



# U.S. Immigration and Customs Enforcement

STATEMENT

OF

**JAMES C. SPERO**  
DEPUTY ASSISTANT DIRECTOR  
OFFICE OF INVESTIGATIONS

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

**“ICE WORKPLACE RAIDS: IMPACT ON US CITIZEN  
CHILDREN, FAMILIES AND COMMUNITIES”**

BEFORE THE

SUBCOMMITTEE ON WORKPLACE PROTECTIONS

May 20, 2008 at 10:00 a.m.

2141 Rayburn House Office Building  
Washington, D.C.

## **INTRODUCTION**

Good morning, distinguished Members of the Subcommittee. I am pleased to appear before you today to discuss U.S. Immigration and Customs Enforcement (ICE) law enforcement operations. I want to thank the Subcommittee for its continued support of ICE, which has allowed the dedicated men and women of the agency to accomplish so much.

ICE is first and foremost a federal law enforcement agency with the mandate of protecting national security and public safety by enforcing the nation's immigration and customs laws. ICE conducts its law enforcement operations lawfully, professionally, and humanely and takes extraordinary steps to identify, document, and act appropriately regarding humanitarian concerns of the individuals encountered during law enforcement operations. In planning enforcement operations, ICE agents specifically plan for the possibility that individuals who are arrested may also be a sole caregiver or that their detention may otherwise place an undue hardship on their families.

When planning worksite enforcement operations, ICE strikes a balance between the operational objectives of enforcing the law and any humanitarian issues that may arise as a result of the enforcement operation. ICE has developed worksite enforcement guidelines that field offices use when developing their operation plans to ensure that individuals who have been arrested and have unattended minors or family members with health factors are identified at the earliest point possible. ICE takes this responsibility

very seriously and these humanitarian factors are carefully taken into account when ICE makes custody decisions.

During large worksite enforcement operations, ICE coordinates with Public Health Service (PHS) professionals to provide a sufficient number of personnel to assess the medical and humanitarian needs of arrestees. This assessment is then used by ICE to identify arrestees who may be considered for release from custody due to an urgent humanitarian concern. PHS personnel are given prompt access to all arrestees under safe and humane conditions on the day of the enforcement action. To the extent possible, PHS personnel are provided access on a “rolling basis” immediately after the processing of each arrestee.

In addition to PHS, when operationally possible, ICE coordinates with state and local social service agencies to assist with humanitarian screening. Furthermore, after an operation begins, ICE proactively contacts the local social service agencies and local nongovernmental organizations to advise them of the operation and request their assistance in identifying any humanitarian issues that come to their attention. We provide these groups with contact information for an ICE representative who will immediately address any issues not previously identified.

If ICE is contacted by a social service agency or an NGO and provided with additional information or details regarding a humanitarian concern after an arrestee has been processed and detained, ICE carefully evaluates that new information and if appropriate,

may modify the conditions of release. This may include the possibility of release from custody or an alternative to detention such as electronic monitoring. During large scale operations, in an effort to provide reliable and timely information to family and friends regarding an arrestee's custody status and detention location, ICE has taken the unprecedented step of establishing a dedicated 24 hour toll-free information hotline.

When making a custody determination, ICE considers any humanitarian issues raised by the PHS, a social service agency, or contract support personnel and evaluates those in the context of other factors, including the arrestee's criminal record, immigration history, and other relevant factors. Generally, aliens who are ordered detained by ICE can seek a bond re-determination hearing before an immigration judge who has authority to review and modify ICE's detention decisions. ICE also makes every effort to not transfer detainees out of the area where they are arrested; however, this is not always possible due to the limitations of detention locations.

We used a similar humanitarian plan on our most recent large worksite enforcement operation. On May 12, 2008, ICE agents conducted an operation at AGRIPROCESSORS INC., a meat processing plant in Postville, IA. Agents executed a criminal search warrant and a Blackies search warrant at the company. This worksite enforcement operation resulted in the administrative arrest of 389 undocumented alien workers, 304 of whom were subsequently arrested for criminal violations.

In this recent operation, as in all ICE law enforcement operations, extraordinary care was taken to determine if any arrestees were sole caregivers or had other humanitarian concerns. This process involved the direct questioning of all arrestees on the day of the enforcement operation and during interviews with PHS representatives. Detainees were questioned no less than three times about humanitarian issues such as child custody concerns. ICE arranged to have PHS professionals at the arrest site to immediately determine the needs and status of any children impacted by the operation. Through this comprehensive effort, 62 of those arrested were conditionally released for humanitarian purposes; most were released from the arrest site while the operation was ongoing.

ICE takes extraordinary efforts to ensure that its law enforcement operations are conducted in a safe, humane, and professional manner, including extensive pre-operational planning and coordination. Worksite enforcement operations are not poorly planned, haphazard incidents, but rather are professional law enforcement operations conducted by a professional law enforcement agency whose primary mission is the enforcement of the laws of the United States and the protection of the American people.

ICE does, and will continue to, take great care with respect to the humanitarian concerns of aliens taken into custody during law enforcement operations and exercise discretion regarding custody when, and if, the exercise of such discretion is appropriate.

## **CONCLUSION**

On behalf of the men and women of ICE who place their lives at risk every day to enforce the laws of this Nation making it a safer place to live and work, I would like to thank you for your continued support. These men and women have a difficult job to do in often dangerous circumstances but they do so as consummate law enforcement professionals. Thank you for your time and I look forward to answering your questions.