



DISPATCHES: Undocumented immigrants living in the shadows

By Hank Kalet, Online Editor

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Undocumented immigrants in central New Jersey are afraid.

They are afraid to call the police when they are the victim of a crime, afraid to call local fire departments, afraid to speak up when they are abused by employers and afraid to seek help.

The reason, according to advocates for Latino immigrants, is undocumented live in the shadows, fearful they will be housed in a detention center and eventually sent home – often without their families.

"It is a struggle to get them to apply (for services), because they are fearful to surface and make themselves known to the system," says Maria Juega, a trustee and treasurer with the Latin American Legal Defense and Education Fund in Princeton.

"There is a constant fear among immigrant families," especially those with children born in the United States, she says. "There is some anecdotal evidence of parents who have lost custody of their children — in some cases they may have had to surrender custody to relatives or nonrelatives. It's hard to believe this is happening in this day and age in this country and it is happening all over the country."

Anastasia Mann, a policy analyst with the liberal New Jersey Policy Perspective, says they live a "Hobbesian nightmare."

"All the protections we have worked to provide our lowest paid employees for the last 100 years just don't exist for these people and, to the limited extend they do exist, they don't use them," she said.

Dr. Mann, who also is a program associate with the Eagleton Institute of Politics Program on Immigration and Democracy, wrote a report in 2008 on immigration in Mercer County for NJPP. The report identified a "climate of fear."

"Fear of being deported by federal agents haunts many of Mercer's undocumented immigrants as well as their U.S.-born children and family members," she wrote. "The fears often are well founded. Neighborhood talk, reports in the local and national press and a complaint recently filed by the Center for Social Justice at Seton Hall Law School and other plaintiffs against the federal Department of Homeland Security all bring into focus what the complaint calls 'a troubling pattern by Immigration and Customs Enforcement (ICE) teams' in and around Mercer County."

ICE, "the largest investigative branch of the Department of Homeland Security," has "targeted immigrant communities in Hightstown, Princeton, Ewing, West Windsor and Trenton," since 2004, the report said. "Operating without warrants, they scour neighborhoods looking for immigrants with outstanding deportation orders."

This fear of deportation leaves them vulnerable to everything from wage-and-hour violations to housing problems, Ms. Juega said.

"They are subject to some abuse," she said. "Employers don't pay their wages. They fire employees without warning or if they complain about working conditions. And we're also finding landlords are increasingly taking advantage of situations when a lease is terminated."

Now that there are a larger amount of vacancies, these people are moving to cheaper apartments and the landlords from their previous housing are not returning deposits."

Roger Martindell, an attorney in Princeton who represents Latinos, said wage-and-hour violations are rampant. Undocumented workers are not entitled to work in the United States but, once hired, must be paid time-and-a-half after 40 hours of work.

A case he is litigating is typical of the problems that undocumented workers face, he said. A Mercer County landscaper hired several members of the same family, worked them more than 40 hours a week, but didn't pay them overtime. This went on for some time, he says, until a family member got into a dispute with the landscaper, which resulted in the entire family being fired. The landscaper, he said, also did not pay them their final week's wages. Mr. Martindell is suing the landscaper for the unpaid final week and back overtime pay.

The landscaper, unfortunately, is doing what many employers do — trying to intimidate the family. The landscaper has filed a petition with the state Superior Court in Mercer County, where the case is being heard, to have the family disclose immigration status, Social Security numbers and current address.

If the judge rules in favor of the landscaper, Mr. Martindell said, the family likely will drop the suit out of fear of deportation.

"If people can hire then start deportation to get rid of employees that easily, it encourages employers to hire illegal immigrants," he said.

The NJPP report says employers of this expanding, unregulated workforce "routinely violate wage and hour laws, disregard health and safety standards and subject employees to sexual harassment."

It is a problem that ultimately affects everyone – by driving wages down, weakening workplace safety rules and creating safety hazards in neighborhoods with large populations of the undocumented.

"We're all demeaned and put at risk when we have a subclass in our midst of people who are afraid to call the fire department if a fire breaks out or the police if a crime is committed," Dr. Mann said. "It is not good for anybody."

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This is the second in a series of columns on illegal immigration in Central Jersey. Next week: The tuition trap.

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