



## **The Ongoing Harms of Trump-era Mississippi Raids & Immigration Prosecutions**

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In August 2019, U.S. Immigration and Customs Enforcement (ICE) carried out massive workplace raids on chicken processing plants across Central Mississippi, arresting 680 Indigenous, Latino, and immigrant poultry workers. The 2019 Mississippi [workplace raids](#) were among the largest such raids in U.S. history, and targeted plants where workers had recently won a [major lawsuit](#) over rampant sexual harassment and racial discrimination.

The raids took place during the first day of school for many in the state, resulting in children returning from school to [empty homes](#). And they came on the heels of a [white supremacist mass shooting](#) targeting Latino people that terrorized immigrant communities nationwide. The brutality and retaliatory intent of the ICE operation was obvious, resulting in national and international condemnation by civil society and government actors alike. A [Congressional delegation](#) traveled to the region, members held hearings on the raids, and representatives [called for](#) investigations and answers. The 2019 raids were emblematic of the Trump Administration’s punitive, inhumane, [retaliatory](#) and [racially-motivated](#) immigration policy.

In October 2021, under the leadership of the Biden Administration, the Secretary of the U.S. Department of Homeland Security (DHS), Alejandro Mayorkas, issued a memo announcing that his department would [cease](#) mass worksite raids (“Worksite Enforcement memo”). However, many of the harmful consequences of prior workplace raids are ongoing in Mississippi, and are exacerbated by current DHS policy.

**This explainer addresses the ongoing harms caused by the worksite raids, including the use by DHS of criminal charges stemming from the raids to target workers for deportation and deny them immigration relief.** Prosecution of raid survivors and their families for unlawful reentry under 8 U.S.C. § 1326, and other charges and convictions stemming from the worksite raids, continue to impact these workers and reaffirm the chilling message sent by ICE to immigrant workers across the U.S. South.

### Current State of Affairs: Raids, Prosecutions & Workplace Abuse

The ongoing impact of the 2019 raids must be understood in the context of the dire conditions in Mississippi poultry plants and retaliatory efforts to keep workers from filing complaints or

participating in labor investigations. Workers continue to face abusive and deadly conditions on a daily basis. In 2023, for example, federal authorities [opened an investigation](#) into a Mississippi poultry plant after 16-year-old Duvan Tomas Perez died while working on heavy machinery. It was the [third death](#) from an equipment accident at the same plant in three years. These dangers are widespread across the poultry and meat-packing industries, and especially grave in the U.S. South and Midwest. Six poultry plant workers similarly died “[completely preventable](#)” deaths in 2021 after the plant allowed nitrogen gas to leak into a freezer in Gainesville, Georgia. Such tragedies can only happen when abuse is systemic and workers have been effectively silenced.

The Biden Administration sought to address the harms stemming from ICE raids on poultry plants in 2021, when DHS [reaffirmed](#) its agreement with the U.S. Department of Labor in its Worksite Enforcement memo to ensure immigration actions did not undermine the enforcement of workplace rights and safety. In its October 2021 [statement](#), DHS acknowledged that workplace raids “were used as a tool by exploitative employers to suppress and retaliate against workers’ assertion of labor laws” and ended the use of such worksite enforcement actions. **In spite of this policy change, workers in Mississippi continue to face harm resulting from ICE raids.**

In the aftermath of the Mississippi raids, ICE referred dozens of workers for criminal [charges](#), including for using false identity documents to work and for unlawful reentry into the United States. Other workers were detained by ICE, separated from their loved ones, and deported to dangerous conditions in their home countries. Of those who [tried to return](#) to reunite with their families in the U.S., at least one individual, [Edgar Lopez](#), was killed in Mexico while trying to reach his family in Mississippi. And after making that difficult journey, many have been again [charged with unlawful reentry](#). Moreover, all survivors of the raids and their families, including those who were not deported but instead placed under ICE supervision, continue to live and work with a heightened fear of detention and deportation resulting from the raids.

In the context of rampant abuse, workplace deaths, and child labor, Mississippi organizations such as the Immigrant Alliance for Justice and Equity (IAJE), along with immigrant workers, have courageously come forward to denounce abuses and have enabled the Occupational Safety and Health Administration (OSHA) to engage workers and begin new investigations. However, because of the harms so many workers have experienced and witnessed at the hands of enforcement agencies, many more workers understandably have not come forward to participate in these investigations. Tragically, the critical few workers who have led these efforts face the threat that their experience of these harms, and precisely their convictions stemming from the raids, will prevent them and other workers from accessing workplace [protections](#) designed to facilitate this very participation.

The criminalization of low-wage workers in Mississippi through the use of mass raids and immigration-related prosecutions has meant that these workers face triple punishment — first

[denied labor rights](#), then [penalized criminally](#), and now denied workplace [protections](#) or other immigration relief. Meanwhile, there has been [minimal accountability](#) for company executives or employers for labor violations at the poultry plants.

### 2019 Raid Survivors Should not be Prioritized for Removal Under Existing DHS Policy

The Biden Administration, which promised to build a more humane immigration system that respects due process, ended the use of mass worksite raids like those in Mississippi when DHS issued the aforementioned [Worksite Enforcement Memo](#) in October of 2021. DHS rightly recognized that such raids “misallocate[] enforcement resources while chilling, and even serv[e] as a tool of retaliation for, worker cooperation in workplace standards investigations.”

DHS Secretary Mayorkas also determined such raids were “[inconsistent](#)” with the agency’s [enforcement priorities](#). Under those priorities, individuals who were targeted during the raids *should not* be considered a priority for enforcement action by DHS. Rather, individuals exercising their workplace rights should be protected from the threat of detention or deportation. The 2021 announcement represented an important step to reconcile immigration and labor enforcement efforts, under the purview of both DHS and U.S. Department of Labor (DOL), to ensure immigration enforcement does not continue to undermine the enforcement of labor laws nationwide.

Building on these policy changes, in January 2023 Secretary Mayorkas [announced](#) a process for workers who have formal workplace complaints to request deferred action for labor rights enforcement, a policy that advocates refer to as Deferred Action for Labor Enforcement (DALE). Those guidelines, in Secretary Mayorkas’ words “encourag[e] all workers to assert their rights, report violations they have suffered or observed, and cooperate in labor standards investigations” by providing deferred action protections and work authorization to people at worksites under investigation by labor agencies.

Under these DHS policies, many of the workers impacted by the 2019 raids *should not* be considered priorities for immigration enforcement and should be prime candidates for favorable exercises of prosecutorial discretion, whether DALE protections to advance labor enforcement or otherwise. Instead, DHS and ICE continue to prioritize many individuals precisely because of convictions stemming from the raids. Prioritizing victims of the 2019 raids runs directly counter to DHS policy and undermines DHS and DOL efforts to advance government investigations and labor enforcement efforts.

## Punitive and Racially-Motivated Criminal Prosecutions for Immigration Violations

Prosecutions for unlawful entry and reentry are the [most frequently](#) brought prosecutions in federal courts, and waste millions in taxpayer dollars each year. The U.S. government has claimed for decades that such [prosecutions deter migration](#), but its own studies [fail to support](#) the claim. Disturbingly, unlawful entry and reentry prosecutions continue the racist [legacy](#) of the law's architects as they almost exclusively impact individuals from Latin America. The lasting impact of the Mississippi raids illustrates how the use of such prosecutions perpetuates systemic injustices, mass incarceration, family separation, and disregard for fundamental human rights.

For years, prosecutions for immigration-related offenses made up around [60 percent](#) of all criminal cases in federal district courts. Immigration prosecutions were the cornerstone of the Trump administration's infamous [family separation policy](#), tearing apart thousands of children from their parents, who were sent to criminal custody to face charges in assembly-line hearings that raise serious due process issues. During the Trump years, DHS also increased the [use of prosecutions](#) for unlawful reentry to [target and terrorize](#) immigrant communities in the interior of the United States.

To date, the Biden administration has continued to target workers impacted by the 2019 raids, including people convicted of unlawful reentry and possessing false work documents, and continues to hold resulting convictions against them when making discretionary immigration enforcement decisions. The continued use of prosecutions stemming from the raids against survivors of those raids is the most blatant example of DHS weaponizing criminal immigration prosecutions to target immigrants who are already victims of wrongful and retaliatory enforcement, for simply trying to be with, and support, their families in the United States.

### Critical Steps to Address the Ongoing Harm

President Biden has a historical and moral obligation to follow through on his commitments and repair the harms committed by ICE's 2019 worksite raids. **Ultimately, the entire group of 680 workers arrested by ICE — and their families — should not be subject to further ICE harassment or targeting.** A necessary first step is to address the continued ramifications of the unlawful reentry and other prosecutions stemming from the Mississippi workplace raids.

**Today, the Biden administration must take action to address the harms that ICE has caused, and repair the ongoing harms of the raids:**

1. DHS must assert that arrests during the raids, and deportations and convictions resulting from the raids, should not be used by ICE as negative factors to prioritize workers or their families for deportation, or to deny otherwise eligible individuals prosecutorial discretion, such as DALE.

2. DHS must stop referring for prosecution workers and their families who were deported following the 2019 poultry plant raids, and the Department of Justice must exercise its discretion and decline to prosecute any individuals for immigration-related offenses who are survivors of workplace raids.
3. DHS must assure that all survivors of the 2019 raids are not considered priorities for enforcement and are provided immigration relief.

Workers in Mississippi, and across the U.S. South, know the message that the Trump administration meant to send to immigrant workers and families in August 2019 — standing up for your worker rights could lead to felony charges and deportation. The continued impact of the unlawful reentry and other prosecutions following the 2019 raids has not only put people at risk of detention and deportation, but also interferes with workers' access to their [labor rights](#). The raids and subsequent prosecutions made workers fearful to assert their labor rights, allowing for exploitative work environments to persist with impunity.

The workers who suffered from the 2019 raids should not have to live with a target on their back or be denied immigration benefits and applicable protections they would otherwise be eligible for if it were not for the raids. Protecting these workers is essential to turn the page on a dark chapter in DHS history and chart a new course for ensuring the rights of immigrants and workers.

*Prepared by Immigrant Alliance for Justice and Equity, National Day Laborer Organizing Network, National Immigrant Justice Center, and National Immigration Project.*