSIPPI ICE RAIDS TWO YEARS LATER:
INCREASED STRAINS AND SHRINKING HOPE**
A Report by the Mississippi Center for Justice

Summary

Two years after ICE raids of poultry processing plants in central Mississippi, our clients and their families face longer delays for hearings and deeper uncertainty over the few rays of hope for immigration reform emerging from the Biden Administration. Meanwhile, still not one senior executive of a poultry corporation targeted by the raids faces a single charge. Instead, the local managers of one plant are headed to trial while the owner and the manager of an employee services contractor have pled guilty. The speed with which these cases are processed contrasts sharply with the protracted delay faced by our clients and others like them for individual hearings on their claims, 90% of which still are not scheduled or anticipated to be scheduled two years after the raids.

These protracted delays take their toll. An estimated 230 people arrested in the raids have been removed due to prior immigration orders or other causes. Another estimated 400 people await their hearings under increasing strains from continued poverty, a new wave of COVID infections and fear of physical attacks in their communities. These households are impoverished, anxious, and trapped in an overburdened legal process with no clear path forward. To achieve meaningful justice for these vulnerable and exploited people, federal officials must do the following:

- Overhaul the unjust immigration removal system.
- Provide relief to Mississippians languishing for years in removal proceedings.
- Prosecute the corporations who recruit and exploit immigrant labor.

Discussion – Problems and Recommendations

Overhaul the unjust immigration removal system.

MCJ's first-anniversary [report](#) outlined the increasingly unjust deportation machine into which the raids thrust hundreds of Mississippians. Since August 2019, the immigration courts' already severe backlog has grown 30% to 1.3 million cases—largely a holdover from the skyrocketing immigration arrests under the Trump administration coupled with pandemic-related closures.¹ While the Biden administration has taken some steps in the right direction, the systemic evils remain in our immigration court system. These include the lack of appointed

¹ TRAC Immigration, *The State of the Immigration Courts: Trump Leaves Biden 1.3 Million Case Backlog in Immigration Courts*, available at <https://trac.syr.edu/immigration/reports/637/> (last visited Aug. 4, 2021). TRAC Immigration, *The State of the Immigration Courts, Immigration Courts Backlog Surpasses One Million*, available at <https://trac.syr.edu/immigration/reports/574/> (last visited August 6, 2021).

legal counsel or adequate translation for indigenous languages, disregard of basic due process requirements, and a pervasive and nearly-always unreviewable pattern of rejecting credible statements that would justify immigration or asylum status. Therefore, we continue our call for a complete overhaul of the immigration court system that ensures fairness, justice, and representation for people--including the hundreds of raids victims who still remain in the United States--facing permanent separation from their families, friends, and homes.

The Biden administration has implemented some meaningful policies that will undoubtedly benefit many raids-impacted Mississippians. For one, Attorney General Garland vacated opinions from Trump Attorneys General that gutted protections for people seeking protection from domestic violence, gang violence, and violence based on family membership.² For another, President Biden has reinstated prosecutorial discretion, enabling people to seek termination of their deportation cases who are not deemed “enforcement priorities” due to their length of residence in the U.S., ties to the U.S., and good moral character (such as many Mississippians arrested in the raids).³

Yet these reforms simply restore the status quo prior to the Trump administration. Prosecutorial discretion, while welcome, carries its own cost, as it often revokes the opportunity to receive work authorization and an immigration status. Meanwhile, the immigration courts remain packed with anti-immigrant appointees; overwhelmed judges face pressure to ignore evidence and claims; and the vast majority of immigrants face deportation without government-appointed counsel.⁴

Even as we provide individual case representation, MCJ remains engaged in pursuit of systemic reforms in our immigration system: the creation of truly independent immigration courts that are not a component of the Department of Justice, an enhanced commitment to people seeking protection from persecution and torture, the elimination of civil immigration detention, universal representation, and strengthened due process protections for people facing deportation.

Provide relief to Mississippians languishing for years in removal proceedings.

Two years later, the perils have only intensified here for communities targeted by the raids,

² *Matter of A-B-*, 28 I. & N. Dec. 307 (A.G. 2021); *Matter of L-E-A-*, 28 I. & N. Dec. 304 (A.G. 2021).

³ John D. Trasviña, *Interim Guidance to OPLA Attorneys Regarding Civil Immigration Enforcement and Removal Policies and Priorities* (May 27, 2021), available at https://www.ice.gov/doclib/about/offices/opla/OPLA-immigration-enforcement_interim-guidance.pdf (last visited Aug. 5, 2021).

⁴ For a deeper look into the perils of the U.S. immigration court system, please see Stacy Caplow, “The Sinking Immigration Court: Change Course, Save the Ship,” *The Insightful Immigration Blog: Commentary on Immigration Policy, Cases and Trends*, available at http://blog.cyrusmehta.com/2021/08/the-sinking-immigration-court-change-course-save-the-ship.html#_edn2 (last visited Aug. 5, 2021).

even if the eyes of the nation may have moved on to other stories. While the handful of poultry plant middle-managers charged on the first anniversary of the raids are either pleading out or approaching trial, raids victims are struggling to stay afloat in their lives as they remain trapped in the overwhelmed and systemically unjust immigration courts described above. Over 90 percent over our clients have yet to receive their individual removal hearing dates. In the meantime, they face extraordinary barriers--no immigration status, confusion over the public charge rule and access to medical care, and even violent, opportunistic attacks. The United States has the responsibility to step forward to provide relief and protection to these Mississippians waiting years for their day in court.

As COVID continued to spike in Mississippi and nationwide this past year, fears about the public charge rule and its immigration consequences--vastly expanded under the Trump administration in 2019--prevented many raids victims from seeking critical public benefits and healthcare for eligible family members as they await the resolution of their cases. The 2019 expansion of the public charge rule broadly expanded who could be denied a family-based green card on the basis of the past, current, or likely future use of government benefits.

But while this rule primarily impacts individuals seeking green cards through family, it had--and continues to have--a broad chilling effect, especially on raids-impacted families. The nearly 700 people who were arrested were, in many cases, the only economic support for their families. Of the people who have been released, most have ankle bracelets and cannot leave to work. They are fearful of applying for basic assistance, like SNAP and EBT, for their US citizen children because they are afraid that doing so will worsen their chances for an immigration status in the future. In fact, in a survey that our Community Organizer, Nancy Sanchez, conducted with 100 raids victims in late 2020, she found that only 2 families had enrolled their US citizen children for SNAP and EBT. Eighty-nine had enrolled their minor US citizen children in Medicaid. No families received assistance in TANF or Section 8 assistance.

Even after the Biden administration repealed the rule in March 2021, its chilling effect has remained for many--not only in terms of accessing public benefits, but also COVID-related vaccinations and other healthcare.⁵ Thanks to funding from the Protecting Immigrant Families campaign, MCJ has engaged in 5 in-person presentations, distributed flyers at 5 businesses and COVID vaccination events, and conducted one virtual outreach event in conjunction with the Mississippi Immigrant Rights Alliance to inform Mississippians about the termination of the expanded rule. While this outreach is meaningful, the government must do more to educate Mississippi immigrants about the safety of accessing life-saving public benefits and healthcare. This is particularly true as Mississippi experiences a spike in Delta-variant COVID infections.

⁵ U.S. Department of Homeland Security, *2019 Public Charge Rule Vacated and Removed; DHS Withdraws Proposed Rule Regarding the Affidavit of Support* (May 27, 2021), available at <https://www.dhs.gov/news/2021/03/11/2019-public-charge-rule-vacated-and-removed-dhs-withdraws-proposed-rule-regarding> (last visited Aug. 5, 2021); UCLA Latino Policy & Politics Initiative, *Forgoing Healthcare in a Global Pandemic: The Chilling Effects of the Public Charge Rule on Health Access Among Children in California* (Apr. 6, 2021), available at <https://latino.ucla.edu/research/public-charge-CA-children/> (last visited Aug. 5, 2021).

A series of deadly and violent attacks over the past year targeted Latino families in Canton--many of whom had survived the raids. Last winter, armed robbers broke into the home of an MCJ raids client and additionally murdered a pregnant woman and her brother.⁶ This spring, an early-morning armed crime spree left another MCJ client dead in a trailer park minutes from downtown Canton.⁷ Two other families that morning, including another MCJ client, survived aggravated assaults that they reported to local law enforcement. Community members confirm fears that these are targeted attacks: “Basically mostly why Hispanics are targeted is because they think because we are very hard-working, they think we have more money,” said a close family friend of one of the victims. She added, “We are not all safe over here. It seems that everywhere we go there’s danger, you can’t escape the danger.”⁸ These families provided statements and opened themselves up for further assistance in the criminal investigation. MCJ attorneys worked with the Madison County Sheriff Department and Canton Police Department to obtain their support in sponsoring the survivors and qualifying family members to petition for U-Nonimmigrant Status, a particular form of immigration protection available to victims of crime that support in the criminal investigations. We also enlisted the assistance of El Pueblo, and immigration services provider based in Biloxi, to provide additional U visa support. But many raids victims continue to live in fear of their very lives while they await their day in court.

The Deferred Action for Childhood Arrivals, or DACA, program could have provided relief to some raids victims and their families facing removal, but this option is now off the table for initial applications, due to a Texas federal court decision in a challenge brought by Mississippi and several other states. DACA provides a work permit, social security number and temporary reprieve from deportation. Young undocumented Mississippians were able to obtain this quasi-status during six of the past nine years. In the latest attack on the program, on July 16, 2021, a federal judge in Texas barred the US government from accepting new applications.⁹ This decision will cripple Dreamers in Mississippi, barring many from obtaining driver’s licenses, obtaining in-state tuition, and accessing higher education altogether. In the months prior to this decision, MCJ, in partnership with pro bono counsel, launched an innovative DACA intake and representation process using a smart phone app.¹⁰

These issues make clear that local, state, and federal governments must act to protect immigrant Mississippians waiting in limbo as their removal cases remain pending. The federal government must disseminate information, by supporting trusted community partners, about

⁶ Jacob Gallant and Quentin Smith, “‘You can’t escape the danger’: Brother and pregnant sister shot and killed in Mississippi triple homicide,” *WLBT* (Dec. 29, 2020), <https://www.wmcactionnews5.com/2020/12/29/man-pregnant-woman-killed-triple-homicide-toddler-also-shot/> (last accessed Aug. 5, 2021).

⁷ Duncan Dent, “Officials searching for suspect in Saturday Shooting Death outside Canton,” *Madison County Journal*, June 2, 2021 <https://onlinemadison.com/stories/officials-searching-for-suspect-in-saturday-shooting-death-outside-of-canton,34125> (last accessed Aug. 6, 2021)

⁸ *Id.*

⁹ <https://s3.documentcloud.org/documents/21010983/7-16-21-texas-v-us-opinion.pdf>

¹⁰ Akin Gump Expands Pro Bono DACA Clinic Through Partnership with Mississippi Center for Justice, <https://www.akingump.com/en/news-insights/akin-gump-expands-pro-bono-daca-clinic-through-partnership-with-mississippi-center-for-justice.html> (last accessed August 6, 2021)

the termination of the expanded public charge rule to impacted communities. State and local governments must ensure that all Mississippians--regardless of real or perceived immigration status--remain safe in their homes and communities. We also call on Congress to pass long-term immigration solutions, providing an immigration status, protection, and much-needed certainty to undocumented Mississippians.

Prosecute the major players who recruit and exploit immigrant labor.

A stark contrast between the prosecution of employers and workers remains, highlighting the poultry companies' gross exploitation of immigrant labor. Despite the arrest of hundreds of immigrant workers, the Department of Justice has not gone beyond the prosecution of a handful of poultry plant middle managers and human resources personnel that it announced last year.¹¹ Of the four indicted, two have pleaded guilty and two are awaiting trial.¹²

Yet those indictments and other surrounding investigations tell a much larger story of certain company executives' ruthless exploitation of undocumented immigrant workers. Arrest warrants and indictments of the dozens of workers arrested on August 7 indicate that companies knew many of their workers were undocumented (some even wore ankle monitors) and that they frequently knowingly hired workers under aliases and with false Social Security numbers.¹³ Court documents additionally show that an indicted hiring and payroll manager received fifteen percent of the salaries of each person she recruited.¹⁴ In November 2020, the Department of Labor's independent investigation into Peco Foods, Koch Foods, and Pearl River Foods uncovered at least \$45,719 in unpaid back wages to 129 employees and child labor.¹⁵

These exploitative practices stem not from four "rogue" employees. Instead, they make clear

¹¹ Alissa Zhu, "Mississippi ICE raids: Feds announce 4 managers charged in chicken plant investigations," *Clarion-Ledger*, Aug. 6, 2020, available at <https://www.clarionledger.com/story/news/2020/08/06/mississippi-ice-raids-feds-announce-indictments-chicken-plant-case/3298916001/>

¹² *Id.*; "Woman pleads guilty in connection to 2019 ICE raids in Mississippi," *WJTV*, May 10, 2021, available at <https://www.wjtv.com/news/woman-pleads-guilty-in-connection-to-2019-ice-raids-in-mississippi/>; "Man pleads guilty in charge linked to 2019 Mississippi immigration raids," *Clarion-Ledger*, Jun. 15, 2021, available at <https://www.clarionledger.com/story/news/2021/06/15/man-pleads-guilty-2019-immigration-raids/7699150002/>.

¹³ Luke Ramseth and Jimmie Gates, "More than 40 charged in federal court from Mississippi ICE raid, but no company officials," *Clarion-Ledger*, 17 Aug. 2019, available at <https://www.clarionledger.com/story/news/nation/2019/08/17/mississippi-ice-raid-more-than-40-charged/2040080001/>

¹⁴ "Woman pleads guilty in connection to 2019 ICE raids in Mississippi," *WJTV*, May 10, 2021, available at <https://www.wjtv.com/news/woman-pleads-guilty-in-connection-to-2019-ice-raids-in-mississippi/>

¹⁵ U.S. Department of Labor, "U.S. Department of Labor finds wage and child labor violations at three Mississippi poultry processing plants," Nov. 20, 2020, available at <https://www.dol.gov/newsroom/releases/whd/whd20201120>

that exploitation of immigrants was embedded within the operational culture of the businesses, reaching to the top. This situation exposes the glaring inequalities, hypocrisy, and abuse in our country's immigration system. The government must hold these companies--including their senior executives--accountable to the fullest extent of the law to ensure that this exploitation cannot continue.

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For more information on our Immigration Law Campaign, or to volunteer or donate to the work of the Mississippi Center for Justice, please go to the following links.

Immigration Campaign information is [here](#).

Information on how to get involved with our work is [here](#).

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