

November 2011 U.S. Immigration Alert!

A Newsletter from National Immigrant Solidarity Network
November, 2011 Issue, Volume 38
No Immigrant Bashing! Support Immigrant Rights!

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Occupy the Wall Street Occupy the ICE!

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Commentary: Many activist across the county are occupying their community to protest again the greedy top 1% and the corrupted U.S. government policies, immigrant rights activist should also joining this powerful movement to occupy their local Immigration and Customs Enforcement (ICE) office to protest against their racist anti-immigrant policies!

National Immigrant Solidarity Network

US Deported over 400,000 immigrants for the Past 12 Months, 18,000 to El Salvador

Voices from El Salvador - October 23, 2011

In the past twelve months, the United States government has deported over 400,000 immigrants back to their countries of origin, and according to a report by El Faro, 95% of the deportees were Latin American. The number of deportees has risen by 40,000 since 2008 when almost 350,000 people were deported from the U.S. The vast majority (286,893) of the deportees were Mexican. The country with the second most deportees is Guatemala (33,324). Honduras is third (23,822) and El Salvador is fourth (18,870). Of those deported, 55% had been charged with some crime in the U.S.

President Obama ran on a platform that included immigration reform as one of his top priorities, but we have still seen no action other than a failed attempt at passing the Dream Act. Certainly much of the inaction on reform is attributable to the Tea Party Movement and the extreme positions taken by the Republican presidential candidates, who seem to stumble over each other to take the most extreme position possible on immigration enforcement.

According to the online journal Infowars, immigration enforcement has been a cash cow for private prisons. There are 2 million immigrants in private prisons in the United States. The government pays these prisons \$45-130 per day for their detention.

Though the political climate is not favorable to immigration reform, our politicians need to at least keep trying and we have to keep this issue on the front on the front page of the papers.

In The Rush To Deport, Expelling U.S. Citizens

Ted Robbins, NPR - October 24, 2011

The government is not shy about its success deporting people from the United States. Immigration and Customs Enforcement recently sent out videos of early-morning raids conducted across the country. Uniformed ICE agents are shown planning to capture suspects, followed by shots of the suspects being handcuffed and put into vehicles. A record 396,000 people were deported from the country during the federal fiscal year that just ended. Some were caught in raids, while others were detained by ICE after being arrested by local police. But Northwestern University political science professor Jacqueline Stevens says some of those held weren't illegal immigrants at all.

"I think it's pretty fair to say that there's a low but persistent rate of people who are being held by ICE in violation of the law, who are U.S. citizens," Stevens says.

Mark Lyttle was deported to Mexico in 2008. Lyttle, who has a history of mental illness, gave ICE agents conflicting stories, telling them that he was a U.S. citizen and also that he was a Mexican to avoid an argument.

ICE apparently ignored records showing that he was born in North Carolina and had no relatives in Mexico. Eventually Lyttle returned to the U.S.

Earlier this year, the government admitted that another deported man named Andres Robles was a citizen.

It sent Robles a letter, with an odd offer.

The letter said the government was prepared to issue a certificate of U.S. citizenship to Robles, but said he would have to pick it up, adding that it realized it wouldn't be possible for him to do because he was deported.

The case of a Phoenix man, George Ibarra, isn't so clear-cut. He has been deported twice over the past 15 years while trying to prove his citizenship.

"I'm up against a big old juggernaut," Ibarra says. "You know, a bureaucratic juggernaut that just doesn't want to let go; you know they just keep trying to stick it to me."

Ibarra was being held in the Maricopa County Jail in Phoenix for shooting a gun into the air — in frustration, he says.

"I've been just sitting there in my house going crazy, man," Ibarra says. "My lawyer told me I can't do nothing, can't go to work till this thing's over."

Ibarra was a Marine. He has the Marine insignia — the eagle, anchor and globe — tattooed on his chest. He suffers from PTSD after being wounded in the first Gulf War. Ibarra grew up in Phoenix. What he didn't know was that his mother was born just over the border in Nogales, Mexico. That's where Ibarra was born. His mother brought him to Arizona when he was a baby; the fact that his mother has lived in the U.S. for decades, his grandfather was born in Arizona and, he says, his great-grandmother was born in California should make Ibarra eligible for what's called "derived citizenship."

"He never knew about this legal right to citizenship through his grandfather and his mother," says Luis Parra, Ibarra's lawyer. "He never knew about that."

Like many caught in ICE detention, Ibarra was ignorant of the law. The first time he was picked up, he faced nine months in the detention center in Florence, Ariz. That's when he made a mistake — when ICE said he could get out early if he voluntarily deported himself. He said yes.

"They put me on a bus and shipped me to Mexico," Ibarra says. "I was in Mexico. I was like, 'Where do I go? What do I do?'"

He turned right around with his military ID and driver's license and came back through the Nogales port of entry. Then he got into trouble with the local police again — a drug use charge. But now he had a deportation on his record, calling into question his claim to citizenship. Faced with another long stint in detention, he volunteered to be deported a second time.

"He made some mistakes, that's for sure," Parra says.

After Parra became Ibarra's lawyer, an immigration judge looked at the evidence and ruled that Ibarra does have a right to citizenship. But ICE has appealed that ruling.

"Why hasn't it stopped?" Parra asks. "Despite the fact that he's a veteran and despite the fact that he's a fourth-generation American?"

We asked ICE for an interview, but a spokesperson said the agency doesn't comment on specific cases because of privacy concerns. The government denies that it holds U.S. citizens in immigration detention.

But Stevens of Northwestern University says government policy allows people with a credible claim to citizenship to remain free while their status is determined. Stevens says the way deportation proceedings are conducted causes problems. Unlike criminal courts, immigration courts have few checks.

"I've never seen an ICE agent who filed an arrest report appear in an immigration proceeding," Stevens says. "Not once, and I've watched literally hundreds of these cases and not once do they have to go to court to be interrogated by a judge about the accuracy of the information that's presented."

Stevens looked at about 8,000 cases in just two immigration detention facilities. She found that about 1 percent of the time, people were eventually let go because they were U.S. citizens. However, that meant the citizens were held between one week and four years in detention.

Stevens says that when members of Congress hear the figure is 1 percent, they think it's not bad.

"However, if we think about the magnitude of our deportation process, that means that thousands of U.S. citizens each year and tens of thousands in the course of a decade will be detained for substantial periods of time in absolute violation of the law and their civil rights," she says.

In other words, in the rush to deport record numbers of illegal immigrants, the government may also be deporting people who aren't illegal immigrants at all.

ICE Announcement of Detainee death

ICE - October 4th, 2011

ICE detainee passes away at Texas hospital EL PASO, Texas - An El Salvadoran national in the custody of U.S. Immigration and Customs Enforcement (ICE) passed away Wednesday evening at Del Sol Medical Center in El Paso, Texas.

Mauro Antonio Rivera-Romero, 43, was taken by ambulance Oct. 4 to Del Sol Medical Center after he displayed symptoms of extreme hypotension.

On Oct. 5, Rivera-Romero went into cardiac arrest at the intensive care unit of Del Sol Medical Center, where he was later pronounced dead. An autopsy to determine the cause of death is being conducted.

Representatives from the Consulate of El Salvador were notified and are working closely with ICE to notify Rivera-Romero's next of kin.

Rivera-Romero was arrested Oct. 1 by U.S. Border Patrol. He was transported Oct. 2 to the El Paso Processing Center pending removal proceedings.

Rivera-Romero is the second detainee to pass away in ICE custody nationwide in fiscal year 2012.

Press Release: District Court Orders Release of Key ICE Memorandum

Oct 25th, 2011

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DISTRICT COURT ORDERS RELEASE OF KEY ICE MEMORANDUM Court Criticizes ICE's Efforts to Avoid Disclosure as "Offensive" to Freedom of Information Act

October 25, 2011, New York—Last night, Judge Shira Scheindlin ordered the Immigration and Customs Enforcement (ICE) agency to publicly disclose by November 1 a previously withheld internal memorandum that advocates believe will shed light on the agency's legal justification for turning Secure Communities into a mandatory immigration enforcement program.

The decision follows motions for summary judgment filed by all parties in *NDLON v. ICE* about the memorandum. The government claimed the memorandum was exempt from disclosure under the attorney-client and deliberative process privileges. Plaintiffs the National Day Laborers Organizing Network, Center for Constitutional Rights, and Cardozo School of Law Kathryn O. Greenberg Immigration Justice Clinic argued the memo was improperly kept secret from the public in the midst of important policy decisions related to Secure Communities. Indeed, this summer, opposition to Secure Communities reached new levels with the Governors of Illinois, Massachusetts, and New York formally rejecting the program. In response, ICE announced that all of its Memorandum of Agreements with States were dissolved and that the program would be imposed unilaterally. Despite serious questions from States, local jurisdictions, and advocates about ICE's legal authority to make the program mandatory, the agency continued to withhold information about its legal reasoning and sought to keep the legal authority memorandum secret.

The court ruled in favor of plaintiffs and determined the memorandum had been drafted to justify an already existing policy to make Secure Communities mandatory; that the government failed to prove it had kept the memo confidential; and that the agency had adopted the memorandum's conclusions and analysis as its internal working law.

The National Day Laborer Organizing Network, Center for Constitutional Rights and Cardozo Immigrant Justice Clinic released the following statement in response to the court's decision:

"Our organizations, along with a chorus of advocates and elected officials across the country, have been seeking to uncover the

truth behind ICE's decision to compel states and localities to participate in its dangerous Secure Communities program. The memorandum ordered disclosed is the only document to date that comprehensively describes the legal authority claimed by ICE in support of its position mandating state and local participation in the controversial program – a deportation dragnet that has raised concerns about racial profiling, due process, the ensnarement of U.S. citizens, community policing, privacy, and other issues.

The judge's order shines a light on a program that has been plagued with secrecy and lies from its start. We agree with the court's conclusion that, "an agency's view 'that it may adopt a legal position while shielding from public view the analysis that yielded that position is offensive to FOIA.'" We believe it's also offensive to our democracy.

With this decision, the court has rejected efforts by ICE to "radically expand the government's ability to resist FOIA requests" and has affirmed that FOIA exists "to promote honest and open government and to assure the existence of an informed citizenry in order to hold the governors accountable to the governed." We urge the Obama administration to hold federal agencies accountable for their deception and mismanagement, to recognize the complete failure of the Secure Communities program, and to terminate it immediately. It's time to restore trust and communities. " For more information on NDLOM v. ICE or to view the court order, visit <http://ccrjustice.org/secure-communities>.

Counties Vow Not to Detain Immigrants on ICE's Behalf

Color Line - October, 2011 Issue

Cooperating with the federal government's immigration enforcement agenda may be mandatory for local law enforcement, but localities are finding ways around the federal government's programs.

Last week northern California's Santa Clara County became the latest locality to pass an ordinance that will likely curb the number of its residents who get handed over to federal immigration authorities through the immigration enforcement program Secure Communities. That same week, Washington, D.C. mayor Vincent Gray signed an executive order reaffirming the rights of D.C. residents not to get harassed by law enforcement officers about their immigration status.

These announcements are the latest in a string of similar moves from other counties which have attempted to push back on the federal government's interpretation of its Secure Communities program. S-Comm, as the initiative is often called, allows immigration officials to check the fingerprints of everyone booked into a local or county jail against federal immigration records. Even if the person is wrongfully arrested or never charged with any crime, they become subject to deportation if they're found to be undocumented. If a match is found, Immigration and Customs Enforcement — if it doesn't already have an agent posted inside the local jail — will call local law enforcement and ask them to detain a person while ICE agents come down to the jail to take them away for detention proceedings.

Santa Clara County has now determined that enforcing such detainers for ICE are "requests" from the federal government which it's under no obligation to carry out. It's further argued that holding onto people in county jails for ICE is a costly financial burden that localities, which are not reimbursed by the federal government, should not to have enforce.

"Today is historic," said Santa Clara County Supervisor George Shirakawa on the day of the vote, New America Media reported. "We now have the most progressive policy in this field, and the whole nation will be looking at us as Santa Clara County makes it official: we don't do ICE's job."

Washington, D.C. Mayor Gray signed an executive order that also promised to stop the practice of holding onto people for ICE longer than the legally mandated 48-hour period, which localities have done as a courtesy to the federal agency.

"We're not going to be instruments of federal law when it comes to immigration status," Gray said last week, Washington D.C.'s WTOP reported.

Such resistance comes as the federal government is pushing harder and harder to limit states' attempts to opt out of the once-optional program. This past summer, after the governors of Illinois, New York and Massachusetts all attempted to opt out or distance their states from the program, the Department of Homeland Security (DHS) responded by canceling every contract it had drawn up with participating states. DHS argued that the program was not optional after all.

The program has been a cornerstone of the Obama administration's deportation agenda, and been a primary driver of the administration's record-breaking deportation rates.

While the loudest resistance to the program has come from immigrant rights advocates, local law enforcement officers have also been vocal in their criticisms. Traditionally, immigration violations are civil offenses that are not enforced by local law enforcement.

But that's no longer the case. The school of thinking among a growing number of law enforcement experts, and not just immigrant advocates, is that forcing police to help the federal government enforce immigration law breaks down trust in a community, and hampers police officers' ability to do their primary job of ensuring public safety.

Partnerships between local law enforcement and immigration officials “creates the very distinct impression that police are agents of ICE,” said Stephen Smith, the organizing director of the Illinois Coalition of Immigrant and Refugee Rights. “And if you think the police are agents and you are part of a mixed status family, you don’t call the police and you don’t report crimes on your own.”

Earlier this summer San Francisco Sheriff Michael Hennessy, citing exactly this reasoning, announced that he’d no longer honor ICE detainer requests for people who were arrested by not charged with a crime; those who were victims of domestic violence and those with no prior criminal record. Last month Illinois’ Cook County, where the cost of detaining people on behalf of ICE amounts to \$15.7 million dollars a year, passed a local ordinance similar to Santa Clara County’s. Smith credited local law enforcement officials in Illinois and around the country for providing leadership on the issue to get these ordinances passed.

“The unsung heroes in this are the law enforcement officials who are providing legitimacy to claims that if anything, these programs make us less safe, not more safe,” Smith said.

While other attempts to end participation in Secure Communities have not been successful, localities have been able to assert this kind of resistance so far.

“I think what sheriffs and what localities are doing in setting this trend is totally within their right and within their scope of local jurisdiction,” said B. Loewe, a spokesperson with the National Day Laborer Organizing Network, which is organizing to dismantle Secure Communities. “How their agencies respond to [detainer] requests is within their purview.”

“Jurisdictions who ignore detainers bear the risk of possible dangers to public safety,” ICE spokesperson Gillian Christensen said this summer, US News reported.

According to Smith, such framing is a disingenuous ploy, since local ordinances that limit localities’ cooperation with detainer requests do not bar the federal government from picking up the tab for these costs.

Secure Communities is slated to be operational across the entire country by 2013.

Somali women demand justice for two women on trial for material support of terrorism

October 19, 2011 - Fight Back! News Service

Minneapolis, MN – More than 60 Somali women assembled outside the Federal Courthouse here, Oct. 19, in support of Hawo Mohamed Hassan and Amina Farah Ali, two Somali humanitarian workers who are charged with providing ‘material support for a foreign terrorist organization.’

The two women, who raised money to help destitute people in their homeland, are accused of helping al-Shabab, an Islamist organization that fights to free Somalia from foreign domination. The jury is still out on the case.

Mick Kelly, of the Committee to Stop FBI Repression states, “These women have done nothing wrong. They worked hard to help people in need. They deserve the support of everyone who cares about justice.”

Let’s Fight Back!

Workers win contract with country's first unionized car wash

Los Angeles Times - October 25, 2011

Workers at a Southern California car wash have organized and won a labor contract with their employers, making it what’s believed to be the only unionized car wash in the country. The agreement, to be announced at a press conference Tuesday morning, is between some 30 car wash workers and the Sikder family, owners of Bonus Car Wash, at 2800 Lincoln Blvd. in Santa Monica, according to the contract The Times has received.

As part of the agreement, the family has agreed to attempt to reopen Marina Car Wash in Venice, which had closed and had employed another 30 workers, said Chloe Osmer of the Community Labor Environmental Action Network (CLEAN), a group formed to organize car-wash workers.

The contract calls for small pay increases of 2%. Its greater importance, Osmer said, is that it calls for owners to abide by state labor law regarding car wash working conditions, such as work breaks and when workers can clock in. It also provides a procedure for hearing workers’ grievances and requires any new owners of the car wash to abide by the contract. In the past, workers would

be asked to show up for work at a certain time, but then not allowed to clock in until customers began arriving. Work breaks were also limited, said Eduardo Tapia, a Bonus worker for five years. "It was a two-year struggle," said Tapia. Now, "we have 10 more minutes of break. We have our water to drink. If they say show up at work at 10:30, I start work at 10:30." Times' telephone calls to Bonus Car Wash and the Sikder family attorney requesting comment were not returned.

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About National Immigrant Solidarity Network

NISN is a coalition of community, immigrant, labor, human rights and student activist groups, founded in 2002 in response to the urgent needs for the national coalition to fight immigrant bashing, support immigrant rights, no to the sweatshops exploitation and end to the racism on the community. Please visit our website:
<http://www.ImmigrantSolidarity.org>

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