

Spring 2015 U.S. Immigration Alert!

A Newsletter from National Immigrant Solidarity Network

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Immigration Law in Limbo, But Mass Detention and Deportation Continues....

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Court won't fast-track review of Obama's immigration action

Ariane de Vogue_CNN Supreme Court Reporter
March 13, 2015

Washington (CNN) A federal appeals court has rejected the Justice Department's attempt to speed up review of a judge's recent decision to hit pause on President Obama's executive actions on immigration and put one of his top second-term priorities in temporary limbo.

On Friday morning, a deputy clerk of the Fifth Circuit Court of Appeals advised Texas and 25 other states challenging the administration that they have until March 23, to respond to the government's request. The government had hoped the Court would make a ruling by then. The Obama administration is already appealing a three-week-old Texas district court ruling blocking the immigration actions. But Justice officials don't want to wait for the appeal to be resolved before being able to put the new policy into effect.

As things stand now, the Appeals Court will consider both the emergency motion to unblock the programs, and a request for an expedited appeal more than a month after U.S. District Judge Andrew S. Hanen blocked the programs. Since the ruling, millions of undocumented immigrants have been left in legal limbo, unable to apply for two programs that were aimed at easing deportation threats. Hanen's ruling was narrow, holding that the administration had likely failed to comply with procedures governing how federal agencies can establish regulations.

Hanen's order concerned the implementation of the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), which was set to begin later in the spring. It also affected the expansion of the 2012 Deferred Action for Childhood Arrivals (DACA), a program that permits teenagers and young adults who were born outside the United States but raised in the country to apply for protection from deportation and for employment authorizations.

The administration has argued that Hanen's preliminary injunction "irreparably harms the government and the public interest by preventing the Department of Homeland Security (DHS) from marshaling its resources to protect border security, public

safety and national security, while also addressing humanitarian interests."Last week, the administration had filed an emergency motion with Hanen asking the lower court to stay the order blocking the immigration actions pending appeal. But Hanen responded that he would not rule on the motion until at least March 19, after he's held a hearing to resolve a dispute between the parties on a related issue.

"Evidently, the administration has decided not to wait," said Ronald Levin, who teaches civil procedure at Washington University School of Law. "Normally, the appeals court would defer to a district court's management of the case, but in some circumstances they might override that judgment," Levin said.

In the meantime, Washington State and 13 others have filed a brief in support of the government, arguing that their residents "should not have to live under an improper injunction based on harms other states incorrectly claim they will suffer."

3/12: ICE Raids Remove Thousands of Immigrants from Homes and Families

The Southeast Asia Resource Action Center (SEARAC)

In an official news release this week, Immigration and Customs Enforcement (ICE) revealed that it had raided homes and workplaces over a five day period and rounded up 2,059 immigrants who had already served their time for previous criminal convictions.

ICE conducted "Operation Cross Check" between March 1 and 5, the sixth large-scale operation since 2011 to identify and deport immigrants with criminal records living in their communities. The agency called the individuals rounded up in this operation "the worst of the worst," emphasizing the several dozen immigrants targeted who had the most serious criminal histories.

However, the agency also reported that only about half of immigrants apprehended had felony convictions on their records, meaning that the other half of those targeted had only misdemeanor convictions. Nearly all had already served their sentences, and were living and working in the community. Pastor Max Villatoro was picked up because of an immigration identification charge from 1999, and would leave behind four U.S. citizen children and the entire congregation of Iglesia Menonita Torre Fuerte (First Mennonite Church) in Iowa City where he serves as pastor.

An unknown number of those targeted were also Lawful Permanent Residents (LPRs) who had been living in the U.S. for many years. Eduardo "Eddy" Padilla, a grandfather and an LPR who came to the U.S. from Mexico as an infant in 1966, was picked up in a 2013 Cross Check operation for decade-old substance abuse-related convictions. In a class action lawsuit against mandatory detention, Eddy was found by a judge to pose no public safety or flight risk, and was released on bond.

SEARAC has seen the terrible impact of aggressive ICE enforcement on Southeast Asian American families, who are three to four times more likely than the general immigrant population to be deported on the basis of a criminal record. The vast majority of Southeast Asian American immigrants deported came to the U.S. as refugee children and grew up in the American school system.

In a highly criminalized society, a high percentage of all Americans could be targeted using ICE's enforcement priorities. The National Employment Law Project found that an estimated 65 million people, or one in four Americans, has a serious criminal record. People of color, including many immigrants, are disproportionately impacted by profiling, aggressive policing, and harsh sentencing practices. Non-citizens with criminal records are not automatically "the worst of the worst," but they are easily targeted because of our aggressive immigration enforcement system.

SEARAC calls on ICE and the Obama administration to end home and workplace raids, and to recognize that many immigrants who have served their time for old convictions pose no risk to society, and are valued parents, children, colleagues, and members of our communities.

New ICE Policy Caves to Radical Anti-Immigrant Lawmakers, Needlessly Restricts Release from Detention

Detention Watch Network March 19, 2015

Detention Watch Network Calls on President Obama to Stop ICE's Escalation of War on Immigrants

Statement from Silky Shah, co-director of Detention Watch Network, in reaction to ICE's announcement that it would dramatically ramp up oversight and release procedures for immigrants with criminal convictions:

“This announcement is not the result of reasoned policy analysis. Rather it was released the night before new ICE Director Sarah Saldaña was to testify before Congress and represents a preemptive surrender to its most zealously anti-immigrant members. Decisions on immigration policy and the detention of immigrants should never be based on crude political calculations.

During the hearing, lawmakers repeatedly mischaracterized all people in detention with criminal convictions as undocumented and as violent offenders. This ignores the reality that many long-term legal permanent residents are also detained and further that the proportion of people deported whose most serious crime is a non-violent immigration offense or traffic violation has risen significantly over the last six years.

For the minority of people in detention who have past violent convictions, the prevalent anti-immigrant discourse constantly obscures the fact that they've already paid their debt to society by serving out their prison terms. We believe that even immigrants who have committed violent offenses shouldn't be subject to double jeopardy by being incarcerated again for the same offense.

The list of people with no hope of release in US detention centers is growing at an alarming rate: immigrant families, asylum-seekers, and now individuals with prior criminal convictions. Detention, with no alternatives or way out, for such a huge number of people who pose no safety risk to their communities is an outrageous violation of human rights and an enormous waste of taxpayer dollars.

It is increasingly disheartening that the White House, and President Obama continue to pursue and double-down on a failed, inhumane and increasingly punitive response to immigrants and their families living and working in the US.”

After Pastor Max's deportation, DHS must offer humanitarian parole

Sidney Traynham-Church World Service
March 20, 105

WASHINGTON, DC – After fighting alongside partners and allies for the past two weeks to keep Iowa Mennonite Pastor Max Villatoro with his family and congregation, the Rev. John L. McCullough released the following statement upon learning of his deportation:

Today our nation lost a leader and man who brought so much light to our communities. Sadly this tragedy was entirely avoidable. It is unconscionable to think that a community leader, pastor and father like Pastor Max could be deported – and now faces great risk to his life.

Pastor Max's case presented a clear test for the effectiveness of prosecutorial discretion. The positive equities of an individual's case must always be weighed against any past mistakes. Our faith teaches us that we are called to forgive and our communities are to be places of redemption and wholeness.

Pastor Max is the first to admit that he made a mistake over 15 years ago, and now ICE has the same opportunity to admit it was wrong and make amends. The Department of Homeland Security should immediately grant Pastor Max Villatoro humanitarian parole and allow him to return to his family and congregation in the US.

And if ICE Director Sarah Saldaña thinks that deporting pastors and community leaders is sound public policy, then President Obama needs to appoint an ICE Director who will actually enact his immigration priorities. The faith community will stand for nothing less.

Canada: Harper is scheduling mass deportation of migrant workers starting April 1st

Stop this unjust law, and ensure permanent residency on arrival for migrant workers!

Campaign Against the 4 Year Limit on Migrant Workers

As of April 1st, 2015, all low-waged migrant workers employed under the Temporary Foreign Workers Program and Live-In Caregiver / Caregiver Program who have worked in Canada for more than four years will be banned from continuing to work

in Canada and forced to leave. They will also be barred from returning to Canada as workers for a further four years. Those that choose to stay will become undocumented.

These changes are effectively a mass deportation. These rules will tear apart families, friends and communities across the country. Migrant workers pay tens of thousands of dollars to come to Canada and work at minimum wage jobs to provide an opportunity for their family; so that their children can go to school; and to have a better life. The 4 & 4 rule strips away migrant workers' dignity, forces workers already in precarity into further uncertainty, and imposes discriminatory and arbitrary barriers on how long workers can stay here.

That these migrants have worked in Canada for four years proves that their jobs are permanent, not temporary. These friends and community members deserve permanent residence, not deportation. This 4 and 4 rule entrenches a revolving door immigration policy, employers can simply replace current with new workers.

For more information please visit: <http://no4and4.tumblr.com/>

DWN Slams Inhofe Amendment to Senate Trafficking Bill As Massive and Unconstitutional Escalation of US Detention Program

March 12, 2015

Detention Watch Network

Detention Watch Network Says Proposed Inhofe Amendment to the Justice for Victims of Trafficking Act Would Threaten All US Non-Citizens with Indefinite & Random Detention

Statement from Mary Small, policy director of the Detention Watch Network, on Senator James Inhofe's (R-OK) proposed amendment (Inhofe 275) to the Justice for Victims of Trafficking Act:

“Simply put – Sen. Inhofe's amendment is unconstitutional, a waste of taxpayer dollars and unfairly denies immigrants basic US civil rights – like a day in court. Inhofe's amendment seeks to punish US immigrants who have been leading productive lives for years – in a cruel, and abusive use of federal policy – all without any meaningful judicial review.

Sen. Inhofe's amendment would dramatically intensify and escalate immigrant detention nationwide, and grant DHS extraordinarily broad powers to detain non-citizens in the US for indefinite periods of time.

We urge Congress to reject Inhofe's amendment and work to reform our broken immigration system that needlessly detains thousands of immigrants.”

3/3: Stand With Nan-Hui and Stop the Deportation! Reunite a Domestic Violence Survivor with Her Daughter!

Korean American Coalition to End Domestic Abuse (KACEDA)

Immigrant Youth Coalition (IYC)

Advancing Justice - Asian Law Caucus Advancing Justice (AJ-ALC)

The verdict is in!

After an aggressive retrial in Yolo County, CA, Nan-Hui Jo, devoted mother and survivor of domestic violence, has been convicted on charges of “child abduction.” Supporters of Nan-Hui are outraged and deeply saddened over this verdict. In light of this conviction, deportation proceedings may be imminent, which would result in permanent separation between Nan-Hui and her daughter.

Nan-Hui Jo (A 098 906 641) is currently at high risk for deportation. In 2009, Nan-Hui fled the United States with her infant daughter, Vitz Da, to escape the physical and emotional abuse of the child's father, Upon her escape, her abuser filed child abduction charges, for which Nan-Hui was tried twice. Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) have continued to leverage their institutional power to maintain an immigration hold and pursue deportation, which would permanently separate Nan-Hui from her daughter.

When In July 2014, Nan-Hui re-entered the United States for a 3 month visit to Hawai'i with her daughter. At the airport, she was immediately arrested and forcibly separated from her child. Nan-Hui was tried five months later on alleged child abduction charges, resulting in a hung jury.. Ignoring all evidence of domestic violence--including two calls to the police in

Sacramento after her child's father physically abused her and testimony from her former partner admitting to physical assault and threats--the Yolo County District Attorney aggressively pursued a retrial. Assistant District Attorney Steve Mount tried to paint Nan-Hui as an abuser in his cross examination, accusing her of leaving the country with her child in a malicious attempt to retaliate against her abuser. To smear her credibility, Mount refused to acknowledge Nan-Hui as a survivor of domestic violence, accusing her of being a "tiger mom" who was "clearly a very capable woman" and who knowingly exploited welfare and immigration systems. We see the District Attorney's remarks for what they are: racist, anti-immigrant, and sexist tropes that have no place in a "justice system."

The Yolo County DA, CBP, and ICE have done irreparable damage to Nan-Hui and Vitz Da. Mother and daughter have not been allowed to talk in over seven months. Nan-Hui has been imprisoned without bail and without due process since July 2014 because of the immigration hold, despite her status as a survivor and a pending U Visa application on file. Vitz Da is currently in the full custody of her former partner.

We stand with Nan-Hui against an unjust system that criminalizes survivors and immigrants, as well as separates families. We call on CBP and ICE to immediately release Nan-Hui and stop all deportation proceedings.

TAKE ACTION NOW TO #STANDWITHNANHUI:

1. Sign this petition for Nan-Hui directed to CBP Field Operations Director Brian Humphrey and ICE Field Director Craig Meyer.

2. Make a QUICK phone call in support of Nan-Hui:

Call CBP Field Director Brian Humphrey at (415) 744-1530 ext. 234 and ICE Field Director Craig Meyer at (415) 844-5512 ext. 4 to demand that CBP and ICE exercise its prosecutorial discretion to drop Nan-Hui's case.

Sample Script: "I am calling to ask Director Meyer/Humphrey to drop the immigration hold against Ms. Nan-Hui Jo (A 098 906 641) and allow her to reunite with her six-year-old daughter. Ms. Jo is a survivor of domestic violence and her case should be considered under the parental interests directive. I ask that ICE/CBP exercise its prosecutorial discretion and drop Ms. Jo's deportation case."

4. Raise awareness on social media about Nan-Hui's case.

Click on the share buttons on this petition and Tweet about it and spread the word using hashtags #StandWithNanHui, #WeSurvived, and #Not1More.

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Why two companies dominate the private prison industry

Comments: New ten-year contract worth over \$650,000 million will be signed in the next week with GEO Group for the NWDC. Mayor Strickland takes no responsibility (see no evil, hear no evil, speak nothing) for the facility in BBC interview even while the Tacoma Fire department attempts to provide safety and security oversight as required by the contract with ICE.

**Ryan Katz - Market Place
March 4, 2015**

Yesterday, the U.S. House of Representatives approved funding for the Department of Homeland Security until next fiscal year. Republicans had held up funding for DHS in an attempt to overturn President Obama's executive action to give up to five million undocumented immigrants a reprieve from deportation. A federal judge blocked the President's order, but the administration has vowed to appeal the decision.

No matter what happens with President Obama's executive action, Immigration and Customs Enforcement, or ICE, will still detain up to 34,000 immigrants. ICE partners with private prison companies to house undocumented immigrants in prison-like facilities around the country.

One such facility is the Northwest Detention Center in Tacoma, WA, run by a corporation called the Geo Group. Detainees there complain of low wages, abuse from guards, even maggots in their food. They staged three hunger strikes in the past year. Byron Hernandez Lopez, a 26-year-old man from Guatemala, claims a guard assaulted him, grabbing his wrist and leaving marks on his arm.

ICE doesn't officially acknowledge these allegations. ICE Spokesman Andrew Munoz says the Northwest Detention Center remains in compliance with the agency's 2011 detention standards. But ICE's own audit inspection found the Northwest Detention Center violated almost half of the standards it reviewed last year.

At the same time, ICE sees few alternatives. Geo only has one major competitor, Corrections Corp. of America. The two of them claim they control around three-quarters of the private prison industry.

Ryan Meliker, an analyst with MLV and Company, says the main reason is because, unlike their competitors, Geo and CCA are publicly traded.

"There's more transparency surrounding their business, government entities feel a little more comfortable selecting them from a contracting standpoint."

Meliker says ICE can inspect their financial records and confirm they have sufficient credit.

He adds that ICE likes to work with companies it has contracted with in the past. They know Geo and CCA are capable of building, staffing and operating a detention center – not an easy task.

Activists see a different reason why Geo and CCA dominate the market. Jamie Trinkle of the Enlace Private Prison Divestment Campaign, claims that "In the last decade, CCA and Geo have spent \$45 million lobbying the federal government."

Trinkle concedes that Geo is very likely to re-win the contract at the Northwest Detention Center.

Inside the center, many detainees sense whichever company runs the center, conditions will remain poor. Cipriano Rios, a 55-year-old man from Mexico, says "We're a captive population, hidden from the public. If the company's motive is profit, it spends as little as possible. Geo can leave and when the next one arrives, everything will be the same."

The contract for the NWDC will be awarded later this month.

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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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