

WORKERS COMPENSATION & IMMIGRATION ISSUES

BACK TO
THE
FUTURE

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THE BIANCO LEATHER FACTORY

ON ICE

The discussion is based largely upon the events that occurred in Massachusetts when "ICE," the Immigration and Customs Enforcement arm of the federal government, raided the Bianco Leather factory and arrested approximately 361 workers due to their undocumented immigration status. This raid was coordinated with the social services department of the Commonwealth of Massachusetts, as well as with the federal government. However, many of the undocumented workers who were arrested were held for detention, and approximately 42 workers were deported, 137 workers were sent to two facilities in TEXAS for holding, 146 were released, after bond payments, to appear before immigration judges to fight deportation, and 36 were released at the factory.

Unfortunately, many of the detainees were single parents, who were responsible for children, many of whom were born in the United States, and, therefore were U.S. citizens. These parents were not to have been removed prior to questioning by the Massachusetts Department of Social Services concerning the health and well being of their dependent children.

In 2004 The Bianco Leather Factory secured a 138 Million dollar federal contract to provide back packs, and other gear for the military, which required the utilization of expert stitchers. In 2004 Bianco had approximately 98 employees. Since there were not many qualified workers who could provide the stitching necessary to produce quality garments for the federal government, Bianco management undertook a process to bring in workers with proper documentation, and unbeknownst to the primary owner, his co-owner had made arrangements for some of the undocumented workers to acquire phony social security cards, and immigration work visas.

In 2004 the City of Bedford awarded The Bianco Leather Factory a 5 year tax break in order to expand its business, and to hire workers from New Bedford. By March, 2007 the company had reaped approximately \$50,000 in tax savings, and could have received tax breaks of about \$80,000 by the year 2010. At the time of the raid The Bianco Leather Factory had created 291 jobs, 270 of which were filled by New Bedford residents. At the time of the March, 2007 ICE raid Bianco employed approximately 600 workers.

Facts For Demonstration

During the expansion period many of the 361 employees of the leather factory were working in excess of eight hours per day, with little time for breaks or lunch. Each day they checked into the Bianco Leather Factory by punching their card, and then were required to punch out after working an eight hour day. They then punched into work on a separate time clock which entered them on the payroll for a subsidiary corporation of Bianco, which was allegedly done by the Bianco management team in order to avoid the payment of overtime, associated payroll taxes, and accrual of other benefits.

After the raid it was determined that a great number of the undocumented workers had come to the country legally, but had overstayed their work visas. Accordingly, they were technically illegal, undocumented workers. The vast majority of these workers, paid taxes, and were active, vibrant members of their respective communities, with many of their U.S. born children attending the public school systems.

A number of workers were totally undocumented, many had expired work visas, and the majority had phony identification paperwork.

Bianco management was also accused of worker's compensation premium fraud for misrepresenting the number of employees working for the Bianco Leather Factory, as well as falsifying classification codes for workers' compensation premium computation purposes.

Governor's Joint Task Force on the **Underground** Economy and Employee Misclassification

GUEST WORKER PROGRAMS

FOR

- program would offer relief to farmers, landscapers, restaurants, and other employers who need unskilled labor, by providing them with an eager and legal workforce.
- For the workers, it would provide temporary legal status and some civil rights protections that an illegal worker would not have.

AGAINST

- temporary legal status is not enough because it has a life of only six years for each worker, and does not lead to a green card or citizenship.
- Workers would be easily deported through such identification.

Welfare & Healthcare, Licenses for Immigrants in The U.S.

FOR

- Neither illegal nor legal immigrants should ever be turned away for healthcare.
- The U.S. would foster the risks of spreading disease, prolonged disability, and the worsening of conditions.
- will cost society more in one way or another.

AGAINST

- Illegal immigrants cost the United States billions each year in welfare and healthcare costs, when they are not even eligible for benefits.
- If they were made eligible, costs would sky rocket.

Should Illegal Immigrant Children & Teenagers Be Educated in the U.S.?

FOR

- banning children from school because of their parents' actions, is not acceptable.
- children could end up being illiterate criminals that tap into social service and prison systems.
- Illegal immigrant children are not to blame .
- Should be given a compassionate chance to change their situations and paths in live.

AGAINST

- America cannot afford to educate the world's children.
- Object to U.S. taxpayers having to foot the bill.
- Giving educational benefits to illegals will invite more migrants to head for the U.S

Detaining Illegal Immigrants

FOR

- We cannot simply let illegals escape back into society.
- Hold until arrangements can be made to send them home.
- It is a matter of national security.
- Stem the tide of future illegal immigration.
- Criminal aliens can't break U.S. laws and remain in the country.

AGAINST

- Inhumane to hold people without due process.
- Children who accompany their parents into the U.S. illegally are sent to youth prisons, housed with child murderers, drug dealers, denied fundamental human rights.
- Majority of these detainees are from countries not even remotely linked to terrorism.

Professional Work Visas

FOR

- High-tech employers cannot find domestic workers with the *specific* expertise they need to function and thrive.
- It is patriotic and economically sensible to support these companies by allowing greater access to foreign workers.
- If these workers later immigrate permanently to the U.S., it will benefit the country to have such highly skilled members of society.

AGAINST

- There are more high-tech workers in the U.S. than there are jobs, and foreigners should not have a shot at these jobs.
- High-tech firms want foreign workers because they can pay foreigners less money for much more work.
- Vast numbers of American techies are unemployed, or just need more training.

Fingerprinting, Photographing and Tracking of Visitors to the U.S.

FOR

- Citizens concerned about terrorism.
- It will help catch criminals and terrorist.
- It is a quick, efficient, and costs tax payers far less than another terror attack on the United States would cost.

AGAINST

- Fingerprinting, questioning and photographing civilian visitors is insulting, time-consuming, and in violation of privacy and other basic civil liberties.
- The US-VISIT program has not proven that it can protect without causing innumerable inconveniences and discomfort to harmless travelers.

Faster, Easier Citizenship for Military Personnel

FOR

- Anyone willing to work, sweat, fight, and possibly die for the U.S. should be fast tracked for citizenship.

AGAINST

- Making the military an instant ticket to citizenship could invite recruits who are joining up solely to get U.S. citizenship.

Amnesty

FOR

- As a nation of immigrants diversity is good for U.S. society and tax paying illegal immigrants help support the U.S. economy.
- Allowing undocumented workers to live underground is harmful to the healthcare, legal/criminal justice, educational systems, safety on the job, and to a competitive job market through wage/hour, and tax fraud.
- Undocumented immigrants are afraid to seek healthcare, which could mean that they will spread disease to others.
- If injured on the job illegal immigrants will not seek workers' compensation benefits.
- Undocumented children are sometimes unable to attend school, especially college, which could lead to more poverty and crime.
- If an illegal alien witnesses a crime, he or she might be afraid to come forward to authorities, for fear of being discovered.

AGAINST

- Foreign workers will accept tougher working conditions and lower pay, takes away jobs for Americans, and makes it harder for other American businesses to compete.
- Giving existing illegals legal status is wrong because it rewards criminal behavior.
- Granting amnesty will encourage more foreigners to migrate here illegally with hopes of being granted amnesty as well.

Requiring English / Accepting Other Languages in the U.S.

FOR

- Making English the official U.S. language would enable everyone to communicate with each other.
- Ease communications and racial conflicts, unite the people of America, simplify and expedite matters in education, government, business and other areas.
- English-only advocates discourage immigrants from learning English.

AGAINST

- Making English the official U.S. language disregards all the Americans who have a different native language and culture. The U.S. is a country of immigrants.
- In cases where people are unable to speak English, health, safety and other hazards could arise if they cannot get information in their native languages.
- Language restrictions would make it difficult for law enforcement officials to question people who speak anything other than English.
- Having multiple languages would make the U.S. more diverse, interesting, diplomatic and worldly.

U.S. Border Control Issues

- Infrared night-vision scopes, seismic (movement) sensors, and a modern computer processing system help the patrol to locate, apprehend, and process those crossing into the U.S. illegally. The border patrol is growing. More officers are being hired. Operation Gatekeeper installed steel walls that help reduce illegal crossings into major border cities. More technology is being heavily applied to border enforcement. Drones (unmanned remote control machines) that have infrared sensors and can detect the heat of the human body are being rolled out, along with other non-human patrol devices.
- (Infrared devices use radiation to increase the range of human eyesight; this is what makes night vision instruments, such as night goggles and border patrol devices, work).
- In smaller, wide open border towns, ranchers and crossers are having shoot outs. Miles and miles of border are still unmanned. Border patrol officers guard 6,000 miles of border with fewer officers than the NYC Police Department has. At least 1,000 border patrol officers have been killed since the border patrol began. Many more have been injured. Meanwhile, their starting salary is in the \$20K/year range.
- The government estimates that border patrol apprehends only one in four of all crossers. Thousands of illegals are still getting in, including terrorists, drug smugglers, violent offenders, and thieves.
- Illegals are often horribly exploited by human smugglers and unscrupulous employers seeking cheap labor, or die of exposure or thirst in the desert.
- Better border control would protect everyone, including those who are attempting to cross illegally.

Driver's Licenses for Immigrants in the U.S.

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- Immigrants will drive anyway. If they have driver's licenses they will be tested and monitored more accurately. They will be able to get to work instead of tapping into public assistance.
- Unlicensed drivers are five times more likely to be in fatal crashes than drivers with valid licenses.
- They will be insured.
- Those who are denied licenses often seek forged documents, leading to identity theft and other problems in society.
- Driver's license restrictions have not deterred illegal immigration. Nor have they encouraged existing immigrants to return to their homelands.

AGAINST

- Entering and living in the U.S. illegally should not be rewarded. Legal immigrants work hard for their status. Giving freebies to undocumented immigrants makes a mockery of those who do everything by the books, including American citizens.
- Driver's licenses are used for much more than driving a car. In U.S. society, they are used as a national identification card, allowing people to open bank accounts, enroll in college courses, board an airplane.
- As many as five of the 19 suspected hijackers of 9/11 had driver's licenses from at least three different states. It should have been much more difficult for them to secure driver's licenses.

What Should be Done About USCIS Backlog, Processing and Waiting Times?

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- Processing delays effect major life events for applicants, including job opportunities, family integrity, marriage, home ownership, education, and travel.
- Too often, information on the applications expires during the waiting time, causing additional work.
- Inefficiency just doesn't pay. American-citizen family members and employers are also affected.

AGAINST

- Immigration is a privilege, not a right. Immigration services should not be given more taxpayer money to speed up the process.

Immigration and Reform Control Act of 1986 (IRCA).

CASES

Facts For Demonstration

*Medellin v. Cashman
KPA, 17 Mass.
Workers' Comp. Rep.
592 (2003).*

*Hoffman Plastic
Compounds, Inc. v.
National Labor
Relations Board,
535 U.S. 137 (2002).*

*Brambila v. Chase-
Walton Elastomers*

[Amoah v. Mallah Management](#)