

Spring 2017 U.S. Immigration Alert!

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Trump's Racist Muslim Ban, Border Wall, Anti-Immigrant Riots

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3/7: New Travel Ban, Same Poisonous Policy

Trump's revised travel ban should fail for exactly the reason the first one did.

Elizabeth Goitein | Contributor – US News & World Report

President Donald Trump's second try at an executive order halting immigration from certain majority-Muslim countries takes a markedly different tone from the first. It spends several pages discussing the perceived need for the policy, and it emphasizes the exceptions to the travel ban, rather than downplaying them as the prior version did. The clear intent is to convince the courts that the ban is the result of careful deliberation rather than religious animus.

But the tactical tweaks in this latest edition cannot rescue the order's constitutionality. Underneath the softened rhetoric and other adjustments lies the same poisonous policy: an effort to restrict Muslims' entry into the U.S.

The outlines of that effort are now familiar to both the American public and the courts. Subject to discretionary, case-by-case exceptions, the revised order bars the issuance of visas to people from six majority-Muslim countries – Syria, Iran, Libya, Sudan, Somalia and Yemen – for 90 days, and suspends the refugee admissions process for 120 days. The stated purpose of the freeze is to give federal agencies time to shore up the vetting process for people seeking entry to this country. Once that process is revamped, the ban will be extended for countries that cannot provide whatever new assurances the U.S. government seeks.

Multiple courts have already found these measures to be constitutionally suspect. In the Ninth Circuit (encompassing the western states), a trial judge and a federal appeals panel concluded that the first travel ban appeared to violate the Constitution's due process clause, impinging on important rights without giving notice or a hearing to those affected. A court in Virginia found that it likely violated the First Amendment's Establishment Clause because it had the intent and effect of disfavoring one religion.

Judges across the country also probed the motivation behind the ban. They highlighted the lack of evidence of domestic terrorism by nationals of the selected countries – and the ample evidence that the policy was a sanitized, smaller-scale version of Trump's campaign promise to bar Muslims from the U.S.

Administration lawyers have done their best to sanitize the order even further. In the new version, they removed a provision stating that religious minorities should be given preference in future refugee applications – thus excising the order's only expressly discriminatory language. This change was necessary, but hardly sufficient. Unconstitutional bias in official policy is rarely self-announced. Courts have plenty of experience in reading more subtle cues.

The revised order also exempts green card holders, current visa holders inside the U.S. and people overseas who had already obtained visas when the original order was issued. The due process implications of the travel ban are most obvious for these categories of immigrants, who have already developed ties to the U.S. But contrary to the new order's suggestion, these are not the only groups that prompted "judicial concerns." In declining government attorneys' invitation to narrow the ban themselves, the judges of the Ninth Circuit were careful to note that such a "solution" would not address the due process claims of refugees, non-visa holders currently inside the U.S. and Americans who have an interest in foreigners' ability to obtain visas.

Moreover, exempting those who are currently authorized to be in this country does nothing to address the order's First Amendment flaws. The Establishment Clause prohibits the government from preferring one religion to another, regardless of whether that preference is applied to people inside the United States or people seeking entry.

Another change in the new version is the removal of Iraq from the list of designated countries. This was more of a public relations move than a legal strategy. The rank unfairness of the travel ban was perhaps most evident here, given the U.S. invasion and the assistance many Iraqis provided to our troops. Unfortunately for the administration, giving Iraqis a pass also tore a giant hole in the national security fig leaf. Apparently, public safety didn't require the exclusion of visitors from Iraq – despite Trump's vehement assertions to the contrary a mere month ago. The sudden shift throws the previous security claims even further in doubt.

The absence of a plausible national security justification remains the order's exposed Achilles heel. The revised order recites the political chaos and terrorist presence within each of the six named countries. But these conditions are exactly why the current vetting procedures for would-be travelers from those countries are so rigorous, resulting in high rates of visa denials. The conspicuous missing link in the administration's argument for a temporary stay is any indication that these procedures have failed.

In the several weeks since the courts made clear they would demand better evidence, the administration has managed to locate two examples of actual terrorist activity to support the order. The first involves two Iraqi refugees who were convicted of multiple terrorism-related offenses; the second involves a Somali American convicted of plotting to detonate a bomb in Portland, Oregon. The Iraqi refugees, however, were imprisoned for plotting terrorist attacks inside Iraq – not in the U.S. The Somali-born American, who came to the U.S. as a child, was the subject of an FBI sting in which federal agents devised and led the fake "operation." The fact that these are the strongest examples the administration could find speaks volumes about what the order's real motivation was – and was not.

The order also mentions, almost in passing, that the attorney general "has reported to me that more than 300 persons who entered the United States as refugees are currently the subjects of [FBI] counterterrorism investigations." Devoid of additional context, this statement raises more questions than it answers. Are these "predicated" investigations, which are based on evidence, or so-called "assessments," which can be based on anonymous tips or simply an agent's hunch? How many of them were initiated after the courts noted the lack of a security justification for the refugee ban? How does the administration explain the discrepancy between the dearth of actual terrorist activity and the number of open investigations?

Most important is what the order fails to do. It does not – and cannot – erase the many statements Trump made, both as a candidate and as president, betraying the real intent behind the order and the prejudice underlying that intent. Having proudly advertised the policy as a Muslim ban, the president cannot now foist amnesia on the courts through better wordsmithing. The new order should fail for exactly the reason the first one did. Our Constitution stands for religious freedom, equality and fairness – even when our president does not.

3/10: Revised Trump travel ban suffers first legal blow

Federal judge in Wisconsin blocks impact on Syrian family as other courts mull broader relief.

Josh Gerstein - Politico

President Donald Trump's revised travel ban executive order suffered its first legal setback Friday as a federal judge blocked

the directive's potential impact on the family of a Syrian refugee living in Wisconsin.

Madison-based U.S. District Court Judge William Conley issued a temporary restraining order at the request of the Syrian man, who is referred to as "John Doe" in court filings. The judge, an appointee of former President Barack Obama, said Trump's new executive order cannot be used to delay the man's effort to bring his wife and 3-year-old daughter from the war-torn country to the U.S., but is limited to the individuals involved in the case.

"The court concludes that plaintiff has presented some likelihood of success on the merits and that he is at great risk of suffering irreparable harm if a temporary restraining order is denied," Conley wrote. "The court appreciates that there may be important differences between the original executive order, and the revised executive order. ... As the order applies to the plaintiff here, however, the court finds his claims have at least some chance of prevailing for the reasons articulated by other courts."

"Moreover, given the daily threat to the lives of plaintiff's wife and child remaining in Aleppo, Syria, the court further finds a significant risk of irreparable harm," Conley wrote, blocking application of Trump's order to the affected family through March 21.

"We're obviously pleased with this order," said Vincent Levy, a New York-based attorney representing the Syrian man. "Our client's wife and child are in danger and it will take some time to get them here, so this is obviously helpful. ... It's another indication that [Trump's] order, even as revised, exceeds the scope of authority granted to the president and that it's unconstitutional."

Justice Department spokespeople did not immediately respond to requests for comment on the ruling.

The court showdown in Wisconsin was just one of at least five expected to play out in the coming days as various states, organizations and individuals try to block some or all of Trump's redrafted travel ban order from taking effect as scheduled just after midnight Wednesday night.

In Maryland, a federal judge set a hearing for Wednesday morning on a lawsuit brought by refugee aid groups.

Another hearing is set to take place in front of a federal judge in Honolulu on a travel ban lawsuit brought by the state of Hawaii.

In addition, the states of Washington and Minnesota asked Seattle-based U.S. District Court Judge James Robart to confirm that his existing injunction against key parts of Trump's original travel ban executive order blocks similar portions of the revised directive.

However, Robart rebuffed that request Friday night, indicating that he wanted either a motion from the federal government to escape the injunction or a motion from the states to enforce it.

"The court notes that there is no pending motion concerning the foregoing issues presently before the court," Robart wrote. "The court declines to decide any of the issues raised in the parties' filings until such time as one of the parties files a motion that is both properly noted under the court's Local Rules and properly briefed."

The judge's order also said he wants to see the states' amend their lawsuit to address the new executive order before he makes any ruling on it.

Lawyers involved in the Maryland case—brought by the American Civil Liberties Union on behalf of the International Refugee Assistance Project and HIAS, a federally approved resettlement agency—say it's possible the hearing in their case could be postponed or canceled if Seattle-based U.S. District Court Judge James Robart decides his existing injunction applies to Trump's new order.

In the days after Trump's Jan. 27 directive banning travel to the U.S. by citizens of seven-majority Muslim countries, about two dozen lawsuits were filed challenging its legality. At least five judges issued orders blocking parts of Trump's original order.

Several of the states involved in those cases now appear to be lining up behind the Washington state-led suit, which obtained the most sweeping injunction against Trump's original travel ban directive. Oregon joined that case Thursday, while New York and Massachusetts officials have indicated plans to do so soon. That process could be sped up by Robart's order Friday night.

Lawyers representing immigrants and immigrant advocacy groups in Washington state also filed Friday afternoon for a restraining order against Trump's revised order. That request was submitted to Robart, the same Seattle-based judge who's handling the case involving Washington and the other state governments.

Trump has billed the travel ban orders as necessary to prevent terrorist attacks in the U.S., but critics say they're poorly tailored to achieve that goal and will result in an anti-American backlash abroad.

The revised executive order Trump signed Monday trims Iraq off the list of affected countries and exempts existing visa-holders from the new restrictions.

2/11: NILC document summarizing the recent ICE Raids

President Trump's Raids on Immigrant Communities

What do we know?

There have been numerous reports of Immigration and Customs Enforcement ("ICE") arresting people across the United States. Specifically, we have heard reports of ICE activity in the following cities: Austin and surrounding suburbs, Phoenix, Los Angeles, Atlanta, Chicago, New York, and Portland. We've also heard reports of activity in Montgomery County, MD; as well as in Kansas, Florida, South Carolina, and Virginia.

We are working with national and local partners to obtain detailed information about these raids. As of now, we know that hundreds of individuals have been detained and are being processed for deportation. ICE is engaging in the following practices:

- Going to homes and workplaces and arresting people, both in individual actions and through sweeps of large apartment complexes;
- Making collateral arrests of other people not originally targeted at homes and workplaces where raids were conducted (e.g., arrests of people who happened to be there when ICE arrived);
- Using mobile biometrics units in rural areas to process people for deportation more quickly (mobile biometric units are handheld devices used to fingerprint people and check if they are deportable); and
- Reports of arresting individuals who are using public transportation.

These immigration enforcement tactics devastate our communities and create chaos and fear. Many of these tactics rely on racial profiling and attempt to remove people from the country quickly, before they have an opportunity to speak to an attorney or see a judge. Immigration authorities may claim otherwise, but their actions result in swift and cruel deportation of integral members of our families and communities.

What do immigrants and others impacted need to know?

- Everyone has basic rights, no matter who is president.
- You have the right to remain silent. You may refuse to speak to immigration officers.
- Carry a know-your-rights card any valid U.S. immigration document you have.
- Do not open your door unless the officer shows you a warrant signed by a judge.
- You have the right to speak to a lawyer. Before you sign anything, talk to a lawyer.
- Let ICE officers know if you have children, health problems, or other factors that may cause you or your family to suffer if you are arrested.
- Learn more about your rights and how to prepare for raids here: www.nilc.org/knowyourrights.
- Report and document raids and arrests. Call United We Dream's hotline to report a raid: 1-844-363-1423.

What can friends and allies do to help?

If you are concerned about the impact these raids have on our community, you can voice your objections in the following ways:

- Call your representative in Congress at 202-224-3121 and tell them you want these raids to stop immediately.
- Call your mayor, governor, and local and state representatives and demand that they take steps to protect immigrant communities from attack by the Trump deportation force (find your state and local elected officials here);
- Attend local marches and vigils opposing these raids. You can find information on local events here;
- Report and document raids and arrests. Call United We Dream's hotline to report a raid: 1-844-363-1423.

What can elected officials do?

Elected officials and their staff can obtain necessary information regarding the ICE operations. Specifically, you can contact your local ICE field office director to:

- Obtain information about their new enforcement priorities;
- Find out what operations are being developed and carried out;
- Ask how many people have been arrested;
- Obtain the names of any individuals who have been arrested, and their Alien Registration Numbers (“A” numbers);
- Learn where those individuals are being held, and of any expected transfers; and
- Ask local law enforcement agencies whether they are aware of the operations and request information regarding whether they’re collaborating with ICE in any way.

The information obtained immediately after an arrest occurs is critical. Please contact the ICE field office as soon as possible after hearing of an immigration enforcement action in your district to obtain the information outlined above. Use the information you obtain for district casework and to support local organizations responding to the enforcement actions.

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3/10: Muhammad Ali Jr., Detained Last Month at Airport, Stopped Again

Matthew Haag – New York Times

One day after Muhammad Ali Jr. spoke with members of Congress about being detained at a Florida airport last month, he was briefly stopped again before boarding a flight on Friday afternoon, his lawyer said.

When Mr. Ali, whose father died last year, arrived at Reagan National Airport in Washington on Friday for a flight to Fort Lauderdale, Fla., he gave his Illinois identification card to a JetBlue agent to get his boarding pass, said his lawyer, Chris Mancini, who was traveling with him and witnessed the episode. Almost immediately, Mr. Ali was told that there was a problem and that the agent needed to call the Department of Homeland Security, Mr. Mancini said.

Mr. Ali, 44, was asked his date of birth, where he was born and his Social Security number, Mr. Mancini said. After answering the questions, he was told that his Illinois-issued identification card, which expires in 2019 but is not a driver’s license, was invalid for flying.

“The same state ID from Illinois that he traveled to Washington on was rejected,” Mr. Mancini said in an interview on Friday night. Mr. Ali then produced his United States passport, which was accepted, and went through security and boarded the flight with his mother, Khalilah Camacho-Ali, the second wife of Muhammad Ali, and Mr. Mancini.

Mr. Mancini said that the episode lasted between 20 and 25 minutes. “This whole thing smacks of some sort of retaliation for his testimony,” he said.

Representative Debbie Wasserman Schultz, Democrat of Florida, was on the same flight, and posted about the episode on Twitter, saying that Mr. Ali had been “detained again.”

In a statement, the Transportation Security Administration disputed that the holdup at the ticket counter lasted long and said that Mr. Ali’s jewelry caused a seven-minute delay at the security checkpoint. The agency said that it did not have the authority to detain passengers.

“Upon arriving at the airline check-in counter, a call was made to confirm Mr. Ali’s identity with T.S.A. officials,” the agency said. “When Mr. Ali arrived at the checkpoint, his large jewelry alarmed the checkpoint scanner. He received a targeted pat-down in the area of his jewelry to clear the alarm and was cleared to catch his flight.”

An agency spokesman did not immediately respond to a question about what prompted the additional scrutiny of Mr. Ali’s identification.

Mr. Mancini said he was baffled by the agency’s statement because Mr. Ali did not complain about his treatment at security, only at check-in. Mr. Mancini said he was helping Ms. Camacho-Ali through the checkpoint and did not notice that Mr. Ali had been stopped for additional scrutiny.

“They are making up stories,” he said. “We have never said anything about anything happening after he left the ticket counter.”

He said he planned to file a complaint with the Department of Homeland Security and was “working toward a lawsuit.”

“People need to start paying attention to what’s happening in our country,” he said. “Our rights are being eroded.”

The dispute between Mr. Ali and the Homeland Security Department, which oversees the T.S.A., follows an episode on Feb. 7 in which he and his mother were stopped for about an hour and a half at Fort Lauderdale-Hollywood International Airport after returning from Jamaica.

Mr. Mancini said then that Customs and Border Protection officials had asked Mr. Ali, “Where did you get your name from?” and, “Are you Muslim?”

Mr. Ali and his mother recounted their ordeal at a forum with House Democrats on Thursday and both spoke out against President Trump’s new travel restrictions. “I believe they were religiously and racially profiling me,” Mr. Ali said of the officials, according to reports.

When they arrived at the airport on Friday, Mr. Mancini said, he and Mr. Ali joked about whether they would face additional scrutiny because of his comments.

3/8: Cambodian Deportation Halted Due to Groundswell of Community Support

Katrina Dizon Mariategue, Southeast Asia Resource Action Center (SEARAC)

Farmington, MN - Following months of sustained community advocacy, long-time Minnesota resident Ched Nin was released to his wife and their five children in late February after being held by Immigration and Customs Enforcement (ICE) for over six months. Ched was detained by ICE in August and processed for deportation to Cambodia because of a 2010 conviction for which he had already completed his sentence. While detained, Ched's wife, Jenny Srey, and seven other Minnesota families whose loved ones also faced imminent deportation mobilized activists and Southeast Asian American community members around a campaign to "Release the Minnesota 8."

Quyen Dinh, executive director of the Southeast Asia Resource Action Center (SEARAC), said, "Jenny and the Release Minnesota 8 campaign demonstrate the power of grassroots organizing and embody the fierce resilience of our refugee communities. Ched was finally released through legal channels, but it took months of community mobilization by Cambodian Americans and advocates to come this far."

Supported by national organizations Mijente, the National Immigration Project of the National Lawyers Guild, and the Southeast Asia Resource Action Center (SEARAC), the #ReleaseMN8 campaign was covered widely by the media and garnered the support of congressional leaders Keith Ellison (MN-5), Mike Honda (CA-17), and Judy Chu (CA-27) among many others.

At an immigration hearing on February 24th, 2017, Ched was represented by University of Minnesota law professor Linus Chan and his students John Hoag and Shane Fitzmaurice through the James Bringer Center for New Americans. He was released after an immigration judge granted him a 212(h) waiver and regained his green card on the grounds that his family would suffer extreme hardship in the event of his deportation.

Julie Mao, an attorney with the National Immigration Project of the National Lawyers Guild, explained, "We are grateful that the Court recognized the extreme hardship that Ched's deportation would have on his family and community by granting him this rare form of relief. We celebrate Ched's release and the organizing that brought us to this victory, while recognizing the thousands of families impacted by deportations that are unable to access such relief due to our unjust immigration laws. We will continue to support grassroots community in exposing and organizing against our harsh incarceration and deportation systems."

"The courageous organizing in the Release Minnesota 8 campaign shows that even if our people have convictions, we will fight and we can win. In Ched's case, I believe that the broad movement support is what made the difference," said Jacinta Gonzalez, Field Director of Mijente. "This is a win for organized communities that lays out a road map for how to continue fighting against criminalization and deportations under a much more aggressive administration."

Ched was six years old when he entered the U.S. as a refugee with his family in 1986. Like many young Cambodian Americans, he faced unique struggles to fit into a country that did not wholeheartedly accept him. He made a few mistakes when he was younger, but Ched has turned his life around to become a devoted husband, a loving father, a hard worker, and a beloved community member.

While the community celebrates this good news for Ched and his family, they continue to fight for many others affected by unjust immigration policies. Last month, the Cambodian government issued 34 travel documents to accept community

members with final orders of removal. Five of the "Minnesota 8" families have been informed that their loved ones are among those who will be deported in the following weeks.

"I am happy to be back home with my family and am moved by the love and support of the community," said Ched. "My family and I went through a lot these past six months and my heart breaks for those who continue to be separated from their families. I know there is still more work to be done, and I want to help keep families together."

Dinh added, "While we celebrate Ched's release, it hurts to see so many other refugee families suffering. We'll continue to fight on a systemic level for policies that recognize rehabilitation, second chances, and the sanctity of family."

2/4: 8,000+ in Utah march for refugees

Dayne Goodwin

Over 8,000 Utahns rallied in a March for Refugees Saturday (Feb. 4) in Salt Lake City. Mormons March for Muslims had begun organizing a march when they found that a larger effort was underway and the efforts were merged into Utah March for Refugees.

The March for Refugees was sponsored by the local American Indian-led organization working in solidarity with Standing Rock (PANDOS), by the Latinx community organization Comunidades Unidas, refugee support organizations like Women of the World, Catholic Community Services and the International Rescue Committee, by the leading LGBTQ organization Equality Utah and by Salt Lake City and Salt Lake County.

In late January Salt Lake City mayor Jackie Biskupski and SLC Police Chief Mike Brown announced that the city would not cooperate with Trump's agenda on immigration and refugees. The following day Salt Lake County mayor Ben McAdams said that Salt Lake County would join the city in resisting Trump's agenda.

Both Biskupski and McAdams spoke at the rally held inside the State Capitol building as did representatives of the other main sponsoring organizations. The Imam of the Islamic Society of Utah spoke and got silence from the crowd as he gave a prayer. One of Utah's Latina state legislators spoke as did Utah's only Black woman state legislator. Among all the speakers the "Burundi Drummers" got a joyous response.

High school student Saida Dahir, wearing her Black Lives Matter shirt, explained that she is a refugee, a Muslim, Black and a woman so that "my whole identity has been attacked." Saida read the brief poem she wrote for the march called "Paper and a Pen" which you can watch/listen to here <https://www.youtube.com/watch?v=QEdmmKtDIZQ...> (Behind Saida's left shoulder is County major McAdams, to her right the next person past the rally moderator in the red hijab is City mayor Biskupski.)

The International Rescue Committee turned over the bulk of their time to a recent Syrian refugee arrival. Through a translator she pressed to use her bit of time to explain why she and other Syrians had to flee. She said that Utahns might expect that the president of Syria would be protecting the Syrian people but in Syria "it is just the opposite, the president is killing the people" (2.5 minutes into this video <https://www.youtube.com/watch?v=p7MXhyGLDPA>)

The most popular chants during the demonstration were "No Hate, No Fear, Refugees Are Welcome Here" and "No Ban, No Wall." Some reporters said this march was even bigger than the Utah Women's March of January 23 which i think is true but they should have mentioned that there was a snowstorm on January 23 while February 4 was a warm sunny winter day. Of course there was no sense of competition with many participants wearing their 'pussyhats' from the Women's March.

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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>

Contact Information:

E-mail: info@ImmigrantSolidarity.org
(213) 403-0131 (Los Angeles)
(202) 595-8990 (Washington D.C.)

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<http://www.ChinaDelegation.org>

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Contact Us:

By: E-Mail (Best)
ActivistWeb@gmail.com

By: Internet (Web Chat)
Skype: leesuihin
WeChat: 13621942847

By: Phone
(213)403-0131