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**Re: Forbearance from Removal, Work Authorization for the Mississippi Poultry Workers and Ending Ongoing Harms Resulting from August 2019 ICE Raids.**

Dear Counselor Tulli,

We write on behalf of Mississippi poultry workers from seven poultry plants in Central Mississippi to request forbearance from removal and a grant of work authorization to help protect and preserve the right of workers to participate in the ongoing investigations of abusive and retaliatory practices<sup>1</sup> by the U.S. Department of Labor (DOL) and the Equal Employment Opportunity Commission (EEOC). Nearly two years ago, Immigration and Customs

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<sup>1</sup> The seven poultry plants raided were PH Food in Morton, Peco Foods in Canton, Peco Foods in Sebastapol, Koch Foods in Morton, Pearl River Foods in Carthage, Peco Foods in Bay Springs, and MP Food in Pelahatchie (<https://www.clarionledger.com/story/news/2020/08/06/mississippi-ice-raids-feds-announce-indictments-chicken-plant-case/3298916001/>)

Enforcement (ICE) detained 680 workers from poultry processing plants in Mississippi in the largest single-state immigration enforcement operation in U.S. history, resulting in the deportation of hundreds of Latino, Indigenous workers and the continued detention of many others. That raid occurred just one year after one of the companies involved, Koch Foods, paid out \$3.75 million to settle an EEOC class-action suit charging the company with sexual harassment, national origin and race discrimination, and retaliation against Latino and Indigenous workers at one of its Mississippi plants. The fear created by these retaliatory raids happening on the heels of this historic labor rights investigation cannot be overstated. Poultry workers throughout the region are rightfully terrified that their participation in any DOL or EEOC investigation will result in more adverse immigration actions.

We are requesting that the DOL take immediate action to protect current and former undocumented poultry facility workers who have been victimized by their employers by helping them obtain work authorization and ensure protection from retaliation. Furthermore, ending the specter of retaliation includes remedying ongoing harm done as a result of immigration enforcement raids. We ask that you release the workers still detained, remove ankle monitors, return workers that have been deported, and pardon criminal convictions that resulted from the August 2019 raids.

Predatory employers consistently utilize the tactic of calling or threatening to call Immigration and Customs Enforcement (ICE) on their own workforce to deter worker organizing, to end worksite investigations, to evade liability and responsibility, and to bully immigrant workers into silence. We have seen these tactics implemented in New Orleans<sup>2</sup>, in California<sup>3</sup>, and many other local labor cases. However, the August 2019 raids were perhaps the most egregious indication to workers that their participation in federal investigations of workplace abuse could result in severe punishment. Two years later, the slow response by local DOL offices has only further undermined confidence in the justice system for workers and the families affected by the raids. Families have remained separated from their loved ones, and those who have returned are often further dehumanized by ankle monitors they have worn for years.

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<sup>2</sup> See <https://www.nytimes.com/2019/11/29/us/hard-rock-hotel-worker-immigration.html> Delmer Ramirez Palma became a witness in a federal workplace safety investigation after he was injured during the collapse of a new Hard Rock Hotel in New Orleans, and was subsequently targeted by immigration authorities for arrest and deportation. See also <https://www.osha.gov/news/newsreleases/region6/04032020> The OSHA investigation Mr. Ramirez Palma assisted with led to the citation of 11 different companies, and one charge of willful violation. Nevertheless, he remains in exile.

<sup>3</sup> See *Ucelo-Gonzalez v. Tebb, et al.*, No. 3D-2012-00588416 (Ca. Supr. Ct., Orange County, Aug. 3, 2012); Jose Ucelo Gonzalez is a day laborer who was placed in removal proceedings after his employer filed a retaliatory false police report against him. See also Gabriel San Roman, *Lawsuit: Day Laborer Faces Deportation After Anaheim Employer Filed False Police Report*, OC Weekly, Sept. 15, 2012, available at [http://blogs.ocweekly.com/navelgazing/2012/09/jose\\_ucelo\\_gonzalez.php](http://blogs.ocweekly.com/navelgazing/2012/09/jose_ucelo_gonzalez.php).

We have heard that we now have a federal DOL, Secretary of Labor, and presidential administration committed to expanding the rights of workers. However, there are still many ongoing investigations that lack any guarantee of protection for undocumented immigrant workers – even when the threat of retaliation is well-established. Mississippi poultry plant workers are a prime example. The 2019 raids revealed serious violations of federal labor laws at poultry plants, including rampant and egregious sexual assault and harassment against female immigrant workers. Several women have bravely come forward and submitted Charges of Discrimination with the EEOC against their employers for the harm they experienced.

The incidents of sexual harassment at one poultry plant were severe and pervasive, affecting many women workers. One woman was raped by her supervisor at the poultry plant; her assaulter continued to physically and verbally assault her after the incident. Another woman was threatened with termination if she did not sleep with her supervisor. This woman was later harassed by another supervisor who, at least twenty times, promised her higher pay if she slept with him. Many women workers at this plant reported regular requests for sex or other intimate relationships, inappropriate touching at work, inappropriate comments, and threats of retaliation. Often, these incidents would occur in front of other plant employees.

Threats of retaliation directly prevented the workers from reporting the pervasive sexual harassment. This behavior was well known amongst plant workers, but observers often feared termination or other forms of retaliation, so they refused to report incidents. The few women who did report these behaviors were terminated from their jobs. Despite a legitimate fear of retaliation, several women have submitted their EEOC Charges of Discrimination, and continue to provide vital information regarding their experiences, and the harms they suffered to the EEOC.

The DOL is also investigating wage and hour and child labor violations at two of the poultry plants.<sup>4</sup> This investigation is ongoing and community members and workers have been vital in sharing information that points to a long-standing violation of federal laws. Without the voices of impacted community members and workers, the DOL will not be able to conduct its investigation and ensure that these plants are operating under legal requirements.

The severity and regularity of these violations underscores the devastating chilling effect that the threat of ICE arrest has on workers. And that threat of retaliation continues to haunt immigrant workers in the form of GPS tracked ankle monitors – a device that was shown to be used by ICE to target the facilities raided in August 2019.<sup>5</sup> These unnecessary and inhumane

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<sup>4</sup> The DOL already found wage and child labor violations at three other Mississippi poultry plants that were subject to the 2019 ICE raids. See <https://www.dol.gov/newsroom/releases/whd/whd20201120>.

<sup>5</sup> See <https://www.nbcnews.com/news/us-news/gps-tracking-immigrants-ice-raids-troubles-advocates-n1042846>  
Unsealed search warrants from the raid reveal that immigration authorities tracked GPS data from dozens of

devices serve as a cruel message to the entire immigrant community that reporting workplace abuse is more likely to result in punishment than justice. Your department has a significant interest in having these ankle monitors removed to end the continued harm done to your ongoing investigations into the labor violations committed in Mississippi's poultry plants. The 2011 Revised Memorandum of Understanding between the Departments of Homeland Security and Labor Concerning Enforcement Activities at Worksites, part IV(F) allows ICE to grant a temporary law enforcement parole or deferred action to undocumented workers who are witnesses needed for a DOL investigation of a labor dispute<sup>6</sup>. This intervention is essential in order for the workers of the raided Mississippi poultry plants to feel safe assisting in the Department of Labor investigations.

The need for relief is urgent and must be as broad as possible. All 680 workers arrested in the poultry plant raids, former employees employed at the time of the raids, and current employees who have been subject to ongoing labor abuse, should be given immediate relief. These raids sent the message that immigrant workers need to stay quiet and never challenge a labor violation. This is guaranteed to lead to continued exploitation for many years to come. In order to counteract that level of damage, the message sent by the Department of Labor today has to be as broad and as public as possible.

The Immigrant Alliance for Justice & Equity (IAJE) and the National Day Laborer Organizing Network (NDLON) formally ask the Department of Labor to take the following actions with respect to the Mississippi poultry plant workers,:

- 1) Use the full authority granted to it under Part IV(F) of the Revised Memorandum of Understanding between the Departments of Homeland Security and Labor Concerning Enforcement Activities at Worksites to request forbearance from removal and work authorization;
- 2) Request the release of the Mississippi poultry workers still detained as a result of the August 2019 ICE raids in Mississippi, and the removal of any monitoring devices;
- 3) Request the return of workers that have been deported as a result of the August 2019 ICE raids in Mississippi; and
- 4) Request that the government pardon any convictions that were a result of the August 2019 ICE raids in Mississippi.

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undocumented immigrants with ankle monitors and used that information to target the 7 factories raided in August 2019.

<sup>6</sup> The MOU was initially published in March 2011. Technical revisions were made on December 7, 2011. The December 2011 version is available at: [https://www.dol.gov/sites/dolgov/files/OASP/DHS-DOL-MOU\\_4.19.18.pdf](https://www.dol.gov/sites/dolgov/files/OASP/DHS-DOL-MOU_4.19.18.pdf)

Immigrant workers should be rewarded and not punished when they speak up to defend labor standards for everyone. Protection from retaliation is the only way to give workers in exploitative and dangerous workplaces access to the labor rights the DOL is charged with upholding. We ask that you take advantage of the tools at your disposal to protect undocumented immigrant workers - largely Latino and Indigenous - in Mississippi and beyond.

Thank you for your attention to this matter. Please contact [lorena@iajems.org](mailto:lorena@iajems.org) and [nmmolina@ndlon.org](mailto:nmmolina@ndlon.org) with any questions.

Sincerely,

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