

**Written by**



*James Barragán, State government reporter*

## Sanctuary cities ban would be 'disastrous' for workers, critics say

AUSTIN — It's becoming a common emotion among the unauthorized workers Jose P. Garza works with across Texas: fear.

There was the man who tried to rally co-workers to report wage theft on a construction site where employers refused to pay overtime. His employer threatened to have them all deported.

Another man broke his arm on the job. His boss dropped him at an emergency clinic and told him not to tell doctors how he'd gotten hurt or he'd turn him over to immigration authorities.

As the debate over banning sanctuary cities — local governments that provide safe harbor for unauthorized immigrants — heats up in the Texas Legislature, advocates and lawmakers who oppose a proposed ban say it would be bad for businesses.

Proponents of the ban argue that it's a matter of keeping unauthorized criminals out of the country. Critics worry it will make communities less safe because it will incite fear of authorities among unauthorized immigrants. But it's not only the immigrants who will suffer, they say, but native workers on construction sites and in other jobs could see their wages plummet too as unscrupulous employers capitalize on a vulnerable workforce to pay less in wages.

Senate Bill 4 would ban universities, cities and counties from creating policies that prevent local law enforcement agencies from asking about a person's immigration status or enforcing immigration law.

Critics say the ban would spark fear among immigrants, who would be afraid to report crimes, including wage theft. And when employers can get away with paying little or nothing to unauthorized workers, they say, it drives down wages for all workers.

“When people are afraid to interact with law enforcement, they’re not reporting crimes, abuse — things they’ve been witness to. The same goes for people that are victims of wage theft, unsafe working conditions or other abuses on the job,” said Ian Pajer Rogers, a spokesman for Interfaith Workers Justice, a Chicago-based workers advocacy group. “If they feel like they’re going to be deported, they’re not going to report abuses.”



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Sen. Charles Perry, R-Lubbock, said his sanctuary city ban has provisions designed to protect victims and witnesses of crimes from being asked about immigration status.

“Banning sanctuary cities is about keeping our communities safe by ensuring those who engage in criminal activity are not automatically released back into our communities,” Perry said in a written statement.

But opponents argue those safeguards aren't enough.

“The real impact is pushing these communities who already feel marginalized deeper into the shadows,” said Elissa Steglich, an immigration law professor at the University of Texas.

### **'Disastrous' for all workers**

Unauthorized immigrants are more likely than the general population to be victims of labor abuse. A 2009 study on labor law violations in U.S. cities found that 37 percent of unauthorized immigrant workers were victims of minimum wage law violations and 85 percent were not paid for overtime. That's compared with 16 percent and 64 percent, respectively, for American workers.

That would mean thousands of people in Texas could have been subject to wage theft because the state's approximately 1.5 million unauthorized immigrants make up significant portions of low-wage industries that drive the state's economy. The Migration Policy Institute estimates that unauthorized immigrants make up 23 percent of Texas' labor force in the construction industry, 17 percent in the service sector and 10 percent in manufacturing.

Between a crackdown on immigration at the federal level and attempts to ban sanctuary policies at the state level, advocates said fear of authorities is already spreading through immigrant communities.

Some immigrants have stopped coming to work or going out in public when they hear immigration authorities are conducting raids in areas such as Austin that have been scapegoated during the sanctuary cities debate, Garza said.

Any worker, regardless of immigration status, can report labor abuse. Such complaints can be filed with the Texas Workforce Commission and the Department of Labor, but immigrants, who frequently don't know how to report these issues, most often turn to local police departments who then refer them to lawyers who can take their cases to court.

But recent high-profile arrests of unauthorized immigrants at courthouses in El Paso and Austin, and talks of the state allowing local police to enforce immigration laws have made immigrants wary of authorities and scared to exercise their rights, advocates say.

Bill Beardall, executive director of the Equal Justice Center which works with low-income workers who are victims of labor abuse, said he has noticed increased fear in his clients. They are less likely



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to report labor abuse even after being told their rights by lawyers and of claiming their wages after they have won in court, he said.

"I can't recall a time when unauthorized immigrants have been made more afraid of the justice system than now," said Beardall, who has worked on labor abuse issues for 39 years.

Nationally, officials in the Department of Labor say some immigrants are declining to claim back pay they've won for fear of being deported.

"Immigrants are in a state of fear," said Carlos González Gutiérrez, the consul general of Mexico in Austin, whose office helps Mexican immigrants who report labor abuse. "The first and foremost result has been that they have been pushed further underground."

### **Lower wages for citizens?**

And immigrants may not be the only ones affected. If unauthorized workers are too scared to report labor abuses, they will often settle for jobs with unsafe working conditions that pay below the minimum wage. That suppresses wages and job opportunities for all workers — not just immigrants, Beardall said.

"Anything that makes it worse will be disastrous not just for unauthorized immigrant workers but also for the U.S. workers in similar low-wage occupations, since they'll have to compete with vulnerable workers who in practice have no rights," said Daniel Costa, the director of immigration law and policy research at the Economic Policy Institute.

Beardall said the "crowning irony" of the bill may be that instead of deterring employers from hiring more unauthorized immigrants and opening up those jobs to U.S. workers, it may have the opposite effect. Employers could see an advantage in continuing to hire unauthorized immigrants who they can exploit, rather than legal workers who could more easily enforce their rights.

"Why would they pay someone who's documented more money?" Garza said. "[This] depresses wages for everyone and makes working conditions less safe for everyone."

And if bad employers exploit unauthorized immigrants for cheaper labor costs, they could start gaining an advantage over other employers who try to follow the rules.

"They can underbid good employers trying to do the right thing and put good employers out of business," said Kim Bobo, the executive director of the Virginia Interfaith Center, who has written a book on wage theft.

Lawmakers have pitched the House version of the sanctuary city ban, sponsored by Rep. Charlie Geren, R-Fort Worth, as a softening of the Senate's proposal. The Senate bill allows officers to ask about a person's immigration status during an arrest or a lawful detention, such as a routine traffic stop. Geren's version allows officers to ask about citizenship only after a person has been arrested.



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But advocates say that has not quelled immigrants' fears. As long as police are associated with the possibility of deportation, the distrust among immigrants will continue and that will mean less reporting of worker abuse.