

October U.S. Immigration Alert!

**A Monthly Newsletter from National Immigrant Solidarity Network
October 2006 Issue, Volume 17**

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**Anti-Immigrant/Border Fence Bills Passed
Lessons we should learn, and what is our next
stage of the struggle?**

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Lee Siu Hin

National Immigrant Solidarity Network

Last Weeks of September was one of the darkest and shameful days for the immigrant and human rights in U.S. history. Despite repeat appeal from the activists, the U.S. Senate, approved the outrageous and racist detainee bill (S. 3930) and another multi-billion dollars for immoral war in Iraq and Afghanistan (H.R.5631). At the House, they passed the wire tap bill (H.R. 5825) and several other anti-immigrant bills (H.R. 4844, H.R. 6089, H.R. 6090 and H.R. 6091).

But the most shameful one, on Friday September 29, the Senate rushed to passed the shameful Border Fence Bill (H.R. 6061), calling for construction a multi-billion dollars 700 miles of fence along the 2,000-mile border with Mexico, and President sign it to the law. Here's some lessons we should learn for our recent defeats:

1) We cannot have any more illusion that there's such thing as critical Republican-Democrats splits at the Congress could help us against anti-immigrant/anti-civil liberties bills, because all these bill's passage had clearly reflects bipartisan, even overwhelmed supports from the members of both parties. Therefore, we need to redefine our Congressional lobbying/legislative strategies, and rethink who is our real ally.

2) There's no doubt that there's a direct link between anti-immigrant/anti-civil liberties politics, the war in Iraq/Afghanistan and the multi-billion dollars military industrial complex. Just right before the House vote on the border fence bill, the Boeing had won \$70 million dollars for building a "test" border wall.

3) Although we lost the immigrant votes, we should not give up the fight and need to be visionary: We need to think 2-3 steps ahead to begin our next fights to stop their next possible anti-immigrant agendas at the Congress. We need to continuously keep up our fights and pressure our policy makers from now to the mid-term election, during the lame duck section, the holiday recess and to the next year. The anti-immigrant group ALIPAC had laid down their next campaign strategy, we can learn a lot from them.

4) In order to win our struggle, we should building a grassroots, multi-ethnic coalition includes: African American, Native American, African immigrant, Asian American, Latino/Latina, Arab-Muslim-North African, progressive labor, interfaith, LGBTQ, student, anti-war/peace and global justice groups from across the country. Understand we have different values and agendas and should accept and help diverse tactics to achieve our common goal.

5) Fundamentally, we need to educate our community, our ally and our enemies--this is not just a immigrant rights struggle, it's a civil rights and human rights for tens of millions of immigrants and people of colors in this country, because we need to tell anyone who supports the anti-immigrant/border fence bills are ignorance as just like supporting the idea of "Separation but Equal." We cannot allow us to turn the clock back to the time when racial segregation, McCarthyism, KKK lynching mobs are everywhere.

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H.R. 6089, 6090, 6091: Analysis from Immigrant Legal Resource Center

H.R. 6089: The Unsafe Streets and Government Unfettered Authority Act

Despite the opposition of state and local police nationwide, HR 6089 would encourage state and local law enforcement agencies to investigate, identify, apprehend, arrest, detain and transfer to Federal custody immigrants they find in the U.S. State and local police oppose this measure because they know that if they act as immigration enforcement agents they would undermine their ability to keep communities safe and, in the process, destroy years of community policing. Immigrants and their family members will be afraid to report crimes, fires, and suspicious activity out of fear of exposing themselves, families or neighbors. Crimes inevitably will be left unsolved and the safety of entire communities will be compromised.

H.R. 6089 also would give immigration authorities nearly unfettered authority to indefinitely detain immigrants, thereby posing serious constitutional concerns. The indefinite detention provision sidesteps two Supreme Court cases and actually fashions through legislation a means by which DHS could continue to indefinitely detain certain aliens. The provision would subject many more people to indefinite detention including asylum seekers fleeing persecution. Legislation is not needed on this issue: DHS should follow the humane process laid out by the Supreme Court which sets up a 90 day review process for individuals who cannot be removed to their home country. Over 1000 individuals are subjected to indefinite detention at the present time. In some cases, it is not possible for the government to deport these individuals because the U.S. does not maintain diplomatic relations with country of origin. Detaining people indefinitely, with no end in sight, will cost the government millions of dollars at taxpayer expense. Instead of detaining these individuals, Congress could use secure alternatives to detention programs that are more cost effective and humane.

HR 6090: The Anti Right to Association and Government Unaccountability Act

Under H.R. 6090, immigrants who have never committed any crimes whatsoever and who have obeyed all of our laws can be deported, denied admission and the ability to obtain lawful status, subjected to mandatory detention, and denied all forms of protection such as asylum and temporary protected status, simply because the Attorney General has determined through a secret process that they are associated with a street gang. Through this secret process, the Attorney General, does not have to provide notice or an opportunity to be heard to those designated, and can designate any formal or informal group of three or more persons who have committed two or more enumerated gang crimes a "criminal street gang." As a result of this designation, many immigrants who never committed or supported a single criminal act (but are designated to have associated with this "gang") may be punished severely for exercising their right to association: they may be deported to a country where they face interrogation, torture, detention and even death.

H.R. 6090 also changes the rules for immigration cases in federal court so that immigrants will have a harder time getting relief. HR 6090 would make it easier for the Department of Homeland Security (DHS) to continue violating the law in any immigration case even after the agency has lost in court. Plaintiffs in immigration cases will find it difficult to force DHS to obey the law even after they have proven in court that they have been wronged by the DHS. This bill also would not allow judges to grant relief in all immigration cases unless they attach a written explanation of the impact of granting the pardon. Finally, it would impose overly short time limits on courts attempting to grant pardons to immigrants, regardless of the complexity of the case.

HR 6091: Government Unchecked Power Act

HR 6019 includes a provision that would allow the Administration to remove people from inside the United States without a court hearing, after a low-level agency official makes certain findings. It eliminates judicial hearings for immigrants, including legal permanent residents, who are found inadmissible and who are not eligible for any relief. Such expedited removal authority would allow a DHS officer, instead of a trained immigration judge, to make complicated legal determinations about whether a person is subject to removal and/or is a citizen. Such authority would lead to the increased risk of improper or mistaken deportations of non-citizens and even U.S. citizens: the expedited procedures are insufficient to determine who is a citizen of the United States. Expedited removal would endanger asylum seekers, victims of trafficking and domestic violence, and children because under these summary procedures there will be many incorrect determinations and people will be sent back to countries where they face persecution.

Detention and Deportation News

9/26: Detainee Measure to Have Fewer Restrictions, White House Reaches Accord With Lawmakers R. Jeffrey Smith - Washington Post

Republican lawmakers and the White House agreed over the weekend to alter new legislation on military commissions to allow the United States to detain and try a wider range of foreign nationals than an earlier version of the bill permitted, according to government sources.

Lawmakers and administration officials announced last week that they had reached accord on the plan for the detention and military trials of suspected terrorists, and it is scheduled for a vote this week. But in recent days the Bush administration and its House allies successfully pressed for a less restrictive description of how the government could designate civilians as "unlawful enemy combatants," the sources said yesterday. They spoke on the condition of anonymity because of the sensitivity of negotiations over the bill.

The government has maintained since the Sept. 11, 2001, attacks that, based on its reading of the laws of war, anyone it labels an unlawful enemy combatant can be held indefinitely at military or CIA prisons. But Congress has not yet expressed its view on who is an unlawful combatant, and the Supreme Court has not ruled directly on the matter.

As a result, human rights experts expressed concern yesterday that the language in the new provision would be a precedent-setting congressional endorsement for the indefinite detention of anyone who, as the bill states, "has engaged in hostilities or who has purposefully and materially supported hostilities against the United States" or its military allies.

The definition applies to foreigners living inside or outside the United States and does not rule out the possibility of designating a U.S. citizen as an unlawful combatant. It is broader than that in last week's version of the bill, which resulted from lengthy, closed-door negotiations between senior administration officials and dissident Republican senators. That version incorporated a definition backed by the Senate dissidents: those "engaged in hostilities against the United States."

The new provision, which would cover captives held by the CIA, is more expansive than the one incorporated by the Defense Department on Sept. 5 in new rules that govern the treatment of detainees in military custody. The military's definition of unlawful combatants covers only "those who engage in acts against the United States or its coalition partners in violation of the laws of war and customs of war during an armed conflict."

Kate Martin, director of the Center for National Security Studies, said that by including those who "supported hostilities" -- rather than those who "engage in acts" against the United States -- the government intends the legislation to sanction its seizure and indefinite detention of people far from the battlefield.

Martin noted that "the administration kidnapped an innocent German citizen" and "held him incommunicado for months . . . because the CIA or Pentagon wrongly suspected him of terrorist ties." She was referring to Khalid al-Masri, who the Bush administration eventually acknowledged was detained on insufficient grounds.

Nothing in the proposed legislation -- which mostly concerns the creation of new military panels, known as "commissions," to try terrorism suspects -- directly addresses such CIA apprehensions and "renditions."

But the bill's new definition "would give the administration a stronger basis on which to argue that Congress has recognized that the battlefield is wherever the terrorist is, and they can seize people far from the area of combat, label them as unlawful enemy combatants and detain them indefinitely," said Suzanne Spaulding, an assistant general counsel at the CIA from 1989 to 1995.

Traditionally, courts have found it reasonable for parties to armed conflicts to seize or try people they encounter on a battlefield, to keep them from returning to the hostilities, added Spaulding, who was also a general counsel for the House and Senate intelligence committees. "The Supreme Court could potentially look at this and say Congress has now defined how anyone anywhere in the world" is subject to detention and military trial, even when far from an active combat zone, she said.

White House spokeswoman Dana Perino said: "We are satisfied with the definition because it will allow us to prosecute the terrorists, and it also has important limitations that say a terrorist must have purposefully and materially supported terrorism."

Spokesmen for John W. Warner (R-Va.), John McCain (R-Ariz.) and Lindsey O. Graham (R-S.C.) -- the senators leading negotiations with the Bush administration -- did not immediately respond to requests for comment on the new language, but others on Capitol Hill said the three had accepted it.

Under a separate provision, those held by the CIA or the U.S. military as an unlawful enemy combatant would be barred from challenging their detention or the conditions of their treatment in U.S. courts unless they were first tried, convicted and appealed their conviction.

Senate Judiciary Committee Chairman Arlen Specter (R-Pa.) yesterday assailed the provision as an unconstitutional suspension of habeas corpus, which he said was allowable only "in time of rebellion or in time of invasion. And neither is present here."

He was joined by the committee's senior Democrat, Sen. Patrick J. Leahy (Vt.), who said that under the provision, legal U.S. immigrants could be held "until proven innocent, not until proven guilty."

Bruce Fein, a senior Justice Department official in the Reagan administration, testified against the provision at a Senate hearing. Kenneth W. Starr, a solicitor general under President George H.W. Bush, said in a letter to Specter that he concerned the legislation "may go too far in limiting habeas corpus relief."

Sen. John Cornyn (R-Tex.) defended the provision, saying alien enemy combatants are not "entitled to rights under the United States Constitution similar to those accorded to a defendant in a criminal lawsuit."

Congressional sources said Specter is unlikely to derail the compromise legislation over those objections.

9/22: Feds' raids spread fear among immigrants (24,000 had arrested so far!)

Eric Ruder - SOCIALIST WORKER

'This reminds me of Nazi Germany'

FEDERAL AGENTS are carrying out raids and roundups in immigrant communities across the U.S., spreading fear and sending some migrant workers fleeing.

In three California towns--Santa Cruz, Watsonville and Hollister--Immigration and Customs Enforcement (ICE) agents rounded up 107 people in two days in early September.

Immigration lawyers in the area have been swamped with people trying to help relatives caught up in the sweeps, but nearly half of those detained were deported within 24 hours, making it difficult for them to assert even the basic right to have their cases heard before an immigration judge.

Elsewhere, raids swept up 90 people in the Minneapolis/St. Paul metropolitan area, 55 people in West Michigan and 34 in Colorado's Roaring Fork Valley. Of those arrested, most came from Mexico, but people from many other countries--including Guatemala, El Salvador, India, Ethiopia and others--were also picked up.

In California, many parents are now afraid to walk their children to school for fear of being swept up. 'There is a lot of apprehension in the Latino community about the safety of their children,' said Ralph Porras, assistant superintendent of Santa Cruz City Schools.

One woman told Socialist Worker that her neighbor, a 19-year-old undocumented woman with a 2-year-old son, is afraid to leave her home, and asked, 'Will my son become the property of the U.S. government if I am deported?'

According to press reports, the community of Stillmore, Ga., a small town of 1,000 people, has practically become a ghost town since ICE agents began roundups there on September 1.

'Trailer parks lie abandoned,' wrote the Associated Press. 'The poultry plant is scrambling to replace more than half its workforce. Business has dried up at stores where Mexican laborers once lined up to buy food, beer and cigarettes just weeks ago...More than 120 illegal immigrants have been loaded onto buses bound for immigration courts in Atlanta, 189 miles away. Hundreds more fled Emanuel County. Residents say many scattered into the woods, camping out for days. They worry some are still hiding without food.'

The raids--and the shattered families left behind--shocked even the town's mayor, Marilyn Slater. 'This reminds me of what I read about Nazi Germany, the Gestapo coming in and yanking people up,' said Slater.

When agents stormed the trailer park that David Robinson owns and operates, he was so disgusted that he bought an American flag and posted it upside down in protest. 'These people might not have American rights, but they've damn sure got human rights,' said Robinson. 'There isn't any reason to treat them like animals.'

The Crider poultry plant is by far Stillmore's largest employer, and its workforce is primarily made up of undocumented workers from Mexico. Since the raids, the plant has drastically scaled back production, and the town's other small businesses, convenience stores and groceries have been hard hit by the mass exodus.

From Stillmore to Santa Cruz, broken families now struggle with how to put their lives back together. Many of those who were deported were their families' breadwinners, meaning that those left behind are now scrambling to make ends meet and keep food on the table.

Doug Keegan, director of the Santa Cruz County Immigration Project, said a 17-year-old girl explained to him that she would have to quit school and get a job to make house payments because both her mother and father were deported to Mexico. 'This young person is completely at a loss as to how she's going to be able to maintain housing for herself and her younger siblings,' Keegan told Santa Cruz Indymedia.

ICE officials are quick to claim that these raids aren't 'random sweeps,' but targeted enforcement designed to pick up 'criminals,' or those who have disregarded final deportation notices.

But eyewitness reports--and the statistics--tell a different story. 'The reports were very disturbing,' explains Keegan. 'The officers came to these homes from 4 a.m. to 5 a.m., banging on the door, identifying themselves as the police, and once they gained entry to the home, started questioning everyone in the home as to their immigration status.'

Only 42 of the 107 arrested in Northern California had ignored deportation orders, and the remaining 65 were undocumented migrants 'the agents happened to encounter,' according to the San Francisco Chronicle.

The raids, part of the cynically named 'Operation Return to Sender,' which the Department of Homeland Security began on May 26, have so far led to arrests of 24,000 people nationally. Some 6,800 have been deported already.

Keegan thinks that the raids are a kind of retaliation for the immigrant rights protest that exploded this spring. 'It's almost as if [the government] is trying to prove a point or make a statement to immigrants who demonstrated for better immigration laws and better reform that we're going to come back and flex our muscles--we're going to raid your communities and take people away,' said Keegan.

Keegan's advice for immigrants facing harassment by ICE agents is to invoke their right to say nothing. 'The most important thing I can tell people is not to open your door to begin with,' said Keegan. 'Once you open your door to the officers, they are given great latitude in questioning people. But if you don't open your door, they don't get that opportunity.'

Minutemen Watch: Projects of National Immigrant Solidarity Network

<http://www.MinutemenWatch.net>

10/4: Students storm stage at Columbia University; Minutemen founder Jim Gilchrist forced to flee!

After a 45 minute long diatribe by a preachy opening speaker, during which a packed crowd inside Roone Arledge grew increasingly irate, main event Jim Gilchrist was rushed by a large group of students, in what descended into a free-for-all on the stage.

CTV's video of the protest:

http://www.bwog.net/index.php?page=post&article_id=2265

Report: At Columbia, Students Attack Minuteman Founder **ELIANA JOHNSON - New York Sun**

Students stormed the stage at Columbia University's Roone auditorium yesterday, knocking over chairs and tables and attacking Jim Gilchrist, the founder of the Minutemen, a group that patrols the border between America and Mexico. Mr. Gilchrist and Marvin Stewart, another member of his group, were in the process of giving a speech at the invitation of the Columbia College Republicans. They were escorted off the stage unharmed and exited the auditorium by a back door.

Having wreaked havoc onstage, the students unrolled a banner that read, in both Arabic and English, "No one is ever illegal." As security guards closed the curtains and began escorting people from the auditorium, the students jumped from the stage, pumping their fists, chanting victoriously, "Si se pudo, si se pudo," Spanish for "Yes we could!"

The Minuteman Project, an organization of volunteers founded in 2004 by Mr. Gilchrist, aims to keep illegal immigrants out of America by alerting law enforcement officials when they attempt to cross the border. The group uses fiery language and unorthodox tactics to advance its platform. "Future generations will inherit a tangle of rancorous, unassimilated, squabbling cultures with no common bond to hold them together, and a certain guarantee of the death of this nation as a harmonious 'melting pot,'" the group's Web site warns.

The pandemonium that ensued as the evening's keynote speaker took the stage was merely the climax of protest that brewed all week. A number of campus groups, including the Chicano caucus, the African-American student organization, and the International Socialist organization, began planning their protests early this week when they heard that the Minutemen would be arriving on campus.

The student protesters, who attended the event clad in white as a sign of dissent, booed and shouted the speakers down throughout. They interrupted Mr. Stewart, who is African-American, when he referred to the Declaration of Independence's self-evident truth that "All men are created equal," calling him a racist, a sellout, and a black white supremacist.

A student's demand that Mr. Stewart speak in Spanish elicited thundering applause and brought the protesters to their feet. The protesters remained standing, turned their backs on Mr. Stewart for the remainder of his remarks, and drowned him out by chanting, "Wrap it up, wrap it up!" Mr. Stewart appeared unphased by their behavior. He simply smiled and bellowed, "No wonder you don't know what you're talking about."

"These are racist individuals heading a project that terrorizes immigrants on the U.S.-Mexican border," Ryan Fukumori, a Columbia junior who took part in the protest, told The New York Sun. "They have no right to be able to speak here."

The student protesters "rush to vindicate themselves with monikers like 'liberal' and open-minded,' but their actions, their attempt to condemn the Minutemen without even hearing what they have to say, speak otherwise," the president of the Columbia College Republicans, Chris Kulawik, said. On campus, the Republicans' flyers advertising the event were defaced and torn down.

The College Republicans expressed their concern about the lack of free speech for opposing viewpoints on the Columbia campus in the wake of the evening's events. "We've often feared that there's not freedom of speech at Columbia for more right wing views - and that was proven tonight," the executive director of the Columbia College Republicans, Lauren Steinberg, said.

The Minutemen's arrival at Columbia drew protesters from around the city as well. An hour before Messrs. Stewart and Mr. Gilchrist took the stage, rowdy protests began outside the auditorium on Broadway, where activists chanted, "Hey, hey, ho, ho, the Minutemen have got to go!"

Immigration News Briefs from Across the Country

Immigration News Briefs is a weekly English-language summary of US immigration news, e-mail: nicaig@panix.com.

1. DAY LABOR RAID IN CONNECTICUT

On Sep. 19, US Immigration and Customs Enforcement (ICE) agents arrested 11 out-of-status day laborers from Ecuador who were waiting for jobs near Kennedy Park in Danbury, Connecticut. Danbury police helped ICE with the sweep. Police Capt. Robert Myles said his agency alerted ICE after receiving numerous complaints from residents, and after warning the day laborers to stay out of the roadway and in Kennedy Park. "The daily warnings which were given for a period of over two months were ignored and [ICE] was called for assistance," said Myles.

"If they are having problems, why don't they call leaders and community organizations and have a meeting to pass this information down and find a solution?" asked Wilson Hernandez, founder of the Ecuadoran Civic Center in Danbury, on Sept. 20. A day after the raids, the number of day laborers at Kennedy Park was down by about 80% over previous days. [*Danbury News Times* 9/20/06, 9/21/06] Danbury mayor Mark Boughton is a fierce proponent of tougher immigration policies; with New York's Suffolk County Executive Steve Levy he co founded the Mayors and County Executives for Immigration Reform, a lobbying group that calls for

stepped-up enforcement measures and federal compensation to local governments for costs associated with immigration. [www.supportreform.org]

3. COLORADO AIR BASE RAIDED

On Sept. 20, ICE agents arrested 120 immigrant workers at a housing-construction site at Buckley Air Force Base in Aurora, Colorado. The raided site is within a mile of what the Denver Post called "top-secret global- surveillance and missile early-warning facilities." At least 45 ICE agents took part in the operation, in partnership with officials from the Air Force Office of Special Investigations (OSI).

Air Force officials on the Buckley base blamed their contractor, Texas-based Hunt Building Co., a leading provider of military housing including facilities at Guantanamo Bay, Cuba. Hunt's superintendent on the project, Bruce Jackson, said he had no idea the workers were undocumented. "Certainly not," Jackson said. Hunt has 24 subcontractors, said Stephanie Shuhayda, Jackson's office manager. Jeff Copp, special agent-in charge of the ICE Office of Investigations in Denver, said ICE will work with military special investigations officials

"to identify the culpability between the subcontractors and employees and anyone else involved." The investigation that led to the raid was carried out over several months with help from federal labor officials and Aurora police, Copp said.

The \$78 million, 353-unit housing project is immediately adjacent to the military base, but not actually on it. According to Abel Madera, a masonry subcontractor at the site, US military officials "know a lot of illegal people don't have IDs," so they set up the construction project to give workers access without having to pass through military checkpoints. Hunt officials said once the housing is completed, a wall will be built around it and it will then become part of the military base. The project began in January 2005 and was scheduled for completion "sometime next year," according to Shuhayda, the Hunt office manager.

An ICE news release said the arrested workers were all men, ages 18 to 50, from Mexico, Guatemala, Honduras and El Salvador. Officials with the Mexican consulate in Denver said they were told by ICE that 98 immigrants, including three minors, were put on a bus to Mexico the day of the raid, Sept. 20. ICE spokesperson Carl Rusnok confirmed that 98 of the workers were returned to Mexico because agents determined they had no criminal records. Three workers were found to have outstanding criminal warrants and were turned over to the Aurora Police Department. [*Denver Post* 9/20/06; *Rocky Mountain News* 9/20/06; *El Paso Times* 9/22/06; *ICE News Release* 9/20/06]

3. GA: 30 ARRESTED IN WORKPLACE RAID

Early on Sept. 14 in Alpharetta, Georgia, ICE agents and local deputies arrested 30 men from Latin America who were employed by Forsyth Curb Co. Inc., a company specializing in curbs and gutters. According to the Forsyth County Sheriff's Office, 20 of the workers are facing charges of first-degree forgery and identity theft because they used false documents to get their jobs; the other 10 are in ICE custody facing deportation. Sheriff's Capt. Paul Taylor said in a statement that the operation was "the result of an ongoing investigation" by his office and ICE. "It's a great example of local, state and federal agencies working together," said Taylor. The raid stems from an investigation last January in which Forsyth Sheriff's officials arrested six people for producing fake immigration and Social Security documents. A federal grand jury indicted the members of the alleged forgery ring in April. In July authorities gave the owner of Forsyth Curb Co. notice that employees were using bogus identification, Lt. Col. Gene Moss said. [*Atlanta Journal-Constitution* 9/15/06; *Gainesville Times* 9/15/06]

4. WA: INDUSTRIAL LAUNDRY RAIDED

On Aug. 30, ICE agents arrested 26 Mexican immigrant workers in a raid at Northwest Health Care Linen, an industrial laundry in Bellingham, Washington that supplies linens to Puget Sound area hospitals. The agents had a sealed civil search warrant, according to ICE spokesperson Virginia Kice. The raid followed an audit of

I-9 forms and other employment records; Northwest Health Care Linen owner Jim Hall said the agent investigating his business promised to give him a list of employees with questionable documents within 60 days. Instead, agents carried out the raid, an "extremely emotional event," said Hall, that could have been avoided. The company was shut down for two hours as armed agents in bulletproof vests interviewed workers, according to Hall. As of Sept. 1, 21 of the workers remained in custody at ICE's Northwest Detention Center in Tacoma. The other five were released to care for children, Kice said. All face possible deportation. [*Bellingham Herald* 9/2/06]

5. IL: CHINESE BUFFET RAIDED

On Sept. 20, ICE agents arrested 16 employees in a raid at Buffet City in Springfield, Illinois. The arrested workers are two women and eight men from China, and six men from Mexico. The restaurant's co-owner, Xiang Hui Ye, was also arrested and is being held by the US Marshals Service; on Sept. 21 he was charged in federal court with concealing or harboring "illegal aliens" and hiring or recruiting them for employment. The raid came a day before the Illinois Times named Buffet City as its readers' favorite buffet restaurant.

According to an affidavit by ICE special agent Brian Withers, Hui Ye provided housing for the workers in apartments near the restaurant. The affidavit says the restaurant underpaid workers \$266,366 over a two-year period, as found in a review of Buffet City payroll information by a US Department of Labor (DOL) investigator. The affidavit says the investigation began on Jan. 15, 2005, when senior special ICE agent Tom Merchant received a phone call from a man who said he had been fired from Buffet City because he had told Hui Ye that he did not like working with "illegal aliens." The restaurant was placed under surveillance later that month. In April 2005, Merchant received a request for assistance from DOL investigator Fred Wrightman, who said he had received a complaint from a Buffet City employee about wage violations. In December 2005, five undocumented Mexicans who had worked at Buffet City were arrested near the restaurant. [*State Journal-Register (Springfield)* 9/22/06]

6. FL: RAID ON PRISON ROOFERS

On Sept. 7, ICE arrested 15 immigrants employed by a roofing contractor doing work at the Federal Correctional Institution in South Miami-Dade, Florida. Bureau of Prisons (BOP) officers at the facility initially detained three workers there on suspicion of fraudulent documents; the BOP officers then contacted ICE, which dispatched investigators. ICE Miami spokesperson Barbara Gonzalez said 13 of the detained men were from Mexico and two were from Guatemala. They all allegedly used fraudulent documents to get their jobs. All 15 were transported to the Krome detention center in West Miami-Dade and put in deportation proceedings, Gonzalez said. [*Miami Herald* 9/17/06]

7. MISSISSIPPI COUNTRY CLUB RAIDED

On Sept. 13, ICE agents served warrants on the Country Club of Jackson, Mississippi, and arrested 18 suspected out-of-status workers there. All those arrested were employees of the country club, according to ICE spokesperson Temple Black. "Any folks ... who are a menace to the community, we will turn over to the US attorney for prosecution," Black said. The rest will be issued a "notice to appear" before an immigration judge, who will review their case, said Black. [Clarion-Ledger (Jackson) 9/14/06; WLBT 3 (Jackson) 9/13/06] Eleven workers were arrested Aug. 23 in a similar raid at a country club in Little Rock, Arkansas [see *INB* 9/2/06].

8. "RETURN TO SENDER" HITS MICHIGAN

In "Return to Sender" raids from Sept. 8 to 13, ICE agents arrested 55 people, 11 of them with prior criminal records, in the area around Lansing, Grand Rapids and Battle Creek in western Michigan. Those arrested were from Burma, Cambodia, China, El Salvador, Ethiopia, Guatemala, Honduras, Indonesia, Korea, Mexico, Nicaragua, Turkey and Yugoslavia. One man with a prior

criminal record faces charges for having reentered after being previously deported. Most were detained in the Calhoun County Correctional Facility for processing and deportation. While ICE claimed all those without criminal records had ignored deportation orders, Grand Rapids Attorney Richard Kessler, who specializes in immigration law, said some were merely "in the wrong place at the wrong time," detained because they were at the home of the individuals being sought. The sheriff's offices of Calhoun and Kent counties provided "significant assistance" to the operation, ICE said. [*Grand Rapids Press* 9/16/06; *AP* 9/14/06]

From October 2005 to August 2006, ICE fugitive operations teams arrested more than 24,000 people nationwide, of whom "more than 9,000" had criminal convictions, says ICE. According to ICE, "more than 6,800" of those arrested have been removed from the US. ICE currently has 45 fugitive operations teams across the US and expects to have 52 by the end of 2006. [*ICE News Release* 9/11/06]

Immigrant Solidarity Activism: Make Your City "Sanctuary City for Immigrants"

Sanctuary Policy for Immigrants

"Sanctuary city," "sanctuary policy" or "confidentiality policy" usually refers to a statement or legislative position that legislators or government officials make to protect the rights of immigrants in their community and ensure their safety. These policies or statements have come in the forms of "Executive Orders," "Ordinances," or "Resolutions" in different municipalities and localities in the US. They can also be expressed in other ways such as memorandum or even state law but so far these are the ones that have been commonly used around the country. A state law would be more effective and significant in its meaning than, say, a memorandum, but sometimes a memorandum is just more politically feasible. This sheet is intended to introduce the concept of sanctuary policy, its potential benefits, and tools to make it happen. (Please note that so-called "sanctuary policy" is broadly defined in this document, not limited to those that respond directly to immigration raids.)

There have been debates about whether local law enforcement should enforce immigration law, either passively or proactively. Sanctuary or confidentiality policies usually contain language that prohibits local law enforcement and public employees from serving as immigration agents and using such tactics as questioning people about their immigration status. The policies also guarantee basic services to all community residents regardless of their immigration status (though there may be exceptions for criminal cases). In the midst of immigration raids and tensions, now is a good time to discuss the benefits and possibility of introducing a sanctuary policy on the local level.

Policy Options

Executive Order:

What is it? An executive order is an edict issued by a member of the executive branch of a government, usually the head of that branch. The term is mostly used by the United States government.

Example 1: Trenton, NJ, 2004

Mayor Palmer of Trenton issued an Executive Order (EO) 04-01 that ensures all residents of the City of Trenton can access city services regardless of their immigration status and recognizes the social, cultural and economic contributions that immigrants bring. The EO also listed all the city services that can be utilized by all residents, including federal benefits that are administered by the City, such as WIC and school meal programs. This is very similar to the one passed in New York City.

Example 2: New York, NY, 2003

New York City Mayor Bloomberg issued Executive Order 41 in 2003 "to ensure that all New Yorkers, including immigrants, can access City services that they need and are entitled to receive." According to Executive Order 41, City workers must "protect the confidentiality of a broad range of information belonging to people seeking City services."

Ordinance:

What is it? An ordinance is a law made by a non-sovereign body such as a city council or a colony.

Example 1: San Francisco, CA, 1989

The City and County of San Francisco passed an Ordinance that prohibits their public employees from using city funds to assist in enforcing immigration law or disseminating information regarding someone's immigration status.

Resolution:

What is it? The term resolution often refers to measures that do not become law. The resolution is often used to express the legislative body's approval or disapproval of something which they cannot otherwise vote on, due to the matter being handled by another jurisdiction, or being protected by a constitution. However, a legislature also uses resolutions to exercise a power that is not lawmaking power.

Example 1: Borough of Princeton, NJ, 2004

The resolution recognizes the contribution of immigrants in the Borough of Princeton and is intended to make sure that immigration agents properly identify themselves and follow legitimate and clear procedures when pursuing immigration matters. It also recommends that the federal lawmakers should pass comprehensive legislation that provides undocumented immigrants a path to citizenship.

Example 2: San Francisco, CA, 2002

After 9-11, San Francisco also passed a Resolution (in addition to the Ordinance mentioned above) that reaffirmed San Francisco as a sanctuary city for immigrants and declared an "INS Raid-Free Zone."

What does it mean to pass this type of policy, even if it doesn't have legally binding effect, such as a memorandum or resolution?

Often times, non legally binding policies such as city council resolutions or memorandum have more symbolic meaning than anything else, declaring this government body or entity as "immigrant-friendly." However, there are other long term benefits for the immigrant community or the community as a whole. For instance, a city government might start to be culturally sensitive and respectful and might undergo internal training to familiarize themselves with the special needs of immigrants. Other benefits include:

- Less fear among immigrants
- More protection for immigrants when federal agents conduct raids or investigations in the community
- Helpful when there is a dispute over jurisdiction between federal and local law enforcement
- Increased solidarity and sense of community among all community members

How do we go about making this happen?

Like advocating for a bill to pass, it's usually not a simple or short process. Building knowledge about similar policies and practices as well as establishing relationships with local elected officials is essential. Find one (or more) elected official that supports your idea and give him/her a sample legislation, executive order, ordinance, resolution, or memorandum. Make sure that the sample has the language you want and suits the needs of your community. Consider what is politically feasible to advocate for such measure. For example it might be easier to push the City of Trenton to pass an executive order than a city ordinance. However, if you already have pro-immigrant friends in the city council, a city ordinance might not be impossible and stronger language could be proposed.

Specifically, what are the steps that need to be taken to make this happen?

- Education: Educate community and elected officials about the importance and benefits of a sanctuary policy in the community
- Outreach: Reach out to as many groups as possible to support the idea of a sanctuary city
- Find legislative supports: prepare sample legislation, talking points and find elected officials, including government executives, to introduce and promote it
- Build a campaign or coalition to work on the passage of the proposed measure

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About National Immigrant Solidarity Network

ISN 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>

Contact Information:

E-mail: siuhin@aol.com

(213) 403-0131 (Los Angeles)

(212) 330-8172 (New York)

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