

The Associated Press State & Local Wire

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HEADLINE: Seven former hotel workers allowed to stay in U.S. for now

DATELINE: BLOOMINGTON, Minn.

BODY:

Seven illegal immigrants at the center of a deportation fight will be allowed to stay in the United States for two years as part of an agreement announced Tuesday.

They were among eight workers from Mexico who were fired from the Holiday Inn Express in Minneapolis after they tried to form a union.

When the agreement was announced outside the immigration court, more than 100 supporters of the workers, including labor organizers and religious figures, waved American and Mexican flags, hoisted union banners and cheered in English and Spanish with shouts of "Viva!" and "Si, se puede" - "Yes, we can!"

"I'm very pleased and I thank everyone here and thank you all for your support," Evertina Albino, 29, one of the eight workers said through a translator.

The workers were detained Oct. 13, 1999, after the hotel manager notified the Immigration and Naturalization Service that they were in the country illegally.

The workers alleged they were singled out by the hotel for their union activities. Hotel officials said they reported the workers over fears of being fined for knowingly employing illegal aliens, not in retaliation for their union activity.

After the workers' arrests, the National Labor Relations Board and the U.S. Equal Employment Opportunity Commission investigated the hotel's actions and

brought charges of unlawful discrimination and unfair labor practices against Holiday Inn Express. The hotel settled the case and paid each worker \$8,000.

It was the first major test of new EEOC policies meant to protect all employees from discrimination, regardless of their immigration status.

With the workers still facing possible deportation, the labor board and employment commission lobbied on their behalf to allow them to stay.

Under Tuesday's agreement, the INS agreed to grant the workers a temporary reprieve from deportation for two years and allow them to work during that time.

An eighth worker did not qualify for the exemption because he had been previously deported from the United States and illegally returned later.

"This case is a reminder that the most powerful voice does not come from any one individual but people united together," said Jorge Saavedra, one of the lawyers for the eight workers.

"We feel that this agreement is a good compromise, one that allows a generous period for the defendants to arrange their affairs before returning to their home country while still ensuring that the laws governing immigration in the United States will be upheld," said INS District Director Curtis Aljets.

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The Associated Press

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NEWS RELEASE

April 25, 2000

INS Reaches Agreement on Minneapolis Holiday Inn Case

BLOOMINGTON, MN – Today, the Immigration and Naturalization Service (INS) has agreed to grant seven of the eight individuals apprehended in October 1999 at the Minneapolis Holiday Inn Express, temporary relief through "deferred action" for a period of two years, pending demonstration that they have complied with legal obligations under other local, state and federal laws. This temporary relief will only be granted after all relevant facts including any previous contact with law enforcement have been fully disclosed, and does not confer any permanent immigration status. "Deferred action" is an act of prosecutorial discretion that delays an enforcement action.

"We feel that this agreement is a good compromise, one that allows a generous period for the defendants to arrange their affairs before returning to their home countries while still ensuring that the laws governing immigration in the United States will be upheld," said St. Paul District Director Curtis J. Aljets.

Following the original enforcement action in October, INS had determined that the eight individuals who were working at the Holiday Inn had entered the United States illegally and were not authorized to work in this country. Subsequently, the eight individuals were originally issued notices to appear for removal proceedings.

Since that time, INS was made aware that these individuals cooperated with other Federal agencies—the Office of Special Counsel within the Department of Justice, the National Labor Relations Board, and the Equal Employment Opportunity Commission—and received a settlement for violations of federal anti-discrimination and labor laws. INS has long recognized the importance of such coordinated law enforcement in vindicating individuals' workplace rights, and typically has supported such efforts by not removing such individuals from the country before the legal proceedings have had time to run their course which INS ensured occurred in this case. However, in this particular case, INS was asked to consider additional relief.

While INS does possess discretion in the application of U.S. immigration law, the letter and intent of the law must be upheld. Foreign nationals are required to lawfully enter the United States, and must have specific authorization to work.

In this case, INS has not identified any legal basis for granting lawful permanent resident status to the individuals. However, owing to the unique circumstances of this case and the role that the eight individuals have played in other workplace actions, INS has determined that deferred action is appropriate in seven of the eight cases so as to provide a generous period of time for the defendants to arrange their affairs before returning to their home countries.

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INS will also accept applications from the individuals granted deferred action for employment authorization so that they may legally work during the time that they remain within the United States. One of the individuals was previously removed from the United States and illegally returned, and under the law, his case is not appropriate for deferred actions: INS will seek to remove him from the United States as quickly as possible.

INS reiterates that it does not condone the exploitation of any person, no matter what their legal status, and will work within the law and its discretion to ensure such exploitation does not occur.

- INS -

U.S. Department of Justice
IMMIGRATION AND NATURALIZATION SERVICE

STATEMENT

4/25/00

Agreement Regarding Minneapolis Holiday Inn Case

Curtis J. Aljets
INS District Director
St. Paul, Minnesota

I am pleased to announce that the Immigration and Naturalization Service (INS) and Centro Legal, represented by Mr. Benjamin Casper and Mr. Jorge Saavedra F., have come to an agreement concerning seven of the eight people who were apprehended at the Holiday Inn Express hotel in Minneapolis in October 1999.

INS has agreed to grant the respondents "deferred action" for a period of two years, pending demonstration that they have complied with all legal obligations under other local, state and federal laws. Deferred action is temporary and does not confer any permanent immigration status.

INS will also accept applications from each of the seven for employment authorization so that they may legally work during the time they remain in the United States with deferred action.

We examined options for possible avenues to legal status for the seven, and determined there are no such provisions under current law.

We feel that this agreement is a good compromise, one that allows a generous period for the defendants to arrange their affairs before returning to their home countries while still ensuring that the laws governing immigration in the United States will be upheld.

It is important to reiterate that foreign nationals must apply to lawfully enter the United States, and must have specific authorization to work. Employers are required by law to determine that those they hire are legally entitled to work, while at the same time ensuring that they do not discriminate based on national origin or citizenship.

I would like to emphasize that this is a highly unusual set of circumstances, and this agreement does not establish a precedent. The action INS is taking today is within the discretionary range of options available under law.

I want to stress that INS does not condone the exploitation of any person, no matter what their legal status. One of the unfortunate results of illegal immigration is that it puts people in vulnerable, if not dangerous, circumstances, whether it be in unsafe vehicles while being smuggled; under the thumb of unscrupulous employers; at the mercy of legal advisors who for steep fees promise benefits they cannot deliver; or as indentured servants, working for years to repay criminal smuggling organizations.



Barbara.L.Strack@usdoj.gov
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Record Type: Record

To: Irene Bueno/OPD/EOP

CC:

Subject: MN Holiday Inn settlement documents

Here's the INS press release and statement. The immigration judge closed the cases administratively this a.m. after reviewing the settlement agreement, and a joint press conference followed. We hear that it went well.



- MinneapolisRelease



- Minneapolis Statement

Barbara 4/25/00

get person - I want home, I had expedited work

-MN - settlement - 7 day w/ Depart Am for 2 yrs.
extraordinary case workplace rights - can. can + principles

Some contingencies - oddball cases - no current need.
① Symptom ② Apply to EAO ③ Defend Am - 30 days

No permanent relief for these people 2 yrs. Not T visa, not
registering. Whistleblower protection bill, medical, § 243(f).

Wellstone

No appeal

One guy had re entered after expedited removal.

- Pun Release

- Wellstone bill = whistleblower protection.

SSA

- misuse of SSN in agricultural sector.

- SSA/IG's office talking to the growers.

- AG

Mexican workers may get amnesty

By Timothy Burn
THE WASHINGTON TIMES

Attorney General Janet Reno today is expected to consider a plea for amnesty from nine illegal Mexican hotel workers who face deportation after a bitter dispute with their employer over union activity.

Miss Reno was scheduled to hear details on the matter during a weekly meeting with top Justice Department officials, including Doris Maessner, commissioner of the Immigration and Naturalization Service.

An agency spokesman said yesterday that Miss Reno had agreed to consider the workers' request to remain in the United States, but that no decision would be made during the meeting.

The nine workers, all housekeepers at a Minneapolis Holiday Inn Express hotel, won a \$72,000 settlement from the hotel last month in the first case in which the Equal Employment Opportunity Commission (EEOC) intervened on behalf of illegal immigrants.

The workers claimed that their employer took advantage of their status as illegal immigrants to force lower wages and longer working hours under the unspoken threat of deportation.

The workers had helped their fellow housekeepers form a union to fight for better pay and treatment. Soon after their successful vote to join the Hotel Employees and Restaurant Employees International Union, their employer reported them to the INS as illegal aliens.

Now they face almost certain deportation back to Mexico. All of the workers have said they would gladly give up their \$8,000 settlement checks for the chance to stay.

An attorney representing the workers was pessimistic about their chances, but hoped that the attorney general would take into

account their participation in the EEOC case that led to the settlement.

"It was a landmark settlement that addresses the ongoing problem of discrimination on the basis of race, national origin and immigration status in workplaces around the nation," said Jorge Saavedra, chief legal officer of Centro Legal, a nonprofit community law office in Minneapolis.

"By granting relief to these workers it will send a clear signal to all employers that the U.S. government will protect the most vulnerable workers in our nation," Mr. Saavedra said.

Both the Clinton administration and labor leaders are stepping up efforts to protect the rights of the approximately 6 million people who are in the United States illegally.

Most have come to the United States seeking jobs as agricultural workers, day laborers or lower-rung restaurant and hotel employees. Given the continued strong

U.S. economy, employers in these fields are having a tough time finding legal residents willing to work for the low wages and minimal benefits they provide.

Administration and labor leaders agree that employer exploitation of undocumented workers is a rampant problem in the United States, one that receives little attention. Mr. Saavedra said most illegal aliens are unwilling to report their abuse for fear of getting deported.

Signaling the new administration effort on behalf of illegal residents, the EEOC in October issued a "clarification" intended to remind both employers and employees that all workers, included the undocumented, are protected against discrimination under Title VII of the Civil Rights Act of 1964.

The AFL-CIO, meanwhile, is expected to vote this month on a controversial proposal calling for a general amnesty for most of the illegal aliens.

The proposal, introduced at the AFL-CIO biennial convention in California last fall, calls for allowing undocumented workers the chance to seek legal citizenship.