

Spring 2010 U.S. Immigration Alert!

A Newsletter from National Immigrant Solidarity Network

Spring, 2010 Issue, Volume 33

No Immigrant Bashing! Support Immigrant Rights!



<http://www.ImmigrantSolidarity.org>

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Obama and the Immigrant Rights: Are We Going to Prevail?

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May Day 2010 Call To Action!

<http://www.ImmigrantSolidarity.org/MayDay2010/>

National Immigrant Solidarity Network

Please send your May Day 2010 action announcements to info@immigrantsolidarity.org

We are calling A national day of multi-ethnic unity with youth, labor, peace and justice communities in solidarity with immigrant workers and building new immigrant rights & civil rights movement!

Wear White T-Shirt, organize local actions to support immigrant worker rights!

1. No to anti-immigrant legislation, and the criminalization of the immigrant communities.
2. No to militarization of the border.
3. No to the immigrant detention and deportation.
4. No to the guest worker program.
5. No to employer sanction and "no match" letters.
6. Yes to a path to legalization without condition for undocumented immigrants NOW.
7. Yes to speedy family reunification.
8. Yes to civil rights and humane immigration law.
9. Yes to labor rights and living wages for all workers.
10. Yes to the education and LGBTQ immigrant legislation.

We encourages everyone to actively linking our issues with different struggles: wars in Africa, the Americas, Asia, Iraq, Afghanistan, Palestine & Korea with sweatshops exploitation in Asia as well as in Los Angeles, New York; international arm sales and WTO, FTAA, NAFTA & CAFTA with AIDS, hunger, child labors and child soldier; as well as multinational corporations and economic exploitation with racism and poverty at home—in order we can win the struggle together at this May Day 2010!

Immigration Reform: We Need a Better Alternative

Monday 22 March 2010

by: David Bacon, t r u t h o u t

Oakland, California - Sens. Charles Schumer and Lindsey Graham announced Thursday their plan for immigration reform. Unfortunately, it is a retread, recycling the same bad ideas that led to the defeat of reform efforts over the last five years. In some ways, their proposal is even worse.

Schumer and Graham dramatize the lack of new ideas among Washington power brokers. Real immigration reform requires a real alternative. We need a different framework that embodies the goals of immigrants and working people, not the political calculations of a reluctant Congress.

What's wrong with the Schumer/Graham proposal?

1. It ignores trade agreements like NAFTA and CAFTA, which produce profits for US corporations, but increase poverty in Mexico and Central America. Since NAFTA went into effect, income in Mexico dropped, while millions of workers lost jobs and farmers their land. As a result, six million Mexicans had to leave home and migrate north, looking for work.

If we do not change US trade policy, millions of displaced people will continue to come, no matter how many walls we build.

2. People working without papers will be fired and even imprisoned under their proposal, and raids will increase. Vulnerability makes it harder for people to defend their rights, organize unions and raise wages. That keeps the price of immigrant labor low. Every worker will have to show a national ID card, (an idea too extreme even for the Bush administration). A problematic ID would mean getting fired and maybe jailed.

This will not stop people from coming to the US. But it will produce more immigration raids, firings, and a much larger detention system. Last year, over 350,000 people went through privately-run prisons for undocumented immigrants. That number will go up.

3. Schumer and Graham treat the flow of people coming north as a labor supply for employers. They propose new guest worker programs, where workers would have few rights and no leverage to organize for better conditions. Current programs are already called "Close to Slavery" by the Southern Poverty Law Center.

4. Schumer's and Graham's legalization scheme imposes barriers making ineligible many of the 12 million people who need legal status. Their idea for "going to the back of the line" would have people wait many years for it.

Getting in the back of the line is like having to sit in the back of the bus. In 1986, even President Reagan, hardly a liberal, signed a plan in which people gained legal status quickly and easily. Many are now citizens and vote, run for office, lead our unions, teach in our schools, and have made great contributions to our country.

Schumer and Graham treat legalization as a carrot, to force acceptance of a program in which the main beneficiaries are large corporations, not immigrants nor other workers.

Instead, we need reform that unites people and protects everyone's rights and jobs, immigrant and nonimmigrant alike. We need to use our ideals of rights and equality to guide us.

For several years, immigrant rights groups, community organizations and unions have called for reform based on those ideals. It's time to put those ideas into a bill that can bring our country together, not divide it.

A human rights immigration bill would:

1. Stop trade agreements that create poverty and forced migration.
2. Give people a quick and easy path to legal status and citizenship.
3. End the visa backlogs, so there's no "get in the back" line.
4. Protect the right of all workers in their jobs - against discrimination, or getting fired for demanding rights or for not having papers.
5. Bring civil rights and peace to border communities.
6. Dismantle the immigration prisons, end detention and stop the raids.
7. Allow people to come to the US with green cards - visas that afford people rights, that are not tied to employment and recruitment by labor brokers.
8. Use reasonable legalization fees to finance job programs in communities with high unemployment.
9. End guest worker programs.

Those who say no alternative is possible might remember the "go slow" advice given to young students going to jail in the South in the early 60s. If they'd heeded it, we'd still be waiting for a Voting Rights Act.

Dr. King, Rosa Parks, the students in SNCC and Chicano civil rights leaders like Cesar Chavez, Bert Corona, Dolores Huerta and Ernesto Galarza asked the country a simple question: Do we believe in equality or not?

That's still the choice.

Rights Working Group: DHS memos expose avenue for racial profiling

Washington DC - March 31, 2010 -- Numerous statements have been made by the leadership of the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) stating that ICE enforcement actions are focused on "the most dangerous criminal aliens currently charged with, or previously convicted of, the most serious criminal offenses." ICE claims that it gives priority "to those offenses including, crimes involving national security, homicide, kidnapping, assault, robbery, sex offenses, and narcotics violations carrying sentences of more than one year." However, an article in last Friday's *Washington Post* exposed memos that set quotas for enforcement, in some cases even explicitly tying job performance evaluations of individual agents to their success in meeting a target quota of arrests of suspected undocumented immigrants.

Although ICE officials have distanced themselves from the memos in private meetings with advocates, no clear guidance on how immigration enforcement is to be prioritized in the field has been made public. Instead, ICE leadership expects the public to believe that they did not know about or endorse the memo that was operational for at least a month, and that they are still prioritizing those who pose a threat to the community even as they refuse to share information about how they intend to implement and track their stated priorities.

"A numbers based approach to immigration enforcement leads to sloppy law enforcement work," said Margaret Huang, Executive Director of the Rights Working Group. "When law enforcement is focused on numbers and not investigations that prioritize those who pose a danger to our communities, enforcement can become a proxy for racial profiling."

A recent lawsuit filed in Manhattan Federal Court alleges that DHS agents "board Amtrak trains and public buses, looking for undocumented immigrants and criminal aliens, and use racial profiling to meet arrest quotas." Communities subject to 287(g) MOAs and the Criminal Alien Program report an uptick in profiling concerns. Even ICE Congressional testimony continues to conflate people identified through initiatives such as Secure Communities who have been charged with only minor offenses and are not yet convicted of any crime as "criminal aliens."

"If DHS is serious about doing smart, targeted enforcement of immigration laws, where their limited resources are focused on people who are dangerous, they will have to do the hard work of law enforcement and not use a quota system to boost their numbers," said Huang. "ICE, like any law enforcement agency, must respect the Constitution and ensure that no agents resort to racial profiling to enforce the laws."

ICE officials set quotas to deport more illegal immigrants

**Spencer S. Hsu and Andrew Becker - Washington Post
Saturday, March 27, 2010**

Seeking to reverse a steep drop in deportations, U.S. immigration authorities have set controversial new quotas for agents. At the same time, officials have stepped back from an Obama administration commitment to focus enforcement efforts primarily on illegal immigrants who are dangerous or have violent criminal backgrounds.

The moves, outlined in internal documents and a recent e-mail by a senior U.S. Immigration and Customs Enforcement official to field directors nationwide, differ from pledges by ICE chief John T. Morton and his boss, Homeland Security Secretary Janet Napolitano, to focus enforcement on the most dangerous illegal immigrants. That approach represented a break from the mass factory raids and neighborhood sweeps the Bush administration used to drive up arrests.

In a Feb. 22 memo, James M. Chaparro, head of ICE detention and removal operations, wrote that, despite record deportations of criminals, the overall number of removals was down. While ICE was on pace to achieve "the Agency goal of 150,000 criminal alien removals" for the year ending Sept. 30, total deportations were set to barely top 310,000, "well under the Agency's goal of 400,000," and nearly 20 percent behind last year's total of 387,000, he wrote.

Beyond stating ICE enforcement goals in unusually explicit terms, Chaparro laid out how the agency would pump up the numbers: by increasing detention space to hold more illegal immigrants while they await deportation proceedings; by sweeping prisons and jails to find more candidates for deportation and offering early release to those willing to go quickly; and, most controversially, with a “surge” in efforts to catch illegal immigrants whose only violation was lying on immigration or visa applications or reentering the United States after being deported.

“These efforts must be sustained and will be closely monitored,” Chaparro told field directors in the e-mail, which was obtained by the Center for Investigative Reporting and The Washington Post.

ICE spokesman Brian P. Hale distanced the agency from Chaparro’s remarks, saying, “Portions of the memo were inconsistent with ICE, inconsistent with the administration’s point of view and inconsistent with the secretary.” He added that the agency has moved to “clarify” the situation.

Chaparro issued a new memo Friday stating that his earlier e-mail “signals no shift in the important steps we have taken to date to focus our priorities on the smart and effective enforcement of immigration laws, prioritizing dangerous criminal aliens . . . while also adhering to Congressional mandates to maintain an average daily [detention] population and meet annual performance measures.”

In the new memo, Chaparro did not alter or rescind any of the strategies he had laid out.

An immigration official said deportations are falling mainly because the focus on criminals has added a complication: It takes an average of 45 days to deport criminals, compared with 11 days for non-criminals, creating a shortage of detention beds. The number of beds was also limited because costs were higher than Congress expected, the official said.

Deportations of convicted criminals climbed 19 percent in 2009 and are on pace to climb 40 percent this year, while deportations of non-criminal illegal immigrants fell 3 percent and are on pace to drop 33 percent this year, agency officials said.

Advocates on the right and left pounced on the memo and other ICE documents, saying they showed that the agency is being neither tough nor consistent in targeting the worst offenders.

“We cannot allow a preoccupation with criminal aliens to obscure other critical ICE missions,” Rep. Harold Rogers (Ky.), the ranking Republican on the House Appropriations subcommittee for homeland security, said in a statement released by his office. “At best, it appears as though immigration enforcement is being shelved and the Administration is attempting to enact some sort of selective amnesty under the cover of ‘prioritization.’ ”

Joan Friedland, immigration policy director at the National Immigration Law Center, countered that quotas will encourage agents to target easy cases, not the ones who pose the greatest safety risk.

“For ICE leadership, it’s not about keeping the community safe. It’s all about chasing this 400,000 number,” said Chris Crane, spokesman for the American Federation of Government Employees Council 118, which represents ICE workers.

Since November, ICE field offices in Northern California, Dallas and Chicago have issued new evaluation standards and work plans for enforcement agents who remove illegal immigrants from jails and prisons. In some cases, for example, the field offices are requiring that agents process an average of 40 to 60 cases a month to earn “excellent” ratings.

Such standards present a problem, said one San Francisco area agent who spoke on the condition of anonymity to avoid reprisal. Instead of taking a day to prepare a case against a legal resident with multiple convictions for serious crimes, agents may choose to process a drunk driver or nonviolent offender who agrees to leave the country voluntarily, because it will take only hours.

The steps appear at odds with a statement made by Morton in August, when he told reporters ICE had ended quotas in a program to capture illegal immigrants violating court deportation orders.

“I just don’t think that a law enforcement program should be based on a hard number that must be met,” Morton said. “So we don’t have quotas anymore.”

Under the Bush administration, ICE officials in 2006 increased an annual quota from 125 to 1,000 arrests for each fugitive operations team. At the same time, the agency dropped its policy that agents focus on criminals and deportation violators. Becker is a staff reporter for the nonprofit Center for Investigative Reporting in Berkeley, Calif.

Civil-Liberties Groups Object to Plans for ‘Gitmo North’

**By Evan Perez Wall Street Journal
April 8, 2010**

Civil-liberties and human-rights groups don't like the Guantanamo Bay, Cuba, prison for terror suspects, but they're not thrilled about plans for "Gitmo North" either.

A coalition of groups, including the American Civil Liberties Union and Amnesty International USA, sent a letter Thursday to members of Congress saying they don't want a proposed replacement prison in Thomson, Ill., to hold detainees indefinitely. The groups said Congress shouldn't fund the Thomson prison unless it simultaneously bars the prison from indefinite detentions. They also don't want Thomson to be used "for holding persons during military commission trials or for serving sentences imposed by military commissions."

President Barack Obama ordered Guantanamo closed, but has since missed his one-year deadline after running into opposition from Congress, which put restrictions on the ability to bring Guantanamo prisoners to the U.S.

The White House is negotiating with lawmakers to get funding for Thomson and plans to use it to house military commissions and perhaps 50 detainees who are considered too dangerous to release but for whom the government doesn't have proper evidence for trial.

The letter means the White House is getting flak from both sides. Republicans and some Democrats say Guantanamo should stay open, and now the administration's erstwhile allies on the left are unhappy too. A White House official said the Guantanamo facility has served as a recruiting tool for al Qaeda and closing it is a national-security priority. He said using the Thomson facility "is our best chance to close Guantanamo, and it is in the interests of justice and our national security to do so."

The Justice Department recently told lawmakers that it seeks funding to buy the Thomson prison to house federal prisoners, even if lawmakers don't want to allow Guantanamo prisoners there.

The letter says allowing indefinite detention in the U.S. "will further harm the rule of law" and could set a precedent for the government to house other detainees from Afghanistan or elsewhere indefinitely on U.S. soil.

Guantánamo in New York City

Muslim-American Fahad Hashmi has been imprisoned in solitary confinement for over two years awaiting trial.

**By Madeleine Dubus
April 7, 2010**

"You're twelve miles away knowing your brother is getting tortured and there's nothing you can do about it," Faisal Hashmi, of Flushing, Queens, tells me on March 8, 2010, the night of the 16th vigil for his younger brother, Fahad.

On the evening I speak to Faisal, the city is newly warm. Though the sun is long down by the end of the vigil, the 100-plus guests linger, breathing in the air of early spring. But despite the hopeful warmth, there is no mistaking the gravity of the evening.

Faisal and I stand together, rather appropriately, at the dead end of a street. To our right are two of Manhattan's largest courthouses and to our left stands the Metropolitan Correction Center (MCC), where Faisal's brother Syed Fahad Hashmi, now 30, has lived in solitary confinement since May 2007.

Known to family and friends by his middle name, Fahad was born in Pakistan and raised in Flushing from the age of 2 when his family moved to America in 1983. Fahad eventually received his citizenship in 1991 and graduated from Brooklyn College in 2003 where he was an average student but outspoken in his advocacy for Muslim-American rights. According to his former professor, Jeanne Theoharris, Fahad wrote his senior seminar paper on "the treatment of Muslim groups within the United States and the violations of civil rights and liberties that many groups were facing." That paper turned out to be an eerie foreshadowing of Fahad's own fate.

Fahad is currently held in the MCC on two counts of providing material support and two counts of making a contribution of

goods or services to Al Qaida. According to the indictment, when Fahad was studying for his master's degree in international relations at London Metropolitan University in early 2004, he allowed an acquaintance, Junaid Babar, to stay in his London apartment.

Junaid was arrested later that year; he has been charged with and has plead guilty to five counts of providing material support to Al Qaida, which includes delivering a suitcase full of waterproof socks and rain ponchos to a member of Al Qaeda in South Waziristan, Pakistan. Junaid also allegedly used Fahad's cell phone to call co-conspirators. Junaid currently faces 70 years in prison and has agreed to serve as a government witness in terror trials in Britain and Canada, as well as in Hashmi's trial in return for a reduced sentence.

But while Junaid's case may be concluded, Fahad's is far from it. "My brother is facing 70 years for socks in someone's luggage," Faisal says.

In June 2006, Fahad was on his way to visit family in Pakistan when he was arrested at Heathrow Airport on a warrant issued by the United States. He was held in Britain for 11 months, when he became the first U.S. citizen to be extradited under terrorism laws passed after 9/11.

The evidence against Fahad appears tenuous, and he hasn't had the opportunity to stand trial. Yet at the time of this publication, Fahad will have been imprisoned for nearly 1,400 days in solitary confinement. He lives under extensive restriction due to the Special Administrative Measures (SAMs) made legal and permanent in October 2007 by former Attorney General Albert Gonzales. The SAMs were initially interim rules created in October 2001. The Department of Justice describes the SAMs as:

"...regulations [that] authoriz[e] the Bureau of Prisons (Bureau), at the direction of the Attorney General, to impose special administrative measures with respect to specified inmates, based on information provided by senior intelligence or law enforcement officials, if determined necessary to prevent the dissemination of either classified information that could endanger the national security, or of other information that could lead to acts of violence and/or terrorism."

Under SAMs, the Department of Justice can impose these regulations for any period of time designated by the director of the Prison Bureau up to one year. This period of time can easily be extended if the director feels the inmate continues to pose a threat to National Security. Furthermore, SAMs allow the prison where the terror suspect is held to restrict and monitor his or her attorney visits when, "the attorney general has certified that reasonable suspicion exists to believe that an inmate may use communications with attorneys (or agents traditionally covered by the attorney-client privilege) to further or facilitate acts of violence and/or terrorism."

Essentially, SAMs are legal way for prison directors to restrict or eliminate civil and human rights of terror suspects, as long as they cite "reasonable suspicion."

In January 2009, on his second day of office, President Barack Obama signed executive orders banning torture of terror suspects and shutting down Guantánamo within a year. The decision was meant to make strong statement about America's principles, but ultimately it demonstrates failings. Solitary confinement is not classified by the United States as torture. In fact, there are an estimated 25,000 American prisoners currently held in extended solitary confinement. Electroencephalography (EEG) studies, which date back to the early 1960s when the Vietnam War inspired a surge of interest in solitary confinement by psychologists, consistently show that after only a week of solitary confinement a prisoner's brain waves slow. After months, further brain abnormalities develop rendering a prisoner with symptoms as severe as someone who has suffered Traumatic Brain Injury (TBI) which is caused by a serious blow to the head.

The psychological toll of solitary confinement is just as serious as the physical one. Senator John McCain, who famously lived in solitary confinement as a POW during the Vietnam War, describes it as worse than physical torture. "It crushes your spirit and weakens your resistance more effectively than any other form of mistreatment," he says. McCain was also brutally beaten on a regular basis and denied medical treatment during his imprisonment. McCain lived in solitary confinement for over two years, like Fahad Hashmi.

Fahad's trial is currently set for April 28th, 2010. Fahad's supporters believe that due to his treatment, Fahad may not be mentally capable of testifying on his own behalf in court. Since Fahad's contact with the outside world is so limited, his current psychological and physical state is not clear.

Before we say goodnight, I ask Faisal if he has noticed a change in Fahad's letters since his incarceration began. His face falls briefly. He turns to look up at the MCC, at the walls standing between him and his brother, and then declines to answer.

Madeleine Dubus is a writing fellow at The New School and a staff writer for Campus Progress.

5/15 San Diego, CA: Association of Raza Educators Conference

REGISTER TODAY: <http://www.razaeducators.org/conference10/theme2010.html>

NO LIBERATION – WITHOUT EDUCATION!

Are you someone who:

- Believes that education plays a vital role as a vehicle for progressive social change?
- Believes in the importance of a multi-cultural education as essential for student success?
- Tired of the media's portrayal of teachers as selfish, greedy, and opposed to the educational success of students?
- Wants take back our schools from the politicians, reactionaries, and big corporations?

The conference, which is to be held on May 15, 2010, in San Diego, CA (Lincoln High School), will consist of workshops on a multitude of areas related to education. There will also be cultural presentations, as well as tables of information and literature from dozens of organizations will be on display. The keynote speakers of the conference will be the historian and one of the founders of Chicano Studies, Rodolfo Acuña; hip-hop artist/journalist and Green Party 2008 Vice Presidential Candidate, Rosa Clemente; and survivor of the brutal military overthrow of the President Allende of Chile and today UCSD professor and social justice activist, Cecilia Ubilla.

Immigrant women defy odds on International Women's Day

RestoreFairness.org March 8, 2010

March is the month where International Women's Day celebrates the strides women have made, in spite of all they have to endure. Like Rosa Morales, an immigrant woman who turned her life around and went from the brink of being deported, to being awarded a scholarship for her contribution to society.

Two years ago, what started as a 911 call to register a case of domestic violence turned into a deportation case for Rosa. Although her husband was a legal resident, she had been living in the U.S. as an undocumented resident. Rosa, then a 35 year old mother of two boys, was taken to an immigration detention facility where she was held for a month before she was given a deportation hearing and released after her husband paid a bond. While in detention, Morales looked back on her life, realized that she was frustrated with living under extreme financial hardship, and took the decision to turn her life around. Soon after her release, she earned her GED and joined Promotoras, a group of women volunteers who visit schools and churches to provide information on health and education to other women in the community. In spite of continuing financial hardship, both Rosa and her husband have enrolled in college and she aims to follow this up with a social work degree at Arizona University, a job, and then citizenship. Recently, in honor of her commitment to bettering the life of her family and community, Rosa Morales was awarded the Virginia Palmer Memorial Scholarship from the Tucson Branch of the American Association of University Women.

While Rosa's story is one of hope, we also want to call attention to the hardships faced by many immigrant women as they struggle to provide for their families. From exploitation by employers to the denial of reproductive health, domestic violence to the constant threat of separation from their children, undocumented women face many challenges. Many will be in the March for America on March 21st, calling for just and humane comprehensive immigration reform to reclaim their lives and contribute to society without living in fear.

But not everyone is sympathetic to the cause. In a conference call two days ago, Numbers USA, The John Tanton Network and the Tea Party Movement discussed strategies to counteract the March for America, with the groups advocating an anti-immigration stance that targeted Latina women and even children. From our friends at Campus Progress who listened in.

CALLER 1: I would like to speak out on something. I feel the new welfare queen in America today is women coming from Mexico with a bunch of babies. So I feel they're all coming over here and having all these babies, they are the new welfare queen in America...

CALLER 3: One piece of information would be, they aren't babies, they're dependents. Don't use babies. It's emotional to them. They have dependents. We have babies.

And the racist ball didn't stop rolling, even though the accusations are unfounded and irrational. Callers discussed strategies to flood Congress with phonecalls and faxes "to create the perception that there was a grassroots opposition to immigration reform". Perceptions are powerful, but so are the actions of hundreds of thousands of workers, families, and women calling for immigration reform. So get your voices out there.

Updates from National Immigrant Solidarity Network

Lee Siu Hin, national coordinator of the National Immigrant Solidarity Network has been spending several months per year travel between China and U.S. to build China-U.S. bi-national solidarity for labor, peace and justice movements. To read his recent reports from China please visit: Lee Siu Hin: Journey to My Home 2009--Building Bi-national China-US Solidarity and Understanding

URL: <http://www.immigrantsolidarity.org/China2009/>

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May Day 2008 national organizing e-mail list

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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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