

## THE ISSUE

The rights of foreign workers in Vermont have received increased attention lately, due largely to substantial numbers of workers from Mexico and other Latin American nations employed on Vermont dairy farms.

“Aliens” – non-U.S. citizens traveling, living, or working in the U.S. – do not necessarily enjoy the same rights as U.S. citizens. Immigration law is complicated, and often the exact status of an alien is unclear.

With the farmworkers, the underlying problem is an economic one. No one wants to milk cows anymore – farmers are having to reach beyond traditional labor pools for help. It is estimated that more than 50 percent of Vermont dairy farms employ foreign workers, many of whom are Mexican.

However, since 9/11 it has become very difficult for foreigners to work legally in this country. Many of the Mexican farm workers may not have all their necessary paperwork.

## LOCAL POLICE ACTIONS

There has been increased tracking or surveillance of foreign workers – especially by local police – not just here in Vermont, but around the country. A recent *Washington Post* story, for example, detailed how police in communities in many areas – including around Washington – were acting to enforce federal immigration laws.

The exact role of local police in enforcing federal immigration laws is murky. However, it does seem clear that without a memorandum of understanding between state and federal law enforcement, state and local officers are not obligated to enforce federal law. Whether locals can choose to enforce federal law is not settled. The Second Circuit (Vermont’s U.S. Court of Ap-



peals circuit) hasn’t ruled on this. So while there is a real need for their labor, the foreign workers often face legal actions brought by immigration officials, or by local police.

We have received numerous inquiries about the treatment of foreign workers in Vermont. The inquiries mainly revolve around three different areas – actions taken by local police against foreign workers, a foreign worker’s right to consult an attorney when questioned, detained, or arrested; and search and seizure rights.

From past legislative efforts, it’s evident that some in Congress would like to settle the issue once and for all and get local police involved. However, many local police aren’t so sure that they want this responsibility.

In June 2006 the Major Cities Chiefs of Police Association published a report, “Recommendations for Enforcement of Immigration Laws by Local Police Agencies.” The report is a nine-point position statement whose core recommendation is that local police agencies should not be asked or required to enforce federal immigration laws without receiving training and additional resources.

## OVERVIEW

Panelists at an immigration forum in Montpelier in October noted that prior to 9/11, American immigration laws were moving towards rational protocols for deciding who could come into the country and for what reason.

The terror attacks of Sept. 11 changed that. Immigration restrictions have tightened, and foreigners have been targeted for increased surveillance.

Sen. Patrick Leahy has worked to have federal labor rules changed to allow foreigners to continue working on Vermont farms legally. But disagreement in Congress on immigration issues stymied that effort.

