

Winter 2015 U.S. Immigration Alert!
A Newsletter from National Immigrant Solidarity Network
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**As the Year Near Ends,
Please Remember
People WHO had been
Deported, and Fighting
for Deportation!**

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12/2: Texas sues feds, aid agency over plans to resettle Syrian refugees in state

Tom Benning and Dianne Solis – Dallas Morning Post

With Syrian refugee families poised to arrive in Dallas as soon as Friday, the state of Texas took the extraordinary step Wednesday to sue the federal government and the International Rescue Committee to block those resettlement plans.

Attorney General Ken Paxton filed suit in U.S. District Court in Dallas, saying the New York-based aid agency violated federal law by working to resettle refugees “without consulting with Texas or working in close cooperation” with the state.

The state Health and Human Services Commission, citing “reasonable concerns about the safety and security of the citizenry of the state of Texas,” is seeking a temporary restraining order to block the resettlement.

“We have been working diligently with the International Rescue Committee to find a solution that ensures the safety and security for all Texans, but we have reached an impasse and will now let the courts decide,” said Bryan Black, the commission’s spokesman.

The lawsuit — the first by a state to block Syrian refugees in the wake of the Paris terrorist attacks — came after the International Rescue Committee refused to blink in the face of threatened legal action. The aid group had explained its decision to move forward by citing its contract with the U.S. State Department.

The IRC, one of nine federal resettlement contractors with the State Department, said in response to the lawsuit that it “acts within the spirit and letter of the law, and we are hopeful that this matter is resolved soon.”

“Refugees are victims of terror, not terrorists, and the families we help have always been welcomed by the people of Texas,” it said, noting its four decades working in Texas.

The state of Texas had asked the IRC to halt Syrian resettlement plans until the state received more information from the federal government about them. And Gov. Greg Abbott said Wednesday he’s “relying on national security leaders, as opposed to refugee leaders.”

“It is irresponsible for the refugee resettlement operations to put aside any type of security interest and continue to press on about this,” the Republican governor said on a conference call with reporters.

The first of two Syrian families to be resettled by the International Rescue Committee in Dallas is slated to arrive from Jordan on Friday, said Anne Marie Weiss-Armush, head of the DFW International Community Alliance, a nonprofit that assists immigrants but isn’t one of the federal contractors that officially handle the resettlements.

The family is related to a Syrian refugee who moved to the Dallas area in February, Weiss-Armush said. The group consists of a husband and wife, their 4-year-old girl and 7-year-old boy, and the husband’s parents, she said.

The families’ arrivals would come in the midst of intense wrangling between state officials, the federal government and the refugee resettlement agencies.

“I’m sensing that IRC and the State Department have decided to test the governor’s resolve,” Weiss-Armush said. “Is he going to send the Rangers to the airport to throw them out in front of TV cameras?”

The number of Syrian refugees has increased as war has displaced about half of Syria’s population of 23 million. Texas has become one of the top three states, along with California and Michigan, in Syrian refugee resettlement.

Some have been taken aback by the fierceness of the battle over the refugees, particularly in Texas.

“This is the first time I have seen something like this evolve so quickly,” said Elizabeth Drew, a former State Department official who is now a consultant on humanitarian and human rights issues. “Refugee resettlement has generally been bipartisan, and even nonpartisan.”

But security concerns about refugees spiked with Abbott and many other governors, mostly Republicans, after the Paris terrorist attacks on Nov. 13. The Islamic State — which is one faction involved in Syria’s civil war — took credit for the attacks. A Syrian passport was found near the body of one of the Paris suicide bombers, but its authenticity has been questioned.

Abbott said Wednesday that national security leaders have described a “very real concern” that terrorists could infiltrate Syrian refugee groups. That was echoed by Paxton.

“The point of this lawsuit is not about specific refugees, it is about protecting Texans by ensuring that the federal government fulfills its obligation to properly vet the refugees and cooperate and consult with the state,” the attorney general said in a written statement.

State Health and Human Services Commission officials had written on Tuesday to the State Department and the International Rescue Committee in Dallas that Abbott wants his security concerns “appropriately addressed,” including all case information about Syrians slated to resettle in Texas in the next 90 days.

“Obtaining information about the screening process and specific information about Syrians proposed for resettlement in Texas is critical to that effort and to enable Texas to ensure the safety of its residents,” wrote Chris Traylor, who heads the commission.

The state had previously told the IRC in Dallas that failure to cooperate with the state “may result in the termination of your contract with the state and other legal action.” But immigration experts — and the Obama administration — have said the state is fairly limited in its ability to block refugee resettlements.

And the IRC — and other refugee resettlement agencies — had pledged to nonetheless accept Syrians.

An IRC spokeswoman said earlier Wednesday that the group is “hoping to meet with Governor Abbott to do our piece to persuade him” about the integrity of the refugee screening process. The group also said it was pleased the state is seeking more information from the State Department.

“We hope that through this process the state of Texas will be persuaded that the refugee security vetting process is a secure one,” the group said.

With that back-and-forth going on, work continues in the Dallas area to help refugee families, Syrian or otherwise. One church that has aided newcomers is Kessler Park United Methodist Church in Oak Cliff.

The Rev. Wes Magruder, the pastor there, is the board chairman of Refugee Services of Texas. He said his church hosted a “First Thanksgiving” last month for about 80 refugees — including two Syrian families — who arrived in the last year. His church is also working to find more affordable housing in the Oak Cliff area for a Syrian family.

Magruder predicted that when new Syrian refugees arrive in Dallas, they will receive a warm embrace from North Texas’ religious community.

“I get a lot of calls from my colleagues at other churches saying, ‘We want to help Syrian refugees. What can we do?’” he said. “I say, ‘Well, we all want to, but that’s kind of the issue right now, whether or not we are going to be allowed to.’”

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11/18: It Took a Tucson Church and 10,000 Arizonans to Stop the Deportation of Rosa Robles Loreto

Elizabeth Stuart – Phoenix New Times

Rosa Robles Loreto packed one pair of pajamas, one pair of shoes, two pairs of pants, and four blouses into a small, black suitcase. She could do without her hair dryer and the bulky pot of face cream she usually slathered on before bed, she decided as she eyed the already overstuffed bag. No need for a sweater. It was August, and the temperature in Tucson was hovering around 100 degrees.

Bidding farewell to her two sons, 8-year-old Jose Emiliano and 11-year-old Gerardo Jr., wasn't particularly emotional. Rosa just kissed their cheeks and rattled off a motherly list of reminders: Obey your father, take regular baths, brush your teeth, wear clean clothes, don't be late to school, do your homework.

She'd be gone only a week, she told them — a month at the most.

U.S. Immigration and Customs Enforcement had ordered Rosa deported to her native Mexico. She refused to go quietly. Instead, in an effort to pressure the agency to reconsider, she rolled her suitcase through the rickety wooden gates of Southside Presbyterian Church in 2014 and claimed sanctuary.

Rosa's lawyer, Margo Cowan, already had achieved a number of victories using the tactic. Although no law bars ICE from sending squads of masked M-16-wielding agents into chapels to drag off immigrants, as Cowan pointed out, "Doing that would be a public relations nightmare." ICE halted one man's deportation after he'd spent 28 days living at Southside, giving periodic press conferences. Several immigrants didn't even make it to the church before the government backed down.

"All it took was a whisper of the word 'sanctuary,'" Cowan said.

But for Rosa, things didn't work out so simply. More than a year later, her husband still was raising the kids on his own, and she had decorated the tiny back room where she lived at Southside with knickknacks and framed photos.

Her story highlights troubling inconsistencies in the application of immigration policies instituted under President Obama.

While the administration deported undocumented immigrants at record rates, Obama ordered law enforcement officials to focus resources on deporting those with felony rap sheets. Through new protocols and programs, such as Deferred Action for Childhood Arrivals, which grants temporary work permits to immigrants who came to the country illegally as children, he attempted to give a break to immigrants with strong family and community ties, like Rosa.

But because the policies rely on the discretion of prosecutors and judges who don't all agree with Obama's approach, there is no rhyme or reason to who gets relief and who doesn't. Immigrants with no strikes against them frequently are deported,

according to the American Immigration Lawyers Association. At the same time, some immigrants with criminal backgrounds are allowed to stay.

"It's chaos," Cowan said. "We've got a very harsh statutory scheme that's not working. We've got a president who's trying to give immigrants some options. But then we've still got traffic cops turning them in to Border Patrol and lawyers telling them, 'We can't help you.'"

Rosa was born in a small mountain village in the Mexican state of Sonora, where few, including her mother and father, attended school past fourth grade and where many got married by age 16.

When she was 2 months old, her parents, struggling to feed her and her two older siblings, moved to Hermosillo, Sonora's humming capital, to find work. Her father secured a small patch of land through a government anti-poverty program and built a shack out of cardboard. Working 12-hour construction shifts, he slowly saved money and, bit by bit, converted the makeshift abode into a cozy three-bedroom, two-bathroom house. By the time it was finished, Rosa had three more siblings.

Beginning at age 9, the children worked in the morning and went to school in the evening. Rosa's brothers joined her father in the construction business, and she and her sisters were hired at a spice factory across the street from their home. With tiny, nimble fingers, they measured ground cinnamon and chili powder into plastic bags, sealed the packages, and stapled on brightly colored labels.

Rosa met her husband, Gerardo, when the bus that took her to and from high school broke down. He offered her a ride home in his pickup truck. They talked every day until graduation, every day through college (where Rosa majored in accounting), and every day for six years post-study, until they realized they didn't ever want to stop.

Rosa always had dreamed of a fancy wedding, with a fluffy tulle dress, a tiara in her hair, a hired band, and beans and barbacoa for 600 guests — but money was tight.

To save up, they would spend their vacations with Gerardo's aunt in Tucson, just a five-hour drive over the border. In just one week tending children and cleaning houses in the United States, Rosa could earn the same wages she made in a month working at a bank in Mexico.

Each time the couple visited, using visas to make the cross, Gerardo's aunt would ask, "Why don't you just stay?" In 1999, they did.

They trawled yard sales to furnish a studio apartment. After a while, they welcomed Gerardo Jr. and Jose Emiliano to the family. They worked long hours but found time in the evenings to shuttle their boys to Little League practices. Gerardo coached. Rosa made snacks for the young athletes and cheered exuberantly from the stands.

At first, while scrubbing toilets, Rosa daydreamed about the banking career she'd left in Mexico, where she'd donned lipstick and a suit and felt intellectually stimulated. Eventually, though, she stopped thinking of her decision to immigrate as a sacrifice.

"This is a gift I am giving my children," she said. "They will have a better life here."

As Rosa's family settled in, Arizona's intolerance for undocumented immigrants intensified. In 2004, voters passed a ballot initiative requiring state and local officials to verify immigration status before administering public benefits. Those who failed the test were reported to the federal government.

In 2007, the Arizona Legislature imposed heavy sanctions on employers who hired people like Rosa and Gerardo. Then, in 2010, former Governor Jan Brewer signed into law the contentious Support Our Law Enforcement and Safe Neighborhoods Act, better known as Senate Bill 1070. The act made it a crime to be in Arizona without proper paperwork and charged police with checking immigration status during all lawful stops, detentions, and arrests.

In Tucson, which then had one of the country's highest detention rates, it already was common for police to turn over undocumented immigrants to U.S. Customs and Border Protection, according to local lawyers. But the legislative debate fueled law enforcement's enthusiasm. So, even though the U.S. Department of Justice and the American Civil Liberties Union immediately raised questions about SB 1070's constitutionality in court, Rosa and Gerardo started limiting trips outside the house and drove only when absolutely necessary.

At 6 a.m. on September 2, 2010, Rosa paused in a construction zone on her way to a housecleaning appointment. As she tried to discern which way the orange cones were directing her, she spotted red and blue police lights in her rearview mirror. Her thoughts lurched immediately to her children. What if she was deported? What would they do without her?

Rosa hadn't done anything wrong, but the officer asked for her identification anyway. She supplied her Mexican driver's license.

"Are you in the country illegally?" he asked.

She couldn't deny it. "Please!" she begged. "Please, give me a ticket! Please, don't call Border Patrol!"

Rosa spent 60 days in detention before a judge released her on a \$3,000 bond. Gerardo, a sturdy man with an easy demeanor, was so worried that he often forgot to eat or brush his hair.

"Promise me they are treating you well," he pleaded during their nightly short phone calls. "Promise me you aren't being beaten."

She promised, determined to be strong for her family. But when she hung up the phone, she broke down sobbing.

Rosa met Margo Cowan at a December 2011 protest organized through the lawyer's nonprofit legal clinic, Keep Tucson Together. Rosa, whose case still was working its way through the courts, joined her and hundreds of others to march three miles from Santa Monica Church to ICE's Tucson field office waving homemade poster-board signs and chanting boisterously to halt deportations.

Cowan, a slight woman with a mop of gray curls, a friendly, crooked smile, and an affinity for tie-dye, was thrust into the immigration debate in the 1970s when, as a 23-year-old, she took over the operation of an anti-poverty clinic in Tucson's Barrio Hollywood.

"We helped people with whatever they needed," she said, which sometimes meant organizing recreation programs for children and sometimes meant helping undocumented immigrants get access healthcare or navigate the legal system.

She hadn't been at it long before Border Patrol raided the center and indicted her and several colleagues on 52 felony counts of transporting, aiding, and abetting illegal aliens. Cowan, who previously had coordinated strikes for the Farm Workers Union in California, quickly rallied the masses and persuaded President Carter's attorney general to drop the charges.

Inspired in part by the ordeal, she earned a law degree and now works full time as a Pima County public defender representing undocumented immigrants accused of serious crimes, such as murder and armed robbery.

In the months leading up to the march on ICE's offices, President Obama, cuffed by Congress in his attempts to pursue comprehensive immigration reform, quietly began working through back channels to "reduce the threat of removal for certain individuals present in the United States without authorization," according to a leaked Department of Homeland Security memo.

As a first step, in the summer of 2011, ICE Director John Morton issued a historic memorandum instructing agency employees to use discretion to determine when to prosecute immigrants and when to close their cases, or, in effect, look the other way. Morton specifically called on ICE attorneys and employees to refrain from pursuing those, like Rosa, with strong community ties and no criminal histories.

Nearly as soon as the memos were released, Cowan launched Keep Tucson Together to help immigrants prove to officials that they contributed positively to society and deserved to stay.

Many defense lawyers, however, ignored the administrative policy changes and continued to advise clients according to the letter of the law, she said. Some acted on principle, decrying the move as de facto amnesty achieved only because Obama bypassed the country's democratically elected leaders. But, for many, it was a matter of simple economics, Cowan said. Lawyers make more money taking their clients to court than requesting their cases be closed administratively.

"You fulfill your ethical obligations under the law, then you pick up more clients," she said. "It's a sound business model — but it doesn't keep families together."

If defense attorneys didn't push to close a case under Morton's guidelines, according to a 2011 survey conducted by the American Immigration Lawyer's Association, prosecutors were highly unlikely to make the suggestion on their own. In fact, many officials actively resisted the policy change, saying their jobs were "to arrest and deport."

The patterns persisted as Obama went on to issue executive orders granting temporary stays of deportation and work permits to certain undocumented immigrants, such as those who came to the United States illegally as children and those who gave birth to U.S. citizens, said Greg Chen, director of advocacy for the AILA.

"In the end, the decision whether to prosecute is made by the government official looking at the case so we're getting a really mixed bag of results," he said. "In some areas, there is a careful review of cases. In others, there's still a tendency to throw the book at everybody who comes in front a judge."

Rosa and Gerardo are textbook case studies illustrating uneven application.

Although Rosa clearly qualified for relief under the parameters of Obama's policies, her lawyer did not argue the issue, Cowan said. Instead, after a number of preliminary hearings stretched out over several years, Rosa's counsel marched her into court and asked the judge to allow her to depart the United States voluntarily.

Blindsided by her lawyer's move, Rosa penned a frantic appeal to the Board of Immigration Appeals. She was given 60 days to leave the country.

In 2012, Gerardo also had been pulled over by a traffic cop, detained by Border Patrol, and thrown into deportation proceedings. He didn't hire a lawyer, however. He went to Keep Tucson Together, where clinic volunteers helped him argue that, as a taxpaying father of two, he shouldn't be a priority for deportation under the Obama administration's policies.

His case was closed.

Three days before Rosa's deadline to depart, she and Gerardo went to Cowan at her community action headquarters, a cheery, sky blue adobe house decorated with anti-SB 1070 and pro-Obama propaganda. In the front window, signs proclaimed: "We reject racism!" and "Human rights respected here!" A faded black doormat read: "Come back with a warrant."

"We got this letter," Gerardo told Cowan, sliding Rosa's final removal order across the attorney's desk. "We're not sure what to do."

Under the gaze of a 15-inch-tall Our Lady of Guadalupe statue, Cowan laid out the options:

1. Leave.
2. Hide. "Move to a different house," she said. "Move the kids to a different school. Keep moving and watching and praying that ICE doesn't send a dozen agents to grab you in the middle of the night."
3. Claim sanctuary at a church and apply for a stay of deportation.

After a night of tossing and turning, Rosa decided.

"I can't leave my kids," she told Cowan. "I can't hide. I'm not going to accept this."

Cowan called Southside's pastor, the Reverend Alison Harrington, who just a few months earlier had hosted another undocumented immigrant attempting to avoid deportation. "Are you ready to do this again?"

Harrington took the question to her congregation.

A small church of about 160 worshippers, Southside is a progressive community that not only offers weekly prayers for refugees fleeing violence in Iraq and Syria — and elsewhere — but also regularly sends jeeploads of volunteers into the desert to search for migrants who have lost their way or have been abandoned by their colleagues.

"We are Samaritans!" churchgoers call as they navigate saguaros and prickly pears, referencing a parable taught by Jesus Christ where a man rescues an enemy who has been beaten and left for dead. "We are here to help!"

The word "sanctuary" is embroidered on the cloth draped over the church's communion table — and its practice is held sacred.

In the 1980s, Southside's then-pastor, the Reverend John Fife, worked with Cowan to build an underground railroad to help people escape U.S.-trained and -funded death squads in Central America. Thousands of migrants slept on Southside's pews,

and thousands more found refuge in 500 other churches the Tucsonans recruited nationwide. (For their efforts, Fife and 15 other activists later were indicted for smuggling aliens.)

Church members agreed to host Rosa with a nearly unanimous show of hands.

"Christ calls us to care for those who are persecuted and poor," Harrington said. "When we heard this family was going to be torn apart, it seemed like a pretty clear answer to us."

Rosa moved into a tiny back room with a bunk bed, a miniature refrigerator, and a microwave. Gerardo and the boys joined her at Southside on weekends, but between homework and baseball, life was just too hectic for the children to be away from home Monday through Thursday.

Every morning, Rosa called her sons to wake them. She kept them on speakerphone until they left to catch the school bus.

She kept busy during the day helping at Keep Tucson Together, which operated out of the church cafeteria several times a month preparing enchiladas, stews, and salsas for Southside Presbyterian's homeless-feeding program. Each Monday and Friday, she washed and folded hundreds of towels so the down and out could have hot showers. When she found free time, she studied the Bible and listened to audio English lessons.

In the evening, Rosa cooked dinner for her family. Gerardo fetched the food on the way home from work, gave her a kiss, then rushed off to get the boys to Little League practice.

As the weeks stretched to months, Rosa often cried herself to sleep because she missed them so. But, through it all, she never was alone. More than 150 people, not just from Southside, but also from local Catholic, Methodist, Quaker, and Unitarian Universalist congregations, volunteered to take shifts to stay with her at the church morning, afternoon, and night. To remind her of their solidarity, they wrote her prayers on brightly colored pennants and strung them up in the church courtyard where Gerardo Jr. liked to kick around his soccer ball on weekends.

"We pray for Rosa's case to be solved," one parishioner wrote on a yellow flag in permanent marker.

"We pray for all walls and fences to come down between peoples," wrote another.

"Our family sends love to your family," wrote another.

Every evening at 7, community supporters gathered for a vigil.

Sometimes a local poet performed. Once, a singing rabbi stopped by from out of town to strum his guitar for the crowd. Other times, Rosa and her supporters tramped around the facilities in a line singing the South African Hymn Siyahama:

We are marching in the light of God

We are marching in the light of God

We are marching

We are marching Oh Oh

We are marching in the light of God

Meanwhile, Cowan petitioned ICE to rescind Rosa's deportation order. When the request was denied (three days after it was filed), she and Sarah Lanius, a co-founder of Keep Tucson Together, devised a strategy to force the agency's hand.

They had yard signs and banners printed with a declaration: "We stand with Rosa." Parishioners were dispatched to dozens of churches across the city to pass out the signs after worship services. They went door to door in 110-degree weather to disperse them in every corner of Tucson — Dunbar Springs, Santa Rosa, Menlo Park.

Someone took 300 to a Bernie Sanders rally (and even managed to get a few on the stage).

"We stand with Rosa" signs were a hot commodity at city celebrations of César Chávez Day.

Eventually, more than 9,500 Tucsonans had posted them.

"We can honestly say to the government — to Rosa — this whole community wants this family to be reunited," said Leslie Carlson, a 68-year-old member of Southside Presbyterian Church. "Tucson really does stand with Rosa."

The Pima County Board of Supervisors passed a resolution in September 2014 calling on the Department of Homeland Security to close Rosa's case.

Cowan mailed a copy to ICE.

"Please reconsider," she wrote.

A few weeks later, the Tucson City Council, to the satisfaction of a packed chamber of retirees waving photos of Rosa and her boys, unanimously voted to send a letter to the White House demanding that the mother be allowed to stay. Rosa's deportation, council members argued, not only would tear her family apart, but would cause "further alienation" among many Tucson residents who "live with the constant fear that one of their family members may be, at any time, forcibly removed."

Cowan mailed a copy to ICE.

"Please reconsider," she wrote.

When Tucson's paper of record, the Arizona Daily Star, published an editorial in January supporting Rosa, Cowan mailed a copy to ICE. When local churches collected 7,000 letters from community members pleading on Rosa's behalf, Cowan mailed copies to ICE. When activists collected 12,000 signatures for a petition for her relief, Cowan mailed a copy to ICE.

"Please reconsider," she wrote.

And so it went until, over the course of 15 months, Cowan had sent 25 letters.

"We are like that dog that bites your foot and won't let go," Cowan said. "We never give up."

Respite came without warning or fanfare.

On November 3, Rosa and her supporters joined hands, as they did every night, and prayed that the government would lift the threat of deportation and allow her to return home to her family in Tucson.

On November 4, Rosa, Cowan, and Harrington cried as they learned that, after 461 days living in sanctuary, she'd be able to do just that.

Rosa stayed a week longer while Cowan worked out the kinks in what she stubbornly would describe only as "a confidential agreement" with the Department of Homeland Security. "[Rosa] will remain safely in the United States until Congress passes comprehensive immigration reform," Cowan said.

Then, on November 11, she invited all her supporters to join her at the chapel for one last emotional meal of taquitos and rice. She thanked everyone for their support, noting, to the crowd's amusement, that she was excited to see the "We stand with Rosa" signs around town for herself. She vowed to continue to advocate for relief for all undocumented immigrants.

"The struggle continues!" she said.

Harrington blessed her, Gerardo, Gerardo Jr., and Jose Emiliano, painting olive oil crosses on each of their foreheads as tears streamed down her cheeks.

Voice cracking, Harrington quoted the Book of Isaiah: "For you shall go out in joy and be led forth in peace; the mountains and the hills before you shall burst into song, and all the trees of the field shall clap their hands."

Then, fixing her gaze lovingly on Rosa's little family, she added a verse of her own: "So now go out from this place with peace, no longer in fear, now with joy," she said. "Go out from this place with our deep gratitude . . . Go out from this place with our love and our respect . . . Go out from this place with our blessing."

As Jose Emiliano, now 9 years old, dragged Rosa's little black suitcase across Southside's courtyard and out the rickety wooden gates, Gerardo snapped a photo with his smartphone.

He uploaded it to Facebook and typed in a caption: "On our way home."

12/2: Immigration and Customs Enforcement Confirms Transgender Immigrants Will Not Be Housed at Adelanto Detention Facility

Following months long campaign, advocates recommit to end LGBTQ detention nationwide

Loretta Kane, Camino PR The National LGBTQ Immigration Working Group

Washington, D.C. -- The National LGBTQ Immigration Working Group welcomes the news that Immigration and Customs Enforcement (ICE) has halted its disturbing plan to transfer and isolate transgender women at the segregated, corporation-run Adelanto Detention Facility in the Mojave Desert of Southern California. The isolated facility would have made it very difficult for detained individuals to access legal counsel, with Los Angeles, the location of the nearest legal community, a four hour round-trip drive away. LGBTQ immigrants in detention without an attorney have only a 3 percent chance of winning asylum.

National Latina Institute for Reproductive Health worked alongside over 100 civil and human rights organizations, including Immigration Equality, National Center for Transgender Equality, and United We Dream to run a campaign to stop the transfer that garnered national attention from the media and members of Congress.

Jessica González-Rojas, executive director of the National Latina Institute for Reproductive Health, issued the following statement:

“We welcome the news from ICE that they will no longer pursue using Adelanto Detention Facility in California as a center for detaining transgender immigrants. This privately-run immigration facility has a history of reported civil and human rights abuses, and to think that ICE officials even considered transferring transgender women to further isolation and into harm’s way is simply cruel and unacceptable.

“We take this decision as a big victory for our community, while remaining committed to working with our partners across the country to advocate on behalf of all immigrants who are subjected to our country’s arbitrary and inhumane detention practices. Simply put, there is no facility that can ensure that the dignity and rights of immigrants are protected. We must put an end to a system that inflicts pain and retraumatizes the most vulnerable in our community, breaks families apart, and fuels one of the largest mass incarceration movements of our time.”

On June 23rd, a congressional letter endorsed by 35 U.S. House of Representatives called on Jeh Johnson, Secretary of the Department of Homeland Security (DHS), for an end to detention of LGBTQ people and alternatives to detention as the only safe option for LGBTQ immigrants.

On August 24th, a letter signed by over 100 organizations across the U.S. was delivered to the White House, DHS, and ICE, condemning the Adelanto plan by citing reports of abuses including solitary confinement, denial of medical care, and pervasive sexual harassment by GEO Group, the same for-profit corporation that runs the Adelanto facility. Adelanto Detention Facility’s documented failure to prevent or address sexual assault was a particular concern for advocates, who pointed to the fact that transgender women in detention experience sexual assault at 13 times the rate of all persons in detention facilities according to a frequently cited California study.

Adelanto has become the fourth immigrant detention facility in the United States where detainees have gone on hunger strike in recent weeks, refusing food to protest the worsening conditions at the facility.

Advocates are relieved by the news that transgender women, who are particularly vulnerable in detention, will not be segregated in such a dangerous and isolated facility. However, the essential work of local advocates, which laid the foundation for our national advocacy, continues. The community in Southern California — leaders from Friends of Adelanto, the Inland Empire Immigrant Youth Coalition, the LGBT Center Orange County, and others — continues to work to bring justice to those still detained in inhumane conditions at Adelanto Detention Facility and in the state of California..

12/1: CANADA Prison over deportation: Man in jail five years for refusing to sign paperwork that would mean removal to Somalia

Adrian Humphreys –National Post

If Abdirahmaan Warssama signs a piece of paper, he can get out of the high-security prison where he has spent the last five years. But he won't sign it.

Signing a note assuring an airline he will not cause a ruckus on board means the 51-year-old will be deported to his homeland, Somalia, a place deemed too dangerous for Canadian pilots to fly him and too risky for Canadian border agents to escort him. Meanwhile, hundreds of thousands of dollars have been spent keeping him behind bars, even though he is not deemed a danger to the public.

How does Canada solve a problem like Warssama?

That's the dilemma Canada Border Services Agency (CBSA) and the Immigration and Refugee Board (IRB) face in the unusual case.

Warsamma's lawyer, however, challenges the notion his client is in an Ontario prison for any legitimate reason and last week the Federal Court of Canada added a stern reprimand of its own.

"They were basically trying to get him to perjure himself — to say he wishes to go back when he really doesn't," said Warssama's Toronto lawyer, Subodh Bharati.

"He's been kept in detention for over five years because he wouldn't sign."

In his homeland, Warssama faced a nightmare of violence and torture, said Bharati. After Warssama's father was killed, he and his brother were kidnapped and tortured. The boys were placed in bags and dunked in the ocean in a form of waterboarding.

His mother pulled together enough money to pay a bribe and free him and move him to India and from there to Canada in 1989, he said.

His refugee claim was dealt with soon after his arrival — within two weeks — and was denied. It was only after his claim was tossed that he sought medical attention and treatment from the Centre for Victims of Torture.

He was diagnosed with post-traumatic stress disorder.

It was compelling enough for the government to intervene, allowing him to stay on humanitarian and compassionate grounds; but Warssama moved around and didn't obtain permanent residency status or citizenship.

He also got into trouble: he received at least two criminal convictions of a seemingly minor nature around 2005, although the specific charges are not outlined in a recent judgment.

As a non-citizen convicted of crimes, he was found inadmissible to Canada and ordered deported in 2009. He was arrested over his immigration status a year later and has been in a Lindsay, Ont., prison since.

While Canada has placed a "temporary" administrative hold on removing people to Somalia, it does not apply to someone found inadmissible on the grounds of criminality. But while regulations allow for Warssama's deportation, logistical problems make it difficult.

Somalia has been described as a "failed state," torn apart by civil war.

CBSA seems reluctant to force anyone back to such a place against their will, perhaps for public relations reasons, said Bharati.

Somalis who are returned are typically flown from Toronto to Turkey, then to Kenya and, from there, on to Somalia's capital Mogadishu. CBSA guards accompany deportees on the first two legs of the trip but not the last, court heard.

African Express Airways, a short-haul airline based in Nairobi, is the only airline willing to fly a failed refugee claimant back to Somalia unescorted, but it requires a signed consent form from the person agreeing to co-operate in the removal, court heard.

That's the paperwork Warssama refuses to sign, putting the brakes on his deportation but leaving him in prison.

"Given that we already spent hundreds of thousands of dollars in detaining Mr. Warssama, why not charter a plane?" asked Federal Court Judge Sean Harrington, who heard Warssama's appeal for the court's intervention. "Apparently, because it is too dangerous to send Canadian pilots to Mogadishu!" he answered himself.

And why must a person be unescorted on the last leg of the long trip? “Because Immigration Canada considers it too dangerous to send its own people there!” he wrote.

(Harrington apparently found the situation so alarming it prompted the rare, injudicious use of exclamation points in his written decision.)

The final question is whether Warssama needed to remain in prison while the stalemate held.

“As matters presently stand, Somalia is a failed state and Mr. Warssama may remain incarcerated in Canada for the rest of his life,” Harrington wrote.

Bharati agreed if his client was released he would likely not voluntarily show up for removal, and the government agreed Warssama didn’t pose a danger to the public if released.

“There comes a point in time in which time itself becomes overwhelming, requiring the parties, and the (IRB) to think outside the box,” wrote Harrington.

“The whole process became completely unreasonable.”

Typically, a successful appeal to the Federal Court simply puts the person back before the IRB for another hearing. This case needed more.

Harrington ordered the government to not only convene a new review but detailed steps to look for solutions.

CBSA has to prove it is “too dangerous to send Canadians to Somalia” and show it has “explored the possibility of hiring foreign nationals who would be less at risk than Canadians” to escort him home.

“Given that Mr. Warssama has already cost the Canadian taxpayers hundreds of thousands of dollars, the minister shall explain why a plane cannot be chartered to fly him directly to Somalia under escort.”

And, if nothing else, the government must explore alternatives to prison.

Warssama’s new review is scheduled for next week.

11/3: Saying U.S. is ‘corrupt,’ black American man applies for refugee status in Canada

Tristin Hopper - National Post

A few weeks ago, U.S. man Kyle Canty was arrested after he refused to leave a bus station. Another time, police officers approached him because they thought he had flagged down their cruiser — but left as soon as the misunderstanding was cleared up.

Armed with this and other evidence, Canty is applying for Canadian refugee status on the grounds police will kill him if he returns to the United States.

“The United States of America is corrupt; they’re consistently killing black people,” Canty told CBC outside his Immigration & Refugee Board (IRB) hearing.

The man entered Canada as a tourist in September, but soon applied for refugee protection in Vancouver. He is reportedly now living in a homeless shelter as he awaits a decision from the IRB.

U.S. media got hold of Canty’s story this week, reporting on the black man who slipped across the 49th parallel to escape “police brutality.”

“He’s gone to Canada to get away from America’s cops,” wrote the tabloid-style New York Daily News.

While there have been several high-profile police shootings of unarmed black men across the U.S., Oregon—where Canty was recently arrested—has largely been exempt.

According to statistics compiled by the Washington Post, Oregon law enforcement officials have killed 14 suspects this year,

but only one was black.

In that case, Kevin Lamont Judson, 24, was fatally shot while trying to flee a traffic stop by stealing a police cruiser.

Salem, where Canty was arrested, has seen three police shootings since 2014. The suspects were all white.

Originally from New York, Canty has noted he has several outstanding minor charges in the U.S., including a charge of intimidation in Arizona—all of which he claims are false. In a Thursday phone call to the National Post, Canty said the only reason he was in Oregon was to file a lawsuit against the FBI.

Salem police spokesman Lt. David Okada confirmed that Canty's arrest was on September 15, when he was given a trespassing charge.

A YouTube video uploaded by Canty show the prelude to the arrest as he yells at security guards who asked him to catch the next bus or leave the premises.

“Go call the cops so I can get a police report ... because I'm going to take that police report and I'm seriously going to sue you,” the camera operator tells the two guards.

He added, “This is what I do; I sue people in federal court.”

Another video appears to show Canty screaming for 10 minutes at a Seattle bicycle cop writing an unspecified ticket for a black pedestrian.

“Call for backup, idiot! Call for backup, idiot! We're going to keep on recording, dummy, you're f—— dumb!” the man behind the camera can be heard saying.

Canty's Oct. 23 hearing saw him present reams of video and documentary evidence to the IRB to back his claim he has been repeatedly targeted by law enforcement because he is black, and his life is now in danger.

Notably, the hearing took place in the same building where, four years before, actor Randy Quaid requested Canadian asylum on the grounds he would be murdered by a cabal of “Hollywood star whackers” if he returned to the United States.

“My impression is that he had spent a lot of time training himself in legal things ... he worked an incredible amount of time preparing his case,” said Melissa Anderson, an IRB spokeswoman.

She jokingly described her new job as being the “administrative assistant” for Canty, who has asked the IRB to forward him media requests.

On average, a few hundred U.S. citizens apply for refugee status in Canada each year, although most are rejected.

Between 2003 and 2014, 4,631 Americans applied for refugee protection, but only 65 were accepted.

Of those, the most well-known case is Denise Harvey, a 47-year-old Florida woman who was facing 30 years in prison after having sex with a 16-year-old boy.

The IRB ultimately decided a 30-year sentence constituted cruel and unusual punishment by Canadian standards, and disregarded “accepted international standards.”

11/26: 50 Nigerians deported from UK arrive in Lagos

Kelvin Osa Okunbor – The Nation (Nigeria)

Tijuana, FL - Today at the San Ysidro U.S. port of entry, with a shattered heart Rafael Gaytan was turned away by U.S. Customs and Border Protection. His petition for humanitarian parole was denied. While in Florida, Mayra Gaytan (wife) and their children are devastated to hear the terrible news. Their family remains separated and their dreams of family reunification are turned into a nightmare.

Authorities at the border told Rafael the only way he could be granted humanitarian parole would be if his children were at their death bed. In the same way they stated he should have never gone to see his sister and parents. "I fear for my life back in Mexico, the organized crime is at its peak and I have no means to provide for my wife and kids from here" says Rafael.

Rafael Gaytan had to leave the country three months ago due to a family medical emergency and, unfortunately, had no other option but to travel without a permit because the Deferred Action or Parental Accountability (DAPA) program he is eligible for to have a temporary immigration status, is currently blocked at the courts. Today, Rafael attempted to turn himself in to immigration authorities at the border between San Diego and Tijuana as a last resort to reunite with his family.

The Young American Dreamers (YAD), and the rest of the supporting organizations, are with the Gaytan family now more than ever. They will not give up at the first encounter and will continue growing a petition that has over 500 signatures nationwide. This is the moment to continue fighting the immigration system keeping immigrant families apart, where if DAPA was in place Rafael would not be in this situation in the first place.

Daniel Barajas, YAD's Executive Director, returned to the Deported Veterans Support House in Tijuana with Rafael and will be working on next steps with legal support and other allies in the community. "At the end of the day, there are two citizen children who the system is failing and keeping away from their father" shared Daniel.

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11/25: Indiana Opposition to Refugees Sparks Suit

David Wells – The Courthouse News Service

INDIANAPOLIS (CN) - Indiana's efforts to block any Syrian refugees from entering its borders has drawn a federal complaint from one of the state's three resettlement agencies.

Gov. Mike Pence had been among 31 state leaders who vowed last week, on the heels of terrorist attacks in France, not to let any of the millions of refugees fleeing slaughter in Syria resettle in their jurisdictions. Marion County-based Exodus Refugee Immigration says in a Nov. 23 complaint that Pence's decision hampers its efforts to place about 19 Syrians who had already received federal refugee status. Most of the families are expected to arrive in Indiana within a few weeks, but one such family has already been diverted to Connecticut.

Though officials with the U.S. Customs and Immigration Services maintain that the government's rigorous admissions process should assuage any fears that the refugees approved for resettlement here could pose a terror threat, the backlash against refugees has proved a difficult tide to break.

Shortly after Pence and the other governors pledged to deny Syrian refugees, the U.S. House of Representatives voted to "pause" new admissions of Syrian and Iraqi refugees across the country.

Some Republican presidential candidates meanwhile have added hateful rhetoric to the controversy. While Ben Carson likened the refugees to "rabid" dogs, Donald Trump made headlines for saying Muslim Americans should be monitored on a database. He refined this comment recently to say the database would focus more on refugees.

Represented by the American Civil Liberties Union of Indiana, Exodus Refugee Immigration seeks an injunction preventing Pence and state agencies from rejecting or otherwise discouraging the resettlement of Syrian refugees.

"There is no border around the state of Indiana that prevents people from entering our state who may move freely within the United States," ACLU of Indiana legal director Ken Falk said in a press release. "Decisions concerning immigration and refugee resettlement are exclusively the province of the federal government, and attempts to pre-empt that authority violate both equal protection and civil rights laws and intrude on authority that is exclusively federal."

Noting that it has worked with 892 Indiana refugees this year alone, Exodus Refugee Immigration also wants the recovery of money it normally receives through the state, for resources spent preparing and actually placing the displaced refugees and their families.

The governor's office released a statement regarding the lawsuit, reiterating Pence's belief that his actions were right and lawful. "The governor is confident he has the authority to suspend the state's participation in the resettlement of Syrian refugees in Indiana and will not reverse course until the Administration and Congress take action to pause this program and implement measures necessary to address security gaps acknowledged by the FBI and Department of Homeland Security," the statement says.

Exodus Refugee Immigration says Pence violated equal-protection laws and discriminated on the basis on national origin.

"The actions taken by Governor Pence to block Syrian refugees from entering the State of Indiana are not in line with Hoosier or American values," Exodus executive director Carleen Miller said in a statement. "Indiana is a welcoming state known for our hospitality. History will judge us in this moment - whether we take the moral stand for victims of war and persecution in their time of need or reject our core principles by giving in to fear and terror."

Pence meanwhile penning an editorial that cites safety as the reason for halting the refugees.

"Indiana and the United States must continue to serve as a safe harbor for refugees from around the world; however, unless and until the federal government addresses the security gaps acknowledged by the FBI and Department of Homeland Security with regard to refugees from Syria, as governor I will continue to put the safety and security of Hoosiers first," Pence wrote.

In addition to Pence, the lawsuit names as defendants John Wernert, the secretary of the Indiana Family and Social Services Administration. The administration is the agency that houses the Indiana Refugee Resettlement Office.

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