

Injustice for All

The Rise of the U.S. Immigration Policing Regime

National Network for Immigrant and Refugee Rights
Red Nacional Pro Derechos Inmigrantes y Refugiados

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About the National Network for Immigrant and Refugee Rights

Formed in 1986, the National Network for Immigrant and Refugee Rights (NNIRR) is a national organization composed of local coalitions and immigrant, refugee, community, religious, civil rights and labor organizations and activists. It serves as a forum to share information and analysis, to educate communities and the general public, and to develop and coordinate plans of action on important immigrant and refugee issues.

NNIRR works to promote a just immigration and refugee policy in the United States and to defend and expand the rights of all immigrants and refugees, regardless of immigration status. To accomplish this, NNIRR focuses on four core areas:

- ✗ Human rights education and advocacy;
- ✗ Grassroots policy advocacy and organizing promoting policies and programs for socially just legalization, sustainable community development and other policies and reforms that protect and expand the rights of immigrants, working people and communities of color;
- ✗ Education and organizing campaigns seeking redress and an end to abuses and violations committed against immigrant and refugee members of our communities; and
- ✗ Popular education for immigrant and refugee communities.

About the HURRICANE

The Human Rights Immigrant Community Action Network (HURRICANE) is a NNIRR initiative for community members and organizers to dialogue and develop a shared vision of the changes our communities want. With HURRICANE, community members and groups tell their stories and document and seek redress for the abuses.

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Injustice for All:

The Rise of the U.S. Immigration Policing Regime

A human rights report on U.S. government abuses against immigrant families, workers, and communities

Produced by HURRICANE: The Human Rights Immigrant Community Action Network

An initiative of the National Network for Immigrant and Refugee Rights (NNIRR)

December 2010

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Injustice for All:

The Rise of the U.S. Immigration Policing Regime

Executive Summary

HURRICANE's 2009-2010 report, *Injustice for All: The Rise of the Immigration Policing Regime*, finds that the U.S. government has built a brutal system of immigration control and policing that criminalizes immigration status, normalizes the forcible separation of families, destabilizes communities and workplaces, and fuels widespread civil rights violations. This "immigration policing regime" is also fueling racial discrimination and hate violence against immigrants and those perceived to be foreign born or "illegal."

Based on over 100 stories of abuse documented by NNIRR's initiative, *HURRICANE: The Human Rights Immigrant Community Action Network*, *Injustice for All* shows how a new dimension of immigration control, ICE-police collaboration and border security, are hurting communities from the rural areas of New Mexico and North Carolina to New York City and the suburbs of Chicago.

Injustice for All includes eleven essays by HURRICANE members in California, Arizona, New Mexico, Texas, Illinois, North Carolina, Rhode Island, and New York. These reports demonstrate how immigration policing impacts border and rural communities, women, Indigenous people, African and South Asian communities and workers. The report's findings and testimonial essays bring to light the often tragic consequences of this system of immigration policing and its four identifiable pillars:

1. Relentless criminalization of immigration status and use of incarceration.
2. Persistent linking of immigration to the politics of national security and engaging in policing tactics that rely upon racial, ethnic/nationality and religious profiling.
3. Escalating militarization of immigration control and border communities; reinforcing policies and strategies that deliberately "funnel" migrants to cross through the most dangerous segments of the U.S.-Mexico border and compromise the rights and safety of border residents.
4. Scapegoating immigrants for the economic crisis and leveraging anti-immigrant sentiment to push laws and policies that cut and/or eliminate public services, roll back civil rights, environmental, labor and other social protections.

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Photo credit: Pedro Ríos—AFSC U.S.-Mexico Border Program

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FINDINGS

Based on extensive community-based tracking and reporting of human rights abuses, *Injustice for All: The rise of the immigration policing regime* finds that:

- ✗ DHS is detaining and deporting immigrants at alarming rates; communities are devastated and ICE deportations impact communities and the economy.
- ✗ ICE uses prolonged and indefinite detention and the threat of loss of life and freedom to coerce persons jailed for immigration status offenses into waiving their due process rights and accept deportation.
- ✗ ICE ACCESS programs and collaboration between local police and immigration officials rely heavily on racial profiling, undermining community safety, and make immigrants more vulnerable to abuse and exploitation.
- ✗ ICE's new workplace policing strategy of auditing employment files, allowing employers to fire undocumented workers en masse, has deepened the economic and humanitarian crisis in communities, increasing labor rights violations and other abuse.
- ✗ The unrelenting militarization of immigration control and border communities is deliberately causing migrant deaths and violates the rights of border communities.
- ✗ Local, county and state anti-immigrant legislative, policy proposals and ordinances across the country fuel and condone hate violence against immigrants and propel police and government abuses with impunity.

RECOMMENDATIONS

Injustice for All urges the U.S. government to undertake a major shift in immigration policies and address the patterns of human and civil rights violations. The U.S. must provide access to the adjustment of immigration status, a process long held at bay by a lack of political will

and action at the federal level. Without such a shift, millions of men, women and children residing in this country will continue to face lives of fear, uncertainty and economic insecurity. There are significant steps that the Obama Administration can authorize, including:

- ✗ The restoration of due process rights and other Constitutional protections, including access to the courts;
- ✗ The suspension of detentions and deportations, other ICE enforcement operations and high profile raids; a high-level investigation and hearings with impacted communities;
- ✗ An end to the policy and practice of jailing persons solely for immigration status offenses, except in cases where there is a high risk to public safety;
- ✗ The prohibition of ICE and local, county, state and federal law enforcement from using all forms of racial, ethnic/nationality and religious profiling;
- ✗ A thorough investigation of complaints of abuses in public and private corporate immigrant detention centers and jails; a moratorium on the expansion of detention centers and privately run prisons;
- ✗ An end to all inter-agency and immigration-police collaboration programs;
- ✗ Prohibition of local, county, and state governments from legislating immigration enforcement, such as Arizona’s SB1070;
- ✗ The roll back and end to the militarization of immigration control and border communities; end Operation Stonegarden and Operation Streamline.

We are disturbed by the lack of congressional action to enact fair immigration policies, and we call on our elected officials in the House and Senate to:

- ✗ Hold field hearings with members of interior and border communities to document the impacts and abuses caused by U.S. immigration policing and border security policies, measures and practices;
- ✗ Repeal employer sanctions and stop all E-Verify programs; protect and expand the labor rights of all workers, native and foreign-born; and increase Department of Labor inspectors;
- ✗ Repeal the 287(g) and “Secure Communities” initiatives;
- ✗ Provide and expand options to legal migration, including access to legal permanent residency and citizenship;
- ✗ Institute routine programs, including legalization, to adjust the immigration status and provide “green cards” to immigrants, to ensure civil and labor rights, keep families together and reinforce healthy communities.

Finally, we call upon the Administration and members of Congress:

- ✗ To address the root causes of displacement and involuntary migration, by promoting and implementing fair trade and sustainable community development policies;
- ✗ To help lead a nationwide condemnation of racial intolerance and xenophobia in keeping with our country’s legal and moral commitment to equality for all.

We further urge the United States to respect and uphold international human and labor rights standards, including the ratification and implementation of the U.N. International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families and the U.N. Declaration on the Rights of Indigenous People.

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Photo credit: Sara Prestianni, Migreurop, "Processing (detention) center on the Canary Islands"

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Photo credit: Arnoldo García, NNIRR

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About This Report

Injustice for All, HURRICANE’s third human rights report, is based on 129 incidents of rights violations and abuse collected during 2009 through mid-2010; 45 cases of abuse documented by community groups in North Carolina during 2009, 30 incidents of Border Patrol sweeps conducted in Southern California’s inland empire area during a four-month period and others in the San Diego/San Ysidro border region in 2009-2010 reported by community groups and some 158 cases of abuse reported by community members to the Michigan-based Washtenaw Interfaith Coalition for Immigrant Rights from March 2008 through June 2010. *Injustice for All* also draws on news reports, studies, scholarly and advocacy documentation of abuses. A NNIRR initiative, HURRICANE: The Human Rights Immigrant Community Action Network was launched in 2005 to bring together community groups, activists, and community members to organize, dialogue and develop a shared analysis of the main problems affecting their communities. NNIRR and HURRICANE members track, document, report and seek redress for human rights violations committed against members of their communities. Through this process, HURRICANE works with communities to develop a shared analysis and vision of the changes they want and how to achieve them.

HURRICANE has issued two previous reports, *Over-Raided, Under Siege: U.S. Immigration Laws and Enforcement Destroy the Rights of Immigrants*, covering 2006-2007, and *Guilty by Immigration Status*, covering 2008. Both reports document the systemic criminalization of immigration status and pervasive racial, ethnic/nationality and religious profiling and the almost exclusive reliance on incarceration of persons charged with immigration violations. NNIRR, with HURRICANE members, partners and allies has documented over 600 cases since 2007. To see the HURRICANE chronology and other materials and documentation, visit www.nnirr.org/hurricane

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Photos: Over-Raided by Francisco Dominguez, and in Guilty by immigration status by guillermo prado

Injustice for All:

The Rise of the U.S. Immigration Policing Regime

INTRODUCTION

HURRICANE's 2009-2010 report, *Injustice for All: The Rise of the Immigration Policing Regime*, finds that the U.S. government has put into place a brutal system of immigration control and policing that criminalizes immigration status, normalizes the forcible separation of families, destabilizes communities and workplaces, and fuels widespread civil rights violations. This "immigration control policing regime" is also contributing to and tolerating an upsurge in racial discrimination and hate violence against immigrants and those perceived to be foreign born or "illegal."

Based on over 100 stories of abuse reported, collected and documented by volunteers, staff and members of NNIRR's initiative, HURRICANE: The Human Rights Immigrant Community Action Network, *Injustice for All* shows how a new dimension of immigration control, ICE police collaboration and border security, are hurting communities from the rural areas of New Mexico and North Carolina to New York City and the suburbs of Chicago.

Injustice for All includes eleven essays by HURRICANE members in California, Arizona, New Mexico, Texas, Illinois, North Carolina, Rhode Island, and New York. These reports demonstrate how immigration policing impacts border and rural communities, women, Indigenous people, African and South Asian communities and workers alike. The stories are inter-connected by the pervasiveness of immigration policing in neighborhoods, public and private services, in employment opportunities and the workplace. A chronology of some 100 instances of discrimination, abuse and other unfair treatment is also contained in this report and typify the widespread nature of these cruel policies and practices.

Over the last ten years, the U.S. has built a policing regime that uses immigration status to segregate people, thereby scapegoating people of color in a new way for the worsening fiscal crisis. Public officials and corporations collaborate to cut and/or privatize public services, including using for-profit private prisons to incarcerate people for immigration charges,ⁱ destroying civil and labor rights. Immigration status is also being used to deny Indigenous people their right to identity, land and community.ⁱⁱ

The results are ominous. Congress and the Obama Administration have institutionalized this immigration policing, intensifying criminalization through immigration-police collaboration and other policies and programs. The U.S. has expanded workplace immigration policing, enhancing employer sanctions through the E-verify program to detect and force "unauthorized" workers out of certain kinds of work. In fiscal year 2010, ICE reported more than 2,200 audits, up from 1,400 in 2009, issuing 240 fines totaling \$6.9 million, up from 52 fines totaling about \$1 million in 2009. ⁱⁱⁱ And the prospects that Congress or the Obama Administration will reverse policies or restrain policing are unlikely, as dozens of states, local, and county governments and federal agencies are considering similar policies and legislation, egged on by a reactionary nativist movement. Since 2000, some 107 towns, cities and counties have passed anti-immigrant ordinances affecting access to services, housing and employment.^{iv}

THE RISE OF AN IMMIGRATION POLICING REGIME

In 2003, the majority of U.S. immigration service and policing responsibilities were transferred from the former Immigration and Naturalization Service to the then newly-formed Department of Homeland Security (DHS). In the wake of the September 11th terrorist attacks, the U.S. created the DHS as an umbrella agency that directly incorporated immigration affairs with national

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security policies. DHS also launched Operation Endgame, a 10-year strategic detention and deportation plan designed to build the capacity to "remove all removable aliens."^v (11.1 million undocumented immigrants are currently estimated to reside in the United States.)^{vi}

Operation Endgame represents a significant turning point in U.S. immigration policy. Endgame has built a new "immigration policing regime" that attempts to connect the dots between disparate issues—including immigration, citizenship, the "war on terror," border control, national security, crime, law enforcement, and the economy—all under the guise of "protecting the homeland."^{vii} This approach to immigration control and enforcement consists of four pillars:^{viii}

Relentless criminalization of immigration status and the use of incarceration

through U.S. laws, policies, measures and practices—weakening and even eliminating constitutional rights, particularly due process rights, and labor protections for noncitizens.

Persistent linking of immigration to the politics of national security and engaging in policing tactics that rely upon racial, ethnic/nationality and religious profiling.

Escalating militarization of immigration control and border communities; reinforcing policies and strategies that deliberately “funnel” migrants, forcing them to cross through the most dangerous segments of the U.S.-Mexico border and compromise the rights and safety of border residents.

Scapegoating immigrants for the economic crisis and leveraging anti-immigrant sentiment to push federal, state, county and local laws and policies that cut and/or eliminate public services, and roll back civil rights, environmental, labor and other social protections. ix These policies contribute to corporate profit-making and are integral to “free” trade and other economic development programs that displace communities and force individuals around the world into involuntary migration. U.S. Immigration and Customs Enforcement’s (ICE) close collaboration with state and local law enforcement officials is critical to achieving the overarching goal of Operation Endgame—to create the policy and personnel infrastructures by 2012 to detain and deport all deportable immigrants in the United States.



Immigration-Police Collaboration Programs.

Secure Communities: DHS ICE implemented “Secure Communities” in 2008, allowing local police to send the fingerprints of persons arrested to DHS to match with immigration records and expedite deportations.x DHS has “Secure Community” agreements with 868 jurisdictions in 35 states and plans to extend it to every county by 2012.

287(g) Program: Named after a section of the 1996 immigration law, the 287(g) program allows ICE to train and deputize law enforcement officers to work with federal immigration policing to detect and deport persons with immigration status violations.xi

SB1070: Arizona’s Racial Profiling, Anti-Immigrant Law: SB1070, passed by the Arizona state legislature and signed by the Governor in April 2010, requires police to verify the status of persons suspected of being undocumented. Now anyone arrested in Arizona cannot be released until the police verify their immigration status with ICE.xii



Since 2003, there has been a proliferation of new “policing” initiatives that have encouraged unprecedented cooperation between federal immigration officials and county, state, and local law enforcement agencies. There is ample evidence to suggest that the rise of this new immigration policing regime is undermining public safety in communities across the country, as well as making immigrants more vulnerable to abuse and exploitation.

In reports from California, Arizona, New Mexico, Illinois, North Carolina, and New York, different forms of immigration-police collaboration are impacting communities, youth, women, workers, Indigenous people and people of color. Immigration policing is taking different forms along the border (local police and the Border Patrol, for example) than in the interior (driver’s license and DUI checkpoints) but the impacts are just as devastating. Immigration-police collaboration creates more problems in all communities:

✗ Police collusion with ICE undermines community safety. Residents will not report crimes and fires if they fear detection and deportation.

✗ Women are less likely to report domestic violence if they or their partners have immigration status. Batterers are also more likely to threaten their partners with turning them over to ICE to stop them from reporting an abusive relationship.

✗ Equally troubling, local law enforcement is not trained in immigration law and requires substantial amounts of time and money to reach a satisfactory level of expertise. As a result, local police departments, already strapped on resources and manpower, cut back other vital community services, affecting community safety; and

✗ Police cooperation with ICE encourages racial profiling, already illegal, resulting in civil rights violations and abuses against immigrant and refugee communities. Even where police departments have worked to end racial profiling, such collaboration undermines the credibility of police departments to effectively serve all communities. In some states and localities, local police and sheriffs can ask individuals for proof of their

immigration status—and turn them over to DHS officials—simply based on their perceived status as undocumented immigrants.^{xiii} These practices have fueled racial profiling and other forms of discrimination.^{xiv} The Western North Carolina 100 Stories Project reports specific cases where local and county police deliberately used transit stops to arrest a Latino driver to turn over to ICE; see their report on page 16. Immigration laws and policing have created an anti-immigrant atmosphere in which some county hospitals, schools, and other public agencies as well as private citizens, including landlords, employers, and even border vigilantes, have been emboldened to take the “law” into their own hands—attempting to detect, report, and even detain undocumented immigrants in their communities.^{xv}

Immigration-Police Collaboration Goes Viral

In the past year, dozens of states and other local and county governments have been spurred to create copycat Arizona-style laws. And there is an undeniable economic angle to such immigration policing. For example, Arizona’s S.B. 1070 was developed by lawmakers in collaboration with corporations that build private jails to incarcerate immigrants; these companies stand to earn considerable profits from the growing trend of detaining immigrants for enforcement and deterrence.^{xvi} Indeed, some two-thirds of persons imprisoned for immigration charges are held in local jails. In southern California alone, DHS is set to pay almost \$57 million to 13 jails.^{xvii}

Other state and local governments are also looking at ways to use the “illegal immigration problem” as a means to solve their fiscal crises.^{xviii} From Virginia to Oregon and Pennsylvania, ICE offers governments immigration jails as a job creation and revenue source strategy. ICE has approached different localities to build and, in some cases, run public-private immigrant jails, where investors will reap millions in profits and governments will boost their revenues.^{xix}

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Localities also fear losing an ICE detention center; Etowah County in Alabama faces a ruinous fiscal crisis because ICE is planning to end its contract that pays the county \$14,000 a day to jail immigrants.^{xx} Additionally, SB1070 is costing Arizona huge losses in revenues.^{xxi}

Collaboration programs between DHS and state and local law enforcement have become the new arbiter of justice when it comes to detecting and arresting undocumented immigrants, many of whom are detained and even deported without a trial or access to a lawyer. Indeed, incidents of official misconduct and abuse of authority by ICE agents are on the rise, as are reports of civil rights and due process rights violations against noncitizens. In 2009, the Benjamin N. Cardozo School of Law’s Immigration Justice Law Clinic issued a report documenting a widespread pattern of ICE misconduct, including racial profiling, entering homes without consent or warrants and even holding by force permanent residents and U.S. citizens while ransacking their homes for evidence.^{xxii}

Record Year of Repression

Fiscal year 2010 was a record year of repression: the U.S. government deported a total of 392,862 immigrant workers, students, women, and youth—many of whom were long-time residents of the United States.^{xxiii} Beyond these individuals, untold numbers of family members were separated, children left hopeless, and neighborhoods and workplaces diminished by the absence of hardworking individuals who contributed significantly to the social, economic, and political fabric of our country.

2010 was also a record year for the detention of immigrants, subjected by ICE to inhumane treatment and conditions. Since 2003, at least 104 deaths have been documented of persons in ICE immigrant detention centers and jails.^{xxiv}

ICE has some 32,000 jail beds exclusively for persons charged with immigration violations or in deportation proceedings. The DHS runs or contracts with some 350 public and private jails and prisons across the country to detain immigrants who have been arrested for status violations and are awaiting deportation. Many of these facilities are located in remote areas where there is little or no access to qualified, low-cost immigration legal service providers (there is no guaranteed right to counsel for immigrant detainees as in the criminal justice context). Moreover, the DHS frequently transfers immigrant detainees to new facilities without providing notice to their attorneys or family members. There is little accountability for guaranteeing a prison’s minimal conditions and basic human rights protections for detained immigrants, including access to medical treatment, recreation, and the freedom to worship. The DHS also

uses semi-secret court proceedings to judge, try, and summarily deport immigrants accused of minor immigration offenses, in gross violation of constitutional rights and due process.^{.xxv} Women, who make up over half of all migrants to the United States, have been particularly impacted by the new immigration policing regime. HURRICANE's database is filled with documentation of abuses committed against immigrant women. (In most instances, women are HURRICANE's principle monitors and reporters of rights abuses.)

In addition to the rights violations and abuses male migrants face, women in migration are subjected to sexual harassment, assault and rape during the arduous border-crossing journey, at work and in ICE detention.^{.xxvi} For example, ICE jailed over 10,000 immigrant women in 2008; after routine testing, 965 of the women (nearly 10%), tested pregnant; many of these women reported being raped during the border crossing.^{.xxvii}

In deportation proceedings, ICE and the courts mete out severe punishment and treatment to women who are mothers and workers, especially, if they are undocumented and Indigenous. In some areas, various U.S. public agencies have taken away and placed into adoption the children of undocumented and Indigenous women.^{.xxviii} HURRICANE also received reports of immigration jail guards sexually assaulting women detained at the Hutto detention facility.

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ICE also subjects children to detention with or without their parents. A nurse at a hospital close to the T. Don Hutto Detention Facility in Texas reported to HURRICANE that a guard brought in a child for emergency treatment after another guard had hit the child with a flashlight.^{.xxix} These incidents are just the tip of the iceberg since immigration detention centers lack adequate oversight, monitoring and accountability. In spite of promises of reforms and oversight, the Obama Administration has failed to address the persistent human rights violations committed against immigrant prisoners in ICE detention.^{.xxx}

Another alarming example of impact of the current immigration policing regime is the growing human rights crisis at the U.S.-Mexico border.^{.xxxi} In 2010, a record number of migrants died in the border crossing: the remains of 253 migrants were recovered in Arizona border alone. (See Coalición de Derechos Humanos report in *Injustice for All*.) Human rights groups that work on the border to uphold the rights of migrants report that for every migrant dead recovered in the border at least ten others are believed to have disappeared. An average of two migrant deaths are recorded every day; border groups estimate that from 5,000 to 8,000 migrant deaths have occurred since this border control strategy was implemented in 1994.^{.xxxii} Instead of providing sufficient visas so that migrants can legally enter the United States in search of work and families can reunite, the government has adopted a border enforcement strategy that deliberately risks migrants' lives and safety. Unscrupulous smugglers, police, employers, ICE and Border Patrol agents, and others often subject migrants to abuse, exploitation, and even death in the border-crossing process.^{.xxxiii} Specifically, U.S. border security strategy of "prevention through deterrence" forces migrants to enter United States through the most dangerous and isolated desert and mountain terrain; this has led to the deaths and disappearances of thousands of migrants^{.xxxiv}.

FINDINGS

Based on extensive community-based tracking and reporting of human rights abuses through NNIRR's HURRICANE initiative, the Human Rights Immigrant Community Action Network, *Injustice for All: The Rise of the U.S. Immigration Policing Regime* finds that:

DHS is detaining and deporting immigrants at alarming rates; families are being separated, children traumatized, and communities devastated. ICE deportations are also having a severe economic impact on communities and the economy.^{.xxxv}

Several cases reported to HURRICANE community members from New York to New Mexico reveal the devastating impacts of prolonged detention and deportations on children and communities already disproportionately impacted by the current economic recession. ICE continues to carry out raids and policing operations directed at workplaces, homes and public spaces to deliberately intimidate and destabilize communities.^{.xxxvi} For instance, a mother jailed by ICE and separated from her young child testified to the trauma he suffered upon her release: "When I finally got out and was able to reunite with my little boy, he wanted nothing to do with me. Now every time I have to go somewhere without him he says, 'Mom, don't leave me!'"^{.xxxvii}

ICE uses prolonged and indefinite detention and the threat of loss of life and freedom as coercion over persons jailed for immigration status offenses to force them to waive their due process rights and accept deportation.

ICE-run and contracted jails commit widespread abuses and subject inmates to inhumane conditions. ICE threatens or subjects persons facing immigration charges to imprisonment as a strategy to force detainees to forego their due process rights and allow ICE to deport them. Additionally, lengthy immigration court proceedings put more pressure on persons to consent to their deportation.^{.xxxviii} ICE, DRO officials **National Network for Immigrant and Refugee Rights | HURRICANE 5** and other jail personnel deepen this crisis by inflicting physical and emotional violence on detainees, literally forcing them to sign travel documents to expedite their expulsion.

In a case reported to HURRICANE, after ICE agents brutally beat a detainee, they forcibly held his hand to place his fingerprint on a document to expedite his deportation. When the ICE agents boarded him on a plane, the pilot refused to allow him on the flight, believing he would not survive the trip. Rather than take him to a hospital, the ICE agents took Mr. Abdel-Malak back to a rural county ICE contracted jail and continued pressuring him to sign away his rights. After subjecting him to solitary confinement for several weeks, ICE dragged him away under the cover of night aboard a flight to Egypt, where he had fled in the first place to avoid religious persecution.^{.xxxix}

ICE ACCESS programs and collaboration between local police and immigration officials rely heavily on racial profiling, which undermine community safety and make immigrants more vulnerable to abuse and exploitation.

With and without 287(g) agreements, local police are stopping persons, under the guise of having “reasonable suspicion” that they are undocumented, and reporting them to immigration authorities. Communities across the country reported to HURRICANE that this practice deepens existing mistrust of the police in immigrant and communities of color. For instance, communities in Illinois reported alarming rights violation and abuse by local police in the wake of the murder of an unarmed 23-year-old African American in Winnebago County, one of eight Illinois counties participating in the “Secure Communities” program. Communities reported considerable mistrust in police deepened by a lack of accountability for their use of lethal force. This incident had a rippling effect on the entire community, but for Latinos the incident heightened fear of police because of the immigration status issue.^{.xi}

ICE’s new workplace enforcement strategy of auditing employment files, allowing employers to fire undocumented workers en masse – also dubbed “silent raids”^{.xii} – has deepened the economic and humanitarian crisis in many communities across the country, making workers further vulnerable to labor rights violations and other forms of abuse.^{.xiii}

ICE workplace policing ignores workplace abuses, undermines workers’ rights, and lets employers off the hook.^{.xiii} Labor unions and other community organizations are receiving reports from immigrant communities across the country of workplace abuses and rights violations such as discrimination, severe harassment, injuries, and fatalities.^{.xiv} In one case reported to HURRICANE, a 20-year-old worker suffered a fatal accident on the job due to lack of protective gear and dangerous working conditions. The worker’s family feared reporting the employer because of their immigration status.^{.xiv}

Deepening the crisis, ICE conducted a record number of I-9 audits in 2009 and 2010, allegedly to punish “bad apple” employers.^{.xvi} In Los Angeles, ICE audits triggered the layoff of 253 workers at Overhill Farms (May 2009); American Apparel laid off 1,800 workers, a quarter of their workforce (Los Angeles, September 2009); ABM Janitorial company laid off 1200 immigrant workers, who were also SEIU members (Minneapolis, November 2009); and Seattle Building Maintenance fired over 100 janitorial workers, all SEIU members (November 2009). In each of these cases, rather than hold the employer accountable for existing labor law violations and abuses, ICE’s I-9 audits triggered massive layoffs leaving thousands of families in

crisis and more vulnerable to abuse.

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The unrelenting militarization of immigration control and border communities is deliberately causing migrant deaths and violates the rights of Indigenous people, women, workers, LGBTQ people, migrants and communities of color at the border.

Reports to HURRICANE from border communities in New Mexico, Texas, Arizona and California included Border Patrol conducting sweeps in predominantly Latino neighborhoods, or *colonias*, ripping families apart with deportation and causing widespread fear; local police racially profiling immigrant residents and then reporting them to Border Patrol for deportation; in Southern California, communities in the San Bernardino and Riverside areas reported over 30 incidents of Border Patrol raids over a four-month period at local grocery stores, near schools and day laborer pick-up sites.^{.xlvii}

Tucson-based Coalición de Derechos Humanos (CDH) reports in *Injustice for All* how U.S. border security, called “prevention through deterrence,” intentionally “funnels” migrants into isolated stretches of the desert and mountain regions of the border and has caused the deaths and disappearance of thousands.^{.xlviii} As a result of continuing border militarization, in fiscal year 2010, a record number of migrant deaths were recorded on the border: 253 human remains were recovered in Arizona alone, where at least 50% of all crossings and migrant deaths occur.^{.xlix}

In response to a call for more immigration policing by supporters of SB1070, in 2010, the Obama Administration deployed 1200 National Guard troops to patrol the U.S. - Mexico border; 560 are patrolling the Arizona-Mexico border region.^{.l} Additionally, President Obama with Congress authorized an additional \$600 million to bolster immigration-police collaboration in Arizona alone.

Local, county and state anti-immigrant legislative, policy proposals and ordinances across the country fuel a climate that has promoted and condoned hate violence against immigrants and propelled police and government abuses with impunity.

In the wake of the passing of SB1070, Arizona’s anti-immigrant racial profiling law, Juan Varela, a second generation Mexican-American man was gunned down in front of his house by a white neighbor who had frequently harassed the family, calling them “wetbacks” and telling them to “go back to their country.”^{.lii} And in Boston, the brutal beating of an Indigenous man from Guatemala by a mob of white youth that left him with permanent brain damage triggered a wave of reports from several Guatemalan immigrants who had also been attacked and feared coming forward to report the crimes to police because of their immigration status.^{.liii}

Since Arizona passed SB1070, at least 25 more states are considering copycat antiimmigrant laws that would allow local police and other state agencies to arrest a person for their immigration status and turn them over to ICE for deportation.^{.liiii}

It is against this alarming backdrop of criminalization of immigration status, rampant immigration policing and border militarization that NNIRR’s HURRICANE initiative calls on the Obama Administration and Congress to address the abuses and take immediate steps to ameliorate the humanitarian crisis impacting immigrant and refugee communities in the U.S.

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The U.S. spent over \$800 million, a record \$15.1 million per mile, for 53 miles of “virtual fence” on the Arizona-Mexico border.^{.li} This includes cameras, heat and motion sensors and other barriers. Another \$20.9 million has been spent on the U.S. border with Canada. By

early 2010, the U.S. had built over 600 miles of border wall along the Southwest border, harming natural habitat and wildlife migration, expropriating traditional Indigenous lands,ⁱⁱⁱ and putting border communities under siege.ⁱⁱⁱⁱ

✕

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RECOMMENDATIONS

The *2009-2010 HURRICANE Report* urges the U.S. government to undertake a major shift in immigration policies, to address the patterns of human and civil rights violations, harm and traumatization of immigrants and their communities, and to provide access to the adjustment of immigration status, a process long held at bay by a lack of political will and action at the federal level. Without such a shift, millions of men, women and children residing in this country will continue to face lives of fear, uncertainty and economic insecurity.

There are significant steps that the Obama Administration can authorize, including:

- ✕ The restoration of due process rights and other Constitutional protections, including an expansion of access to the courts;
- ✕ The suspension of detentions and deportations, other enforcement operations and high profile raids; undertake a high-level investigation and hearings with impacted communities;
- ✕ An end to the policy and practice of jailing persons solely for immigration status offenses, except in cases where there is a high risk to public safety;
- ✕ The prohibition of ICE and local, county, state and federal law enforcement from using all forms of racial, ethnic/nationality and religious profiling;
- ✕ A thorough investigation of complaints of abuses in public and private corporate detention centers and jails housing immigrants; a moratorium on the expansion of detention centers and privately run prisons;
- ✕ An end to all inter-agency and immigration-police collaboration programs;
- ✕ Prohibit local, county, and state governments from legislating immigration enforcement, such as Arizona's SB1070;
- ✕ The roll back and end to the militarization of immigration control and border communities; end Operation Stonegarden, a federal program for police collaboration with Border Patrol, and Operation Streamline that violates due process, making unauthorized entry a felony with automatic sentencing;

We are disturbed by the lack of congressional action to enact fair immigration policies, and we call on our elected officials in the House and Senate to:

- ✕ Hold field hearings with members of interior and border communities to document the impacts and abuses caused by U.S. immigration enforcement and border security policies, measures and practices;
- ✕ Repeal employer sanctions and stop all E-Verify programs; protect and expand the labor rights of all workers, native and foreign-born; and increase Department of Labor inspectors;
- ✕ Repeal the 287(g), "Secure Communities" initiatives;
- ✕ Provide and expand options to legal migration, including access to legal permanent residency and citizenship;
- ✕ Institute routine programs, including legalization, to adjust the immigration status and provide "green cards" to immigrants, to ensure civil and labor rights, keep families together and reinforce healthy communities.

Finally, we call upon the Administration and members of Congress:

- ✕ To address the root causes of displacement and involuntary migration, by promoting and implementing fair trade and sustainable community development policies;
- ✕ To help lead a nationwide condemnation of racial intolerance and xenophobia in keeping with our country's legal and moral commitment to equality for all.

We further urge the United States to respect and uphold international human and labor rights standards, including the ratification and implementation of the U.N. International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families and

the U.N. Declaration on the Rights of Indigenous People.

CONCLUSION

Relying almost exclusively on racial profiling, policing, jails and deportations, the U.S. government is building a horrendous immigration policing regime^{vii} to deal with the “illegal immigration problem.” The disturbing impact of the U.S. policing regime’s policies and practices is not only the record high numbers of deportations, but the criminalization of large swathes of people of color, including anyone who is considered an “immigrant” or who does not pass as white or citizen.

In this third national report, the Human Rights Immigrant Community Action Network, or HURRICANE, finds a failure of the U.S. government to uphold and adhere to human rights standards and our own commitment to constitutional protections. At the same time, we are troubled by the lack of political will and failure to identify and pursue administrative reliefs and legislative remedies and reforms. The latest policy failure was the defeat of the DREAM Act in the Senate where the proposal – to provide access to legal status to undocumented immigrant students and youth – failed to move forward after winning approval in the House of Representatives.

From the 2009-2010 contributions of our community-based documentation partners, media reports, and the observations and experiences of member organizations and policy experts around the country, we further believe that the immigration policing regime is contributing to a hateful, intolerant and dangerous environment and the “normalization” of rights violations and physical abuse against immigrants and anyone perceived to be an immigrant. Once again, we must urge our federal government—the Obama Administration and Congress—to take immediate action to bring relief to the humanitarian crisis in our beleaguered communities by de-criminalizing immigration status and suspending detentions and deportations. We must work to overcome political hurdles to provide fair and adequate avenues for legal immigration, adjustment of immigration status and legalization. We cannot afford to dismiss long term and strategic approaches to the migration dilemma. We must begin to address the “root causes” of migration by advancing fair trade policies and sustainable community economic development as central to U.S. responsibilities in global engagement.

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Summary Chronology 2009-2010

56 stories of discrimination and abuse and trauma

2009

January

1/3/09: ICE prolonged the detention and tried to deport a Peruvian LPR, even after he completed a sentence for a 1986 misdemeanor. He was released after four years in ICE custody. (New Jersey)

1/26/09: Local police reported a car accident victim to ICE, jailing him until ICE can verify his immigration status. Police charged him with driving without a license and “reckless driving.” (Raleigh, NC)

February

2/18/09: Border Patrol shot and killed a young migrant, after chasing him down accusing him of loading contraband into his vehicle. BP reported that the migrant shot himself. (Tucson, AZ)

2/20/09: The Mansfield School District in Texas audited all custodial workers to verify work authorization after getting a “tip” from a district employee that some were undocumented. The District fired 40 custodial workers, including some who had worked for the school district for ten years. (Mansfield, TX)

2/24/09: 72 heavily armed ICE officers raided a factory, the Yamoto Engine Specialists, arresting and jailing 28 workers for their immigration status. (Bellingham, WA)

March

3/5/09: Six years after a Border Patrol agent shot and killed a migrant who had been accused of endangering the agent’s life by throwing rocks, a US Judge ruled against former agent Cesar Cervantes for using “excessive force” when he shot

Martinez several times in the chest in 2003. (Tucson, AZ)

3/13/09: ICE agents raided a home, arresting a Bulgarian man based on an old deportation order, despite a pending hearing in the Ninth Circuit court. (Concord, CA)

April

4/13/09: At Hutto Detention Center, an ICE agent hit an 11-year-old child in the eye with flashlight. After ICE agents took the child to the local hospital, nurses who were treating him reported the abuse. The ICE agent who hit the child was never reprimanded, and the child remained in detention. (Texas)

4/30/09: Yolo Police from an undercover gang unit fired six shots and killed a Latino farm worker who was on his way home. The police claimed they engaged in a "consensual encounter," which escalated when the man tried to run from them. Community leaders organized and demanded an independent investigation of the shooting. (Woodland, CA)

May

5/18/09: ICE deported a man with LPR status after Weber County police stopped him for a traffic violation and arrested him for driving without license. Police jailed the man for six weeks before ICE deported him. (Ogden, UT)

5/20/09: ICE agents arrested and deported a man at his immigration hearing, interrupting a lengthy legal battle to stay in the U.S. with his wife and three U.S.-born children. (Los Angeles, CA)

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5/23/09: TSA and Border Patrol agents raided the San Diego Old Town transit center, arrested 21 people and deported three youth on their way home from school. (San Diego, CA)

5/29/09: An IRS audit at Overhill Farms, the largest food processing and packaging company in Southern California, resulted in mass lay-offs of 254 workers who could not prove legal status. (Los Angeles, CA)

June

6/3/09: ICE officers at Port Isabel Detention Center brutally beat and then transferred a 39-year-old Haitian detainee, for speaking out against human rights abuses at the facility (Port Isabel, TX).

6/12/09: A Rhode Island Supreme Court Judge stripped Rosalia Lopez of all parental rights from her two young children five years after ICE had deported her on charges of child negligence for failing to protect her son from his abusive father. Rosalia, a domestic violence survivor, feared reporting the abuse to authorities because of her immigration status and because her boyfriend threatened to further hurt their son if she turned him in.

July

7/22/09: Six middle school-age youth brutally beat Guatemalan migrant Damian Merida with bricks, bottles and rocks while he slept in a public park. The hate violence attack caused permanent brain damage to Merida, who spent one month hospitalized. The assailants pled not delinquent to charges of civil rights violations, attempted murder and assault with intent to maim. Police released all but one and ordered them to wear electronic monitoring bracelets. (Lynn, MA)

August

8/5/09: Due to employer negligence, a 20-year-old Guatemalan youth died in a tragic yet preventable workplace accident after a large piece of glass from a shattered pane fell on him, cut his throat and caused him to bleed to death. (San Francisco, CA)

8/16/09: GEO Group prison guards at Northwest Detention Center pepper sprayed immigrant detainees for allegedly refusing to follow orders to go to bed. (Tacoma, WA)

8/22/09: Local police harassed and intimidated a Latino driver for driving without a license, forcing him to call a tow truck even though he was only blocks away from home. (Woodfin, NC)

September

9/1/09: Wake County police arrested a man for listening to loud music in his car, then called ICE who detained him for deportation. (NC)

9/30/09: After ICE audited their employer records, American Apparel, a company that has supported legalization, laid off 1,800 immigrant workers, a quarter of their workforce, including many who had been employed there for more than ten years. (Los Angeles, CA)

October

10/1/09: ICE deported a long-time resident and father of three less than 24 hours after they raided his home in search of another person. ICE questioned everyone in the household about their status. (Bell, CA)

10/2/09: Dallas Police stopped a legal permanent resident and ticketed her for not speaking English, which is not a crime in Dallas. A recent internal investigation by the Dallas Police Department revealed a pattern of abuse; 39 citations against Latino motorists were issued for not speaking English since 2007. (Dallas, TX)

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November

11/9/09: After ICE audited ABM Janitorial Company, the company laid off 1200 immigrant workers, also members of SEIU. (Minneapolis, MN)

11/23/09: Seattle Building Maintenance laid off over 100 janitorial workers after an ICE audit. The workers' union, SEIU Local 6, reported the company's misuse of E-Verify when management proceeded to re-verify work eligibility of current employees. (Seattle, WA)

December

12/2/09: ICE agents raided Mambo Seafood's headquarters and two restaurants, arresting 33 workers for immigration status. (Houston, TX)

12/29/09: ICE initiated deportation proceedings against a crime witness, whose immigration status was revealed after a false arrest at a local jail with a 287(g) agreement. (Charlotte, NC)

2010

January

1/4/10: A Border Patrol agent shot and killed a migrant who they alleged was throwing rocks at them. (Douglas, AZ)

1/5/10: Michigan Huron County police arrested car crash victims and reported them to Border Patrol after accusing them of presenting false IDs. (Michigan)

1/6/10: At a checkpoint, ICE arrested 58 Guatemalan janitorial workers traveling from Rhode Island to clean the Gillette Stadium parking lot. Only seven had immigration violations, but all were arrested and faced deportation. (Foxborough, MA)

1/21/10: Mohave County police stopped and questioned a family on the highway and reported them to ICE after the driver showed a Mexican driver's license. ICE detained all five passengers. (Kingman, AZ)

1/29/10: LaGrange County police arrested a young mother for a \$10 bounced check and then illegally kept her in jail for eight days due to an ICE "detainer," which only allows police to detain persons for 48 hours. (Indiana)

February

2/10/10: ICE officials and prison guards swarmed a housing unit and assaulted detainees who were carrying out a hunger strike protesting human rights abuses and conditions at Port Isabel Detention Center. (Port Isabel, TX)

2/25/10: A store manager at Abercrombie & Fitch unjustly fired a young Muslim woman for refusing to remove her religious headscarf, saying she did not fit the store's "look." (San Mateo, CA)

March

3/1/10: Henderson Police detained and harassed seven Muslim men for nearly an hour as they prayed in public, alleging "suspicious behavior." (Henderson, NV)

3/5/10: Border Patrol arrested two undocumented college students traveling on Amtrak on their way back to school after asking them about their immigration status. (Buffalo, NY)

3/30/10: Cobb County police, using their 287(g) agreement, arrested and jailed an

immigrant college student and turned her over to ICE after she was ticketed by Kennesaw State University campus police for “impeding the flow of traffic.” (Georgia)

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April

4/4/10: ICE arrested 24 people during an early morning raid at a dance club in Asheville. (NC)

4/23/10: After Cochise County police pulled over the driver of a 26-foot U-Haul truck, they found 67 migrants crammed in the back. The driver tried to escape by running into the desert. (AZ)

May

5/1/10: Several female detainees at T. Don Hutto jail reported being sexually assaulted by a Corrections Corporation of America guard while under his custody en route to deportation. (TX)

5/1/10: West Contra Costa County jail officials and ICE agents threatened a detainee, a father of three, to force him to admit to false criminal charges while facing deportation; they also gassed him in his cell, making him very sick. (Richmond, CA)

5/6/10: After SB1070 was passed, a white neighbor began to constantly harass the Varela family, a third generation Mexican American family, telling them to “return to their country.” The neighbor eventually escalated the hate, shooting and killing Juan Varela in front of his house. (Phoenix, AZ)

5/26/10: ICE rounded up and arrested twenty immigrant workers on their way to work. ICE’s action devastated and traumatized the workers’ families and young children who were left behind. (MI)

June

6/9/10: A Border Patrol agent standing on the U.S. side of the border fired a shot and killed 15-year-old Sergio Hernandez, who was standing across the river on the banks at Juarez, Mexico. The Border Patrol agent said that Hernandez was throwing rocks at the agent while he was arresting two people on the U.S. side of the border. (El Paso, TX/ Juarez, Chihuahua border)

6/29/10: A small army of 30 ICE agents raided Terra Universal Inc., a manufacturing company, and arrested 43 workers “suspected” of being undocumented. (Fullerton, CA)

6/30/10: An ICE sting operation targeted African immigrant cabdrivers in Philadelphia; the 23 arrested were placed in deportation proceedings. (Philadelphia, PA)

July

7/8/10: ICE agents raided a Chili’s chain restaurant, arresting four kitchen workers after demanding proof of legal status. (Canton, MI)

7/17/10: In an act of hate, three teenage boys brutally beat to death a Salvadoran man, father of four, while a fourth teen recorded the beating on his cell phone. Initially, the youth were charged with manslaughter, but with mounting evidence, prosecutors raised the charges to felony murder. (Summit, NJ)

7/17/10: A Salvadoran detainee died from asphyxiation in the Orleans Parish County Jail just one day after ICE jailed him for his immigration status. (New Orleans, LA)

7/29/10: Border Patrol and ICE agents arrested 31 people in immigration sweeps carried out at three bus stations in Las Vegas. (Nevada)

August

8/3/10: Border Patrol and U.S. Customs agents were found to be stopping, questioning and even jailing people leaving Arizona to Mexico if ICE found they had been living in the U.S. without authorization. (Nogales, AZ)

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September

9/2/10: ICE denied a visa-extension to a Barbados mother of cancer-stricken child being treated in a U.S. hospital. (Atlanta, GA)

October

10/5/10: A Guatemalan woman with a 3-month-old baby faces possible deportation after

the U.S. government revoked her asylum status as well as her father who had been arrested while working as a landscaper and deported earlier in 2010. She had been living in the U.S. for over a decade as a political asylee. (Sarasota, FL)

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Photo credit: Western North Carolina 100 Stories Project

COMMUNITY HURRICANE REPORTS

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Human Rights

Community Action

immigrant

network

Western North Carolina Communities Raise Their Voices Against Immigration Policing

By Ada Volkmer, Andrea Arias, and Milton Butterworth

The Blue Ridge Mountains of Western North Carolina, home to nearly 60,000 Latinos – many of whom are immigrants - currently boasts eighteen counties actively collaborating with immigration law enforcement through the 287(g), “Secure Communities” and other ICE ACCESS programs.^{lviii} A region shaped by a long history of racial and economic inequalities, seven states in the U.S. South have formal agreements to cooperate with ICE in enforcing federal immigration laws. North Carolina leads the South with the highest concentration of 287(g) agreements, more than any other state in the country.

Small Latino community centers throughout the region have led the fight standing with and advocating for people caught up and criminalized by the Department of Homeland Security’s enforcement regime.^{lix} Additionally, Western North Carolina’s rural, isolated, and historically conservative and predominantly white mountain communities are also continuing a history of local resistance by supporting the struggle for equal rights for immigrants. Together, community groups are organizing marches and other actions, providing ‘know your rights’ workshops, meeting with elected officials, and developing proactive and creative solutions like local IDs and emergency hotlines to assist community members and their loved ones who have been caught in the dragnets of immigration-police collaboration.

100 Stories, Raising Thousands of Community Voices for Justice

The Center for Participatory Change, the *Coalición de Organizaciones Latino-Americanas*, Latino Advocacy Coalition, *Nuestro Centro* and the WNC Workers Center joined forces in 2008 to launch the 100 Stories Project, a collaboration developed to break the silence of abuse by documenting and collecting community stories, expand a shared analysis of human rights, and take action organizing communities based on their own experience and expertise. With the 100 Stories Project, proven to be a powerful community-organizing tool, we documented over 45 stories of abuse by law enforcement in three counties.

The stories reveal disturbing patterns of abuse that reflect some of the impacts of immigration-police collaboration in our region and across the United States.^{lx}

ICE enforcement programs are being used by local law enforcement agencies to intimidate and criminalize immigrants in their daily lives.

The stories of rights abuses we collected showed that people were being racially profiled and arbitrarily arrested as they were driving to work, school, grocery stores, laundromats, or simply traveling with their families.

Pablo had left his job and was driving home. He said, “I noticed a Sheriff’s car behind me. I stopped at a Bi-Lo store to purchase groceries. The officer’s car parked, and waited for me to come out of the store. I called my sister-in-law’s home to see if anyone could pick me up....

No one was home. I felt unnerved and intimidated, but after ten minutes or so, I left the store to head home. The officer then continued to follow me. After driving several more miles, the

officer pulled me over.”

Another person who shared their story reported, “On the day [I was arrested], I was driving my dad’s car because mom needed to go grocery shopping. The cop asked to see my license and registration card, and since I [did not have either], he arrested me right there on the spot, in front of everybody in the parking lot.”

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When local police have immigration enforcement authority they are more prone to perpetrating abuses resulting from racial profiling, which is still illegal, and undermining due process rights. Immigration-police collaboration makes communities more vulnerable to more abuses and exploitation because people will not trust the police to report crimes.

Pedro and Elvia’s story illustrates the abuse of power committed by public agencies with formal relationships with ICE. Pedro, a Mexican immigrant who worked at a tomato packing plant for \$6 an hour, was arrested one evening on his way home from work. His wife Elvia explained what happened:

“I remember very well the day when my husband was arrested; it was a little late and he had not come from work... I understood everything later. [On his way home from work], a police officer who had been following his car very closely turned the patrol car’s lights on [and pulled him over]. The officer asked for his license and Pedro showed him his consulate identity card instead. The officer [became] very upset and told Pedro that the card was not good, yelling “No Buena!” and tore it up. He also asked if he had a green card and Pedro did not answer. He was immediately arrested.”

Even though Pedro lived in a county that had a 287(g) agreement, he was still asked for his documents in the field.^{ixi} Similarly, other community members reported the abuse of power by police and jail officials in local detention centers. One woman, Lucero, witnessed a detention center official mistreat and abuse a pregnant woman, denying her medical attention that resulted in the death of her unborn baby: “I spent three months in jail. I came across other women. I recall one who was five months pregnant. One day she started having severe pains and asked the officer for help, but no one paid any attention. They only told her to lie down and shut up... The following day she lost the baby.”

Immigration-police collaboration abuse is a daily reality that rips community members away from their homes and loved ones.

After living in the U.S. for 21 years, ICE detained and deported Lupe’s father, forcibly separating him from his family. Police had arrested him for driving with an expired license and turned him over to ICE. His daughter told their story:

“When my dad saw the flashing lights, he pulled over to the side of the road like he was supposed to. The officer came up to the car and started to say “How are you?” but

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Photo credit: Western North Carolina 100 Stories Project

when he got a look at my dad he stopped in mid-sentence, and [demanded loudly] ‘Let me see your license!’ The officer ordered Dad out of the car, but did not wait [for him to get out]. [The officer] threw the door open and grabbed my dad, jerking him very forcefully out of the car. At the same time, he [ordered] me to get out of the car and stand there.... Dad gave me his cell phone and his credit card, and told me to take care of the family in his absence.”

Immigration-police collaboration programs, detentions, and deportations have long-term effects on the emotional health of community members, particularly children, including separation anxiety, strains on personal relationships, insecurity, and depression.

Lucero, a mother who had been detained by ICE, shared her experience: “When I finally got out [of jail] and was able to re-unite with my dear little boy he wanted nothing to do with me. Now every time I have to go anywhere without him, he says ‘Mom, don’t leave me!’”

Lucero also remembered how the ICE detention impacted her life, saying, “During that awful time of being locked up, I feared for my marriage.”

Lupe, whose husband was deported, related how this devastated her family; she said, “My daughter has constant nightmares, and always says she wants to be with her dad.”

Elvia, whose husband faces deportation, also added: “When I found out that my husband had been detained, the world ended for me. Now I am expecting a baby and I feel very sad, they have taken my husband and my daughters’ father away.”

Based on over 45 reports of immigration-police abuses by community members who bravely raised their voices and told their stories, the WNC 100 Stories Project urges that:

- ✗ Local, county and state public and law enforcement agencies end all immigration-police collaboration, including ending all 287(g) and “Secure Communities” programs. These programs are detrimental to the safety and wellbeing of our communities and their negative impacts far outweigh any benefits
- ✗ Local, county and state public and police agencies end license checkpoints. Local police are routinely using license checkpoints to target low-income and Latino neighborhoods, creating an atmosphere of fear and repression.

Additionally, the WNC 100 Stories Project urges its allies, partners and immigrant rights and social justice groups to:

- ✗ Support, provide and develop education and training for community members on their rights and the resources available to respond to arrests, detentions and deportations
- ✗ Raise awareness and solidarity among the broader community about the negative impacts of 287(g), Secure Communities and other ICE enforcement and police collaboration programs, including with other community organizations, allies, and institutions in the immigrant rights and social justice movements.

Ada Volkmer, Andrea Arias and Milton Butterworth are members of the Western North Carolina 100 Stories Project.

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New Africans in Old America

By Nunu Kidane

Following New York, California has the highest number of immigrants from Africa. Estimated conservatively at 145,453 (American Community Survey 2006-08), the African immigrant community is one of the most undercounted.

PAN’s recent mobilization activities for the 2010 Census exposed the complexities involved in counting African community members that are unlike any other. African immigrants organize themselves largely along their national or ethnic identities (as opposed to the assumed continental ‘African’) and therefore remain in clusters of small groups, fragmented and excluded from traditional mainstream institutions.

PAN estimates that the actual size of the African community is at least three times this number. After Los Angeles, the Bay Area in particular is home to a high number of African immigrants. A recent study had an estimate of African immigrants in the Bay Area at 2% of the population; no doubt this figure will increase significantly over the coming years.

Climate of fear and “triple jeopardy”

For the growing population of immigrants from Africa, the recent anti-immigrant raids and attacks have had unexpected impacts, both direct and indirect. Whether or not directly targeted by enforcement agencies, the climate of fear has permeated every association without exception. Prevailing assumptions about African immigrants is that they largely “blend” into existing African American communities and, on the basis of skin color at least, are less likely to be targeted by immigration law enforcement. This is considered, ironically, as one of the few instances where there’s a positive factor on being Black in America.

The facts, however, are that African immigrants face the double threat of being Black *and* immigrant. They are twice as likely to be racially profiled, first on the basis of their skin color and additionally on their status as immigrants. Then, an added factor of “*triple jeopardy*” comes into play for the large numbers of African immigrants who are also Muslim.

Like other immigrant groups, a significant number of new Africans are undocumented, waiting to “sort out” their papers or are in dubious stages of adjusting their immigration status. The added risk of being “found out” means individuals are less likely to speak out to report abuses or rights violations, seek help from the police or go to hospitals when they need medical help.

The recent immigration raids in homes and workplaces largely exposed in the Spanish-speaking and other Latin American-origin communities, set off a wave of fear in the African immigrant community. Less known and less visible, the sense of fear that reverberated across African immigrant communities left them with no access to information or resources. Consequently, new Africans whose status may be questionable are less likely to be engaged in civic activism or join in community organizing for fear of “not returning home.” Individuals have expressed being paralyzed with the fear of being picked up by ICE while out on a casual errand, and separated from their children or families.

Racial and Religious Profiling

Still, the most common experience of negative encounters with police is of African men who report being constantly stopped for “driving while Black.” Incidents of being stopped (usually for no reason or weak reasons) have been mentioned on more occasions than can be counted. Many are professionals who work in corporate offices and commute long distances and are

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likely to experience this multiple times. This fits the standard practice of racial profiling commonly experienced by African American men. The new African immigrant, however, does not have the advantage of contextualizing the experience in the history of race and racism in this country. Many express a sense of feeling targeted, frustrated and at odds with what they consider to be violations of principles of fairness, which they expect from this country.

Additionally, once police stop and question them, their foreign accents identify them as immigrants, leaving them vulnerable to detention if they are unable to prove their “legal” status.

Other shared stories include Somali women in the Santa Clara County, where the largest concentration of Somali communities resides in the San Francisco Bay Area. Highly visible in their traditional veils, the women express a sense of fear in the way they are regarded daily. They are asked to present documents of their status when registering their children at schools or receiving treatments in hospital/clinic.

Men and women from Eritrea, Ethiopia, Somalia, Senegal, Nigeria, Guinea Bissau, Mali and others whose names are common identifiers of their Muslim faiths (like Ali, Salima, Mohammed, etc.) are often stopped and searched when taking flights across the country. Many say they are most afraid of ‘mistaken identity’ or suspected to be “terrorists” and added to the no-fly list, detained or even deported.

Strengthen Ties between Immigrant and Racial Justice

New African communities are at the intersection of race and immigration and are neither targeted by the immigrant rights movement nor aligned with racial justice organizations. This ‘in-between’ category makes the new African diaspora particularly vulnerable, given nationally increasing sentiments of racism and anti-immigrant rhetoric across the country. To address concerns expressed across diverse African immigrant groups, Priority Africa Network provides resources and builds leadership capacity on immigration and racial justice issues through writings and ongoing gatherings. PAN believes that as they continue to grow in numbers, the African community must:

- ✗ Collaborate with cross-cultural, cross-identity community groups;
- ✗ Join immigrant rights mobilizations to make their communities more visible and more protected; and
- ✗ Become part of Black institutions that provide information and history on racial justice.

Through these initial steps, African immigrant communities can change their status from small, fragmented formations without access to basic information or community protection to strong, thriving communities organizing for justice.

Nunu Kidane is the coordinator for Priority Africa Network (PAN), an Africa-promoting/African immigrant community mobilizing grassroots organization based in the San Francisco Bay Area.

Somali women from Santa Clara County participate in Priority Africa Network's activities during the 2010 Census.

Border Patrol Roving Patrols and 'Fishing' Operations Threaten Community Safety

By Pedro Rios

In Southern California, Border Patrol units deliberately threaten and destabilize communities with "fishing" or roving patrols, fomenting fear and creating distrust of law enforcement agencies. The Border Patrol uses racial profiling, and degrades the civil liberties of those targeted by these reckless enforcement practices. Furthermore, there are few mechanisms to ensure transparency and accountability on the implementation of overreaching enforcement operations such as roving patrols.

The dramatic increase in Border Patrol agents, from 9,000 in 2000 to over 20,000 in 2009^{lxvi}, provides the context by which Border Patrol agents are increasingly patrolling the streets of San Diego County in an indiscriminate fashion using an undisclosed set of criteria to determine who to stop. In San Diego County, the Border Patrol has engaged in random patrolling that has been met with severe criticism, especially in operations that interrupt public transportation systems and those targeting minors.^{lxvii} In the past, The Border Patrol has exercised discretion by suspending roving and random operations.^{lxviii}

In recent years, occasional complaints to the AFSC San Diego office of Border Patrol units engaged in so-called "fishing" have increased precisely because of the surge in numbers of Border Patrol agents in San Diego County and throughout the Inland Empire and Riverside Counties. Maintaining "operational control of the border" includes establishing a "layered enforcement approach" strategy for the Border Patrol that makes agents available for interior patrolling. These take place mainly in alleged routes that people more commonly use to enter into the United States. Since 2009, there has been a dramatic increase in complaints from San Diego residents about these types of patrols, that Border Patrol units are stopping people for status checks, including US Citizens, without justification.^{lxix}

Impacts of roving patrols on San Diego residents

The Border Patrol is conducting roving patrols and other similar types of indiscriminate operations throughout San Diego County questioning people of color, Latinos or anyone they target as "immigrant," on a regular basis. After landscapers reported being stopped by Border Patrol agents in the eastern part of the City of Chula Vista, community groups organized several meetings with city officials, other community advocates and Border Patrol officials to voice complaints about how Border Patrol agents were overextending their parameters on who they chose to question.

Landscaping workers in La Jolla, CA have also reported Border Patrol routinely stop and question them, and reports are common now that plainclothes and uniformed agents are questioning people fishing on San Diego piers, as well as Imperial Beach, Ocean Beach, and Oceanside piers.^{lxx} People targeted and questioned by Border Patrol have included day laborers in south San Diego and in the City of Escondido, San Diego residents in Barrio Logan and Sherman Heights communities, as well as residents of cities in the northern part of San Diego County.^{lxxi}

Community Reports Abuses

April 2010: Border Patrol stops and arrest U.S. citizen for four hours (Chula Vista, CA)

Juan, a U.S. citizen by birth, who works as a mechanic, was searching for auto parts at a junkyard in Chula Vista. When he was already about 10 miles away after leaving the junkyard, he was followed and eventually pulled over by two, white, unmarked Chevrolet SUV vehicles that turned out to be Border Patrol units. After providing his California driver's license, the Border Patrol agents aggressively and extensively questioned Juan about any previous arrests, tattoos, whether he was affiliated with a gang. Juan reported that when the Border Patrol agents could not find a reason to detain him further, their attitude worsened, and they threatened to "take him down" and take the detention to the "next step."

The Border Patrol agents then handcuffed Juan and took him into custody transporting him to the Border Patrol Imperial Beach Station where he was jailed for approximately four hours. Juan reported that the Border Patrol agents forced him to keep his arms extended above his head for an extensive amount of time while in detention. The Border Patrol photographed, fingerprinted, and eventually released him with only a property slip. During this time, Juan reports hearing the agents use the term “fishing” used to describe his arrest.^{.lxxii}

April 28, 2010: Border Patrol racially profile and arrest day laborers during roving patrols

On April 28 at about 12 pm, six Border Patrol agents questioned four day laborers who were waiting for their employer to pick them up in south San Diego. The Border Patrol agents arrested two of the day laborers, while the other two were harshly questioned and intimidated. Two day laborers later described that they are contracted to work for an employer, and on a daily basis they wait for the employer to pick them up at the same location. In this instance, they described what appeared to be an unmarked vehicle, presumably belonging to the Border Patrol, driving around and parking on the premises for approximately 20 minutes. Shortly thereafter, marked Border Patrol vehicles arrived and the agents questioned the workers. The two men detained by the Border Patrol were related to one of the other day laborers, who is a legal permanent resident. He mentioned to AFSC staff that his cousin, if deported, would leave behind a family that included small children.^{.lxxiii}

Conclusion

Indiscriminate patrolling by Border Patrol agents represents another aspect of the deepening border militarization impacting the daily lives and livelihoods of migrants and border communities. The Border Patrol, other CBP agents and the local police are subjecting border residents to random searches without probable cause. The Border Patrol acts with impunity and lacks oversight and monitoring, without providing any form of redress. This is a deepening trend in border states along the U.S.-Mexico border and is increasingly taking place in northern states that abut the border with Canada.^{.lxxiv}

Recommendations:

- ✗ Border Patrol should immediately refrain from conducting indiscriminate patrolling, including roving patrols and “fishing” operations, which undermine the civil liberties of border residents and make them vulnerable to abuse;
- ✗ Border Patrol should make available to community and human rights advocates its training manuals to explain how Border Patrol and other CBP officers determine the reasons to stop an individual for inspection while conducting operations away from ports-of-entry;
- ✗ Border Patrol should release detailed statistical information about apprehensions made in these types of operations, including how many US Citizens have been stopped and questioned, and information about complaints made and investigated regarding roving patrols.

Pedro Rios is the Director of the U.S. Mexico-Border Program with the American Friends Service Committee (AFSC) in San Diego, CA.

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U.S. Border Militarization and Immigration Policing Are Deepening the Humanitarian Crisis in Arizona

By Isabel García, Esq.

The U.S./Mexico border region, particularly Arizona, is enduring the most pronounced impacts and political consequences of U.S. immigration policies and border security. The U.S. militarization of immigration control and border communities is causing a severe humanitarian crisis. Border communities are under siege and migrants are dying and disappearing in the deserts and mountains of Arizona and parts of California, New Mexico and Texas. The U.S. government has yet to acknowledge the thousands of migrants who have perished on its border. The unprecedented growth and expansion of the

police/ICE/Border Patrol (BP) enforcement structures have subjected Arizona communities of color, along with Indigenous people, workers and migrants, to gross violations and brutal abuses of their rights – the same programs and initiatives damaging communities across the country. Arizona has long served as a laboratory for draconian social control policies and border militarization strategies, which have begun to bleed into the interior states and are being implemented with vigor.

How did the border get this way? In the mid-1990's, the federal government began implementing "prevention through deterrence" policies and strategies to close off border crossing through more urbanized areas. This ushered in the construction of a military-type physical border. Official U.S. immigration law enforcement and border security policies and strategies, including the criminalization of migration, have generated hostile political conditions. Arizona has become the epicenter of hate and anti-immigrant groups. Now, openly anti-immigrant candidates are running for county and statewide offices. Even if the U.S. were to stop these policies today, reversing the damages and restoring health and stability to the region will take years.

The U.S. Humanitarian Crisis at the Border

Migrant deaths on the border: Since 1994, the U.S. began to deliberately "funnel" ^{lxii} migrants through the Arizona borderlands, a devastatingly hostile and isolated region. These border security measures have caused the unnecessary deaths of thousands of human beings who were migrating to reunite with and provide for their families or simply to survive. These deaths have not abated since the mid-90s. U.S. border policies are responsible for the deaths of at least 253 persons whose remains were recovered on the Arizona border in fiscal year 2010.^{lxiii} The national commitment to continue and, perhaps expand, Operation Streamline is disturbing.^{lxv} In December 2009, the Ninth Circuit Court of Appeals found that the Tucson en masse plea hearings violate federal law. The Obama Administration and Congress must restore due process rights everywhere, for all, and end Operation Streamline.



End Operation Streamline

Operation Streamline criminalizes status and unauthorized entry and denies and simply "waives" away the due process rights of migrants, seriously jeopardizing our constitutional criminal justice system.^{lxiv}

Under Streamline, U.S. District Courts along the border prosecute and convict persons of illegal entry prior to their formal deportation. In Tucson, Arizona, the U.S. district court hauls in an average of 70 migrants, who are chained ankle to waist and wrists. The court prosecutes, convicts and sentences them en masse, Monday through Friday, all within less than two hours. The convicted migrant prisoners are then turned over usually to a Corrections Corporation of America (CCA) private for-profit prison to serve their sentences.



Immigration-related law enforcement: The growing institutionalization of the

collaboration of local police and sheriffs with ICE and the Border Patrol (BP) has intensified the humanitarian crisis. In addition to 287 (g) and Secure Communities programs that subject border communities to racial profiling and anti-immigrant policing, recently adopted Arizona state laws have created “new” crimes targeting immigrants. The combination of border security and immigration policing with state laws have created new forms of criminalization. Arizona public and law enforcement agencies wield this new power to “investigate” violations of these statutes, exclusively targeting immigrants. Many officers claim this is not limited by the injunction against parts of SB1070.

Local police agencies also have their own internal policies that authorize their officers to enforce federal immigration laws. The Tucson Police Department’s (TPD) Policy #2119 allows officers to contact Border Patrol if they “reasonably suspect” an individual is undocumented; however, TPD cannot detain someone like this for more than twenty minutes. TPD has never adequately answered what “reasonable suspicion” means, yet TPD has detained hundreds of immigrants and/or their family members, turning them over to ICE and the Border Patrol for deportation.

Anti-Immigrant/Xenophobic Legislation: On April 23, 2010, Arizona Governor Jan Brewer signed SB1070, giving local police the power to check the immigration status of persons they arrest. SB1070 was the culmination of an avalanche of state anti-immigrant laws and anti-immigrant hate that began with Prop 200 in 2004. Prop 200, a copycat of California’s Prop 187, prohibits state public services to persons who cannot prove citizenship or immigration status.

Brewer’s signature set off a political firestorm across the country, fueling copycat legislation and policies. The backers of SB1070 exacerbated racial divisions and helped spread anti-immigrant hate from state to state. In spite of a federal court temporarily blocking certain provisions of SB1070, the impact of this new type of state sanctioned immigration policing on immigrant, Latino, Indigenous and other communities of color continues to be dramatic. The immediate crisis caused by SB1070 – together with the consequences of state and federal laws, policies, and practices adopted in the past 15 years – has created a frightening atmosphere for our families, undermining the rights of all.

Summary of Abuses in the Arizona Border Region

✗ Local law enforcement agents routinely stopped persons to question them about their immigration status and called Border Patrol agents to detain individuals. Local police and BP agents also subjected these persons to verbal and physical abuse. Police also questioned passengers about their immigration status. The police detained persons often much longer than the 20-minute limit, in violation of TPD policy #2119.

✗ In Border Patrol custody, agents repeatedly pressured detained individuals into signing a “voluntary departure” form, even after informing the officials that they were in the process of regularizing their immigration status or that they first wanted to speak to an attorney.

✗ Police also detained youth and turned them over to ICE for deportation. This included youth with long-term residence in the U.S. and who would be eligible for protection under the proposed DREAM Act.

✗ Police, BP and ICE detention sweeps and other actions have traumatized children who witnessed the arrest and abuse of their parents. Afterwards, these children exhibited intense fear and unease if they believed the police were coming or upon seeing agents. They feared being separated from their parents for even a few minutes, had nightmares and panic attacks. Children required counseling for the emotional harm caused by immigration policing.

✗ Police, ICE and BP have also sent minors to private shelters after a traffic stop or detention, without consent or notifying their parents. At the shelters, staff showed racial bias and stereotyped immigrant youth, subjecting young girls to pregnancy tests and other unnecessary exams.

✗ Local police are also systematically using “crime suppression sweeps,” as a

strategy to disguise their immigration enforcement operations, setting up Mobile Command Units in predominantly Latino neighborhoods.

Recommendations

The *Coalición de Derechos Humanos*, demanding an end to the humanitarian crisis engulfing the border, urges the Obama Administration and Congress to:

- ✗ Immediately halt all border militarization and border security measures, which have resulted in countless deaths and human rights violations.
- ✗ Place all immigration related services and enforcement under the jurisdiction of the Department of Justice; the March 2003 merger that placed most immigration matters under DHS has resulted in lack of transparency and accountability,

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Defend Ethnic Studies: Repeal AZ Law SB2281

SB2281, dubbed an “ethnic studies cleansing” law, was passed by the same anti-immigrant Arizona Legislature and

Governor that passed SB1070. SB2281 attempts to destroy ethnic studies programs, specifically targeting the very

successful Mexican American Studies (MAS) in the Tucson Unified School District. Tom Horne, who was the

Superintendent of Public Instruction AND ran as a GOP candidate for Attorney General, was obsessed with dismantling

the program. Horne claimed that ethnic studies promoted divisions and hatred of the U.S., despite evidence to the

contrary. The Tucson community has launched the organizing campaign, “Defend Ethic Studies,” to preserve the MAS

program. The TUSD’s Mexican American Studies program has helped students increase their interest in education,

achieve higher grades and superior AIMS test results. MAS is also credited with reducing dropout rates and producing

a higher number of college entrants.

New Hate Proposals – Denial of Birth Certificates and Public Education

The same Arizona legislators, headed by SB1070 proponent AZ State Senator Russell Pearce, are working with Kris

Kobach to draft legislation to prohibit granting birth certificates to children of undocumented parents.

Kobach authored

SB1070 and is associated with the nationally known hate group, the Federation for American Immigration Reform

(FAIR), and other anti-immigrant forces. This proposal violates the U.S. Constitution’s 14th Amendment, which declares

all person equal before the law and grants automatic citizenship to anyone born in the U.S. Pearce, Kobach and

company believe they can overturn the Supreme Court Plyer v. Doe decision, granting public education from K to 12th

grade without regard to immigration status. With a Roberts Supreme Court, these hate legislators believe it is possible

to overturn the 5-4 Plyer v. Doe decision, as well as gut the 14th Amendment equal protections and citizenship clause.



entrenched discrimination and abuse, and a growing normalization of violations of basic Constitutional, civil and human rights

- ✗ Reverse the trend of collaboration between local law enforcement and DHS, establishing a total separation of powers with the exception of very few fact specific cases

- ✗ Passage of the DREAM Act, extending legalization to all children, and re-inserting community service as an option and removing the military service requirement.

- ✗ Halt all immigration detentions and deportations, except in limited circumstances

- ✗ Eliminate Operation Streamline, decriminalizing immigration status; and
- ✗ Stop the criminal prosecutions of “illegal entry,” “re-entry” and other immigration-related violations, restoring due process rights.

Conclusion

The U.S. has long used the Arizona border as a testing ground for laws, policies, practices and measures that systematically violate human rights and normalize abuse. The U.S. federal government’s immigration policies and practices reinforce and perpetuate the prevailing view of immigrants as criminals, with less or no rights. As a result of U.S. border militarization, thousands of migrants have died and disappeared in the deserts and mountains of the Arizona border region and the U.S. has not been accountable.

U.S. immigration policies have placed border communities under siege. Immigration control and border security foment the dehumanizing treatment of migrants. This is an affront to all our communities and from a country that claims to be a world human rights leader. While U.S. border policies began targeting undocumented immigrants, they have been extended to all communities of color. Without an immediate halt to the alarming trends of militarization and criminalization, we are all subjected to deep-rooted injustice.

Isabel García is the co-chair of the Coalición de Derechos Humanos, based in Tucson, AZ.

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2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009

2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010

Coalición de Derechos Humanos, www.derechoshumanosaz.net. Photo by David Maung - Associated Press file photo

Arizona-Sonora Recovered Human Remains

Local Police and Border Patrol Lay Siege to Southern New Mexico Communities

By Veronica Carmona

In 2009, New Mexico governor Bill Richardson signed HB-428, officially banning bias-based profiling, and making it the 23rd state to enact such a law. Nonetheless, local police in collaboration with Border Patrol continue to target communities across the state, looking to deport anyone perceived to be “undocumented,” particularly in the southern region near the U.S.-Mexico border.

In Doña Ana County, Colonias Development Council (CDC) works with members of impoverished and marginalized border communities, or *colonias*,^{lxv} to educate and strengthen communities’ capacities to respond and organize for social change. During the summer of 2010, CDC, in collaboration with other community groups, organized a series of community forums for human rights, where community members shared their experiences with racial profiling and other abuses by local police and the Border Patrol.

Hatch, NM— July 27, 2010

On July 27th, Colonias Development Council received a call from families who were being harassed by local police who were working with Border Patrol. A group of Border Patrol agents planted themselves in the Valle Verde apartment complex located in a neighborhood known as Placitas in Hatch. They knocked on people’s doors, asking residents if they knew the person in a photo they carried. Anyone who opened their door was then questioned about their immigration status. As a result of this tactic, the Border Patrol detained and deported four persons because they could not prove legal status.

One of the families whom CDC members spoke with, a husband, wife and four young children, had arrived from Arizona four months before. They rented a trailer home in the town of Rincón after making a verbal agreement with the landlord to take care of any needed repairs and pay past due gas and electricity bills instead of paying rent. After the husband found a job at a milk-processing factory in Hatch, they decided to move closer to his job, renting a trailer in Placitas. The landlord from Rincon followed them and threatened to report them to immigration officials if they did not pay the \$400 he claimed they owed. Sure enough, the landlord called immigration and on July 28th at 9pm, the husband was arrested and deported by Border Patrol. The town of Hatch is in a very isolated area, located just past an immigration checkpoint, which is over fifty miles north of the U.S.-Mexico border. Several *colonias* are located in the area, all within the county of Doña Ana, but Hatch is the only one with its own local

government. Community witnesses in the area report that the Hatch police constantly harass residents and rely heavily on racial profiling to stop and question them. The Hatch police turn them over to Border Patrol if they “suspect” they are undocumented. Police have also shared residents’ information with Border Patrol agents, who go to families’ homes and arrest them.

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Photo credit: AFSC U.S.-Mexico Border Program

Chaparral, NM

Chaparral is one of the largest communities in the county of Doña Ana, with over 20,000 people. Chaparral is not incorporated and is under the jurisdiction of two counties, one is Otero County. The residents of Chaparral have witnessed and experienced constant harassment by the Otero County police. The degree of racial tension in this community is palpable. Some groups of white residents constantly boast of collaborating with law enforcement to report anyone they believe is undocumented.

During a CDC “Know Your Rights” training, individuals who no one knows showed up and did not identify themselves fully, claiming to be students who want to learn about rights. Later, we found out that some local organizations in the white community, who are antiimmigrant, were being given details about what is discussed in our trainings. These groups went so far as to accuse CDC of encouraging community members to defy or “break” the law because we were advising people to exercise their right to remain silent. Now, these antiimmigrant groups are lobbying local authorities to limit our access to community centers for ‘know your rights’ and other community organizing trainings.

Vado, NM

Vado is a community known for its labyrinth-like streets, making it a challenging feat for anyone trying to enter or leave the community with no main street. Residents have dubbed Vado “salsipuedes,” or “get out if you can,” especially when it rains. Border Patrol agents station themselves at Vado’s only two exit points for up to three hours at a time, particularly when families are coming home from work or picking up their children from school. Border Patrol agents also routinely station themselves outside grocery stores, small businesses and even in front of schools. We have seen this pattern sharpen and the Border Patrol sweeps have made it unnecessary for police to officially collaborate with them. In addition, Border Patrol agents are stopping people under the guise of minor traffic infractions, for not having their seatbelts fastened, a missing headlight or simply for appearing ‘suspicious’ like wearing a Texano hat or with worker appearance.

Immigration checkpoint abuses - Las Cruces, NM

Community members have documented incidents of abuse at the Border Patrol immigration checkpoint approximately 25 miles from Las Cruces, NM. Here, Border Patrol agents routinely stop people and search their vehicles under the pretext of searching for drugs or to check if the vehicle is reported stolen. In addition, people report that the Border Patrol stops and holds them at the checkpoint for hours, without being given any reason or explanation. In the end, when the agents discover all is well and all passengers have adequately proven legal residency status, all they offer is a simple “apology.”

Veronica Carmona is a community organizer with Colonias Development Council (CDC) in Las Cruces, New Mexico. CDC works to improve the quality of life in colonia communities by creating spaces for social, economic and environmental justice initiatives that build and sustain community power in the struggle for social change.

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Photo credit: Colonias Development Council, Las Cruces, NM

A Matrix of Walls: Human Rights and Indigenous Challenges to the 21st Century Settler Society on the Texas-Mexico Border

By Margo Tamez

I know why they are building the wall higher and thicker and out of steel and concrete here on our lands! We are being imprisoned in our own rancherías. They are building the wall this big here in the Indigenous lands, of the ones who they did not imprison before [in the 19th century]. I know that there is something here that they want. It is about their greed for oil and water and development. – Eloisa Tamez,

Lipan Apache elder, El Calaboz, Texas.

Lipan Apaches and our Indigenous relatives across the Texas-Mexico bordered lands continue to experience increasing armed force aimed at Indigenous communities. We experience multiple tyrannies of the settler society and State (non-Indigenous ranchers, farmers, industrialists, constitutional government): displacement, discrimination, militarization, and dispossession (exacerbated by development of oil, chemical, agriculture and mining).

The mass criminalization of Indigenous migrant communities from Mexico continues to have enormous impacts within our region. We organized formally to challenge State violence, and we call into question the matrix of walls erected to overthrow our collective social, economic and political movement for self-determination. We challenge the pillars of colonialism: hate, racism, sexism, religious supremacy, economic violence, gender violence, and State constitutionalism. These all work to destroy Indigenous knowledge, ways of life and futures.

Lipan Apaches of El Calaboz recommend that a collective human rights legal approach, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), be adopted in NNIRR's future work with Indigenous peoples against State violence and impunity.

Since the 2006 passage of the U.S. Secure Fence Act,^{lxxvi} Indigenous communities along the Lower Rio Grande River, Texas-Mexico border, have challenged the State's violent acts to destroy us and our relationship with our customary lands. Between April 16 and April 23, 2009, after wide-scale community resistance, the U.S. built the wall across Indigenous-controlled lands in the ranchería of El Calaboz, Lower Rio Grande river valley.

In our lands along the Rio Grande river (Texas-Mexico border), the people articulate **human rights violations unfolding each and every day, though we lack adequate resources to document these precisely.** We require more systematic and organized aid in challenging State violence, corrupt politicians, racist local authorities, and sexist discriminatory policies against Indigenous peoples and community defenders. Since 2007, we raised a firm agenda to strengthen Indigenous protocols, protection of knowledge and biodiversity. These rights are clearly articulated in human rights treaties between the States. Today, a more robust alliance is required to support Indigenous land claims, human rights and ways of life in *Kónits h gokiyaa* ('Lipan country').^{lxx}

In August 2006, Eloisa Tamez reported and documented representatives of 'green' NGO and non-profit organizations exploiting the poverty of our community members by coercing elders to sell the sacred riparian strips in our lands. Elders still hold Crown title to one of North America's last bio-diverse areas—an area also rich in oil reserves.

A year later, the peoples in related rancherías reached out for wider assistance when elders resisted the U.S. occupation of our communities. **U.S. DHS, U.S. CBP, and U.S. Army personnel harassed and coerced them to sign “waivers” to surrender over their land rights to the U.S. using the political, not factual, discourse of “national security.” The representatives of the U.S. government wielded weapons as they implemented these orders against community elders.**

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October 19, 2009: Community elders and allies protested loudly through media interviews, marches, rallies, and vigils after Judge Andrew Hanen issued the order for the U.S. Attorney General to condemn, and for U.S. officials to take our lands. **Less than 24 hours after Judge Hanen's order, the government contractors bulldozed the earth, ripped out precious habitats and medicine plants tended by numerous generations of Indigenous ancestors, leveled the lands, and erected the border wall.** We took our advocacies to a human rights arena. When the government contractors finished the wall, the elders had no further access to pastures, farm lands, the river, and the medicinal riparian strip. The elders were cut off from their subsistence as pastoral peoples.

Today, we feel increasingly isolated by these events and the silence of society in the face of injustice. The wall has been up for a year. Militarization is escalating in our lands and in Tamaulipas. The British Petroleum Gulf oil disaster, Hurricanes Dolly and Alex, and increasing migrations of economic and political refugees from Mexico amplify the increasing risks to Lipan Apache ways of life in this war zone.

“They took our lands, but they cannot take our spirits and voices!”

—Eloisa García Támez, Lipan Apache community defender.

The U.S. government, mainstream and patriarchal leaders negate and vilify the important knowledges and strengths of Indigenous women. Indigenous women are multiply marginalized by the State and mainstream society by way of race, ethnicity, gender, and class: We are denied human rights, constitutional rights, and civil rights at the country/State level as *Indigenous, Lipan Apache, women* and *being poor*. We confront that gender-racial violence against Indigenous women goes unaddressed as a critical human rights concern across various social justice movements. Poverty, food insecurity, disease, low household income, discriminatory education, State violence and gender violence constitute a matrix of normalized abuse against Indigenous women along the Texas-Mexico border. The construction of the *prison*-Texas-Mexico Border Wall—a wholly *different* mega-project relative to other sectors of the U.S.-Mexico border—is an international failure to comprehend the status of Indigenous peoples in Texas and on Texas' border with Mexico. *The lack of human rights*^{lxxviii} is key to El Calaboz' advocacies.

We recommend:

- ✗ Consultation at the community level, June-July 2011, El Calaboz, Texas-Mexico border. Themes: Indigenous Knowledge Protection, U.S. human rights violations, Indigenous Restorative Justice, Militarization, Biodiversity, and Sustainability.
- ✗ Accountability strategy sessions with Indigenous human rights defenders.
- ✗ Human Rights and UNDRIP workshops along Texas-Mexico Border.
- ✗ Strengthened alliances to document human rights violations articulated in the *tri-State* necro-political complex of Texas, U.S., and Mexico for collective intervention in international legal arenas.

Margo Tamez is Lipan Apache (Ndé-Tlaxcalteca, Ndé Hada'didla', Ndé Cúelcahén, and Ndé Jumano) from agrarian communities along the Texas-Mexico border. She is Assistant Professor of Gender & Women's Studies and Indigenous Studies in the Community, Culture, and Global Studies Department, Barber School of Arts & Sciences, University of British Columbia Okanagan. Along with Eloisa García Támez, she is Co-Founder of the Lipan Apache Women Defense, an Indigenous Peoples' Organization (IPO).

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ICE-Police Collaboration Threatens the Rights and Lives of North Carolina Immigrant Women and their Families

By Rebecca Fontaine

DHS ICE's 287(g) and 'Secure Communities' programs make women more vulnerable to domestic and sexual violence, deny survivors agency in deciding how to end abuse, and reinforce a climate in which state officials and private individuals perpetuate abuse.

As of September 2010, the Department of Homeland Security (DHS) has implemented eight 287(g) agreements^{lxxix} and Secure Communities programs in 48 NC counties.^{lxxx} Since May 2010, the Southern Coalition for Social Justice (SCSJ) has represented approximately eighty women, the majority of them in removal proceedings, who were detected or detained through 287(g) or Secure Communities initiatives. Sixteen women reported being survivors of domestic or sexual violence in their home country, on the border or in North Carolina.^{lxxxi} This report is based on four HURRICANE stories and over eighty cases of women who have sought legal assistance for deportation proceedings.

Battered Communities...Violence against Women

While there are many ways in which women are uniquely burdened when family members face deportation, this report focuses on how these policies foster and exacerbate gender violence.

The impacts of police and ICE collaboration in domestic violence cause harm to survivors on multiple levels and make it difficult for women affected by domestic violence to obtain help and end the abuse.

The decision to report domestic violence or leave an abusive relationship is a complex and deeply personal decision, especially when compounded by racism.^{.lxxxii} Some community activists believe that the stress placed on immigrant families from policies like 287(g) and Secure Communities increases the likelihood of domestic violence in the home.^{.lxxxiii}

Women Want Domestic Violence to Stop, Not Deport Their Partner

At SCSJ, we often receive requests for legal help from women who have called the police to report abuse in a 287(g) county, who later learn that their undocumented partner is placed in removal proceedings. From August 2009 through April 2010, we received 23 requests to assist men who were arrested for domestic violence. Seven of these requests for help came from the women who had been abused by their partner. Many of these women are concerned about the economic hardship they will face after their partners are deported.

Furthermore, some domestic violence survivors want to end the abuse and remain in the relationship. They seek to create strategies to hold their abusive partner accountable to transform and to end the violence. However, ICE policies trump the ability of immigrant women to make decisions for themselves.

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Photo credit: Western North Carolina 100 Stories Project

Deporting Survivors Instead of Helping Them

The most disturbing trend we have seen is that when the police receive domestic violence calls, it is not uncommon for them to arrest the victim. Under 287(g) and Secure Communities, this can result in an ICE detainer. This happened to three women in Wake County whom we represent. Additionally, some of the women we have represented in removal proceedings migrated to the U.S. to flee sexual assault or domestic violence, a trend that has been documented in other studies.^{.lxxxiv}

In 2009, Immigration Courts approved domestic violence as a legitimate asylum claim; however, most women with whom we work do not meet the strict court standards that require women to file within one year to qualify for this protection or have not had the documentation required to file a claim. None of the five women we represent in removal proceedings who fled their country due to domestic or sexual violence qualified for asylum under the new provisions.

In short, women survivors of domestic violence in 287(g) counties who do not meet the standards for asylum live in constant fear of being arrested for misdemeanor charges, such as being stopped for driving without a license, and being forced to return to a country from which they fled due to gender violence.

The current U.S. immigration enforcement regime makes women more vulnerable to violence by state authorities. Sylvanna Falcon has documented that abusive border agents and other state officials have systematically raped and harassed migrant women in the border region.^{.lxxxv} Anti-immigrant policies foster a culture in which abusive authorities can wield their power to threaten women with sexual violence. And then the border gender violence literally follows these women wherever they go.

In North Carolina, a U.S.CIS employee stalked, blackmailed and threatened to deport an undocumented woman. The U.S.CIS official threatened to report her to ICE under 287 (g) if she did not have sexual relations with him.

This Salvadoran immigrant had the resources and courage to seek help from SCSJ and now has a pending U-Visa. A U-Visa is a special visa that gives temporary status to victims of certain crimes.

Women Raise Their Voices to Document and Report Gender Violence

Immigrants' rights organizers are working to document stories, build alliances, and train our communities to address the ways that gender violence impacts the abuses that coexist with immigration enforcement. We also are dedicated to increasing direct action led by women, to expose and denounce abuses occurring in our community. In the summer of 2010, three undocumented women engaged in a 14-day hunger strike for the DREAM Act, shining a beacon of hope for other immigrant women to stand up and fight despite the fear.

To expose and seek redress for immigration-police and immigration enforcement-related abuses and rights violations taking place in our community, we call for:

- ✗ Suspending collaboration programs between ICE and local law enforcement.
- ✗ Increasing monitoring by grassroots organizations and state agencies examining the impacts of immigration enforcement programs on survivors of sexual and domestic violence.
- ✗ Changing the documentation standards and time limitations to file for asylum in current immigration law so that more immigrant survivors are eligible to live freely where they want without fear of persecution.

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To deepen awareness in our communities and organize to address the particular impacts of enforcement and police collaboration on women and children, we recommend:

- ✗ Launching a national listening campaign of immigrant survivors of domestic violence to understand the impacts of 287(g) and Secure Communities in their lives.
- ✗ Organizing to address the root causes of gender violence perpetrated within immigrant communities and by state authorities. And,
- ✗ Organizing to hold DHS, local, county and state officials and the court system accountable and prosecute officials, employers and others who use gender and sexual violence to intimidate or submit immigrant women to coercive, abuse and exploitative relationships.

Rebecca Fontaine is a paralegal and organizer with the Southern Coalition for Social Justice (SCSJ), one of the only organizations offering pro-bono legal representation for low-income immigrants in Durham, North Carolina.

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Photo credit: "We are all Arizona" South Asian Network

South Asian Workers Organize for their Rights Against Abusive Employers in New York

By Ayesha Mahmooda

The South Asian community has the second largest number of undocumented people in New York City after Latinos. At DRUM-Desis Rising Up & Moving, South Asian retail, restaurant, construction, and domestic workers along with taxi drivers are organizing to end abuses they face everyday and win better working conditions for all immigrant workers. DRUM launched the South Asian Workers Center in 2009 and has since grown its worker base by 300 lowwage, mostly undocumented workers across several industries. The Jackson Heights Workers Committee members meet every two weeks late at night after work to plan their strategy to win a community-led workers' dignity contract. The worker leaders build alliances with Latino worker centers, labor unions, the NY State Department of Labor's new Wage Watch program, and attorneys who file wage claims.

Through a series of meetings, surveys and community research, DRUM's worker members identified common issues in local industries and reported the following abuses:

- ✗ Working long hours without overtime pay
- ✗ Substandard low wages, violating minimum wage protections
- ✗ Employer mistreatment of workers, including unsafe worksite conditions, undermining their health and safety; and
- ✗ Employers and owners blacklisting workers who speak out in the industries.

Furthermore, many employers created a climate of fear over the workers by continuously pointing out they had no power because many of them are undocumented.

Bangladeshi women raise their voices and report workplace abuses

"They want us to work a minimum of 9 to 10 hours, and if a customer walks in we end up staying another extra hour, so we work for about 10 to 12 hours. There is no such thing as overtime...when I first started I wasn't told how many hours I would be working." –DRUM Worker Committee member

Fatima's Story

At an early morning DRUM Worker Committee meeting, a Bangladeshi retail store worker

named Fatima (not her real name) spoke out about the exploitative conditions at the Jackson Heights clothing stores where she worked. She described how the bosses paid low wages or no back wages, made them work long hours, and harassed them constantly. The store owners instilled fear in the workers, making it hard for her and her co-workers to speak up who were afraid of losing their jobs. She spoke about how difficult it felt for her and her coworkers to stand up for their rights because they are undocumented women.

One day in December 2009, Fatima's boss ordered her to get supplies from his other store across the street. As he rushed her out the door, he began to yell at her to hurry up as she crossed the busy street. Scared and pressured, Fatima got hit by an oncoming car and was thrown 15 feet away. She lay on the cold sidewalk in severe pain, unable to move her shoulder. With the help of some bystanders, Fatima managed to walk back to her store to call 911 for an ambulance and to file a police report. But her boss immediately threatened her as well as all her co-workers in the store, saying that if they called 911, he would get in trouble for [34 National Network for Immigrant and Refugee Rights | HURRICANE](#) having undocumented workers and they would get deported. He also threatened to fire anyone who tried to call 911. After some bystanders and customers persuaded the boss, he allowed Fatima to call a cab and go to the hospital.

At the hospital, doctors told Fatima that she would need surgery to get her shoulder working properly again. Since Fatima had no insurance to pay for the surgery, the hospital advised her to file a police report against the driver and receive some money to pay for her medical expenses. The next day at work, Fatima's employer threatened to fire her again if she reported the incident to police. She went to the local police station anyway; police told her she could not file a report without the license plate number of the vehicle that hit her, which she did not have. Fatima went back to the hospital where the hospital staff advised her the same thing about paying for her hospital costs. They gave her an MRI and told her she needed an operation within 15 days. But because she does not have insurance, they gave her pain medication instead.

The following day she went to the police station again to ask for a report, but police again told her that they could not do anything without the license plate number. When she asked again if they could look at the security cameras near the area where she was hit, they rudely refused, telling her that she should go back to her country if she did not like it.

"Sometimes the [bosses] blackmail us [saying] that we do not have papers and if [we] do something [they] will call immigration. There are a lot of people that work here that do not have papers and they do not get paid well either." — DRUM Worker Committee member

Later that same day, the boss fired Fatima. She was never able to file the police report and never received the surgery. Unfortunately, thousands of undocumented immigrant workers in Jackson Heights and New York City face similar abuses and exploitation by their employers coupled with active neglect by law enforcement who fail to protect their rights.

Fatima became a leader and founding member of DRUM Workers' Committee and has reached out to dozens of other workers in similar situations. Now she and the committee are planning to develop a collective response to her case. Initially, Fatima was fearful about taking action because of her immigration status. Now, with knowledge and the support of the committee and allies, she has decided to stand up for her rights and that of her co-workers.

Ayesha Mahmooda is a Worker Organizer and former youth member of DRUM. DRUM - Desis Rising Up and Moving is an organization of low-income South Asian immigrant adults and youth in New York City, organizing for workers and immigrant rights, civil rights in the Muslim community, and for educational justice in public schools.

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Photo credit: DRUM

Domino Effect of Police Collaboration in South Asian Communities

By Joyti Chand

Ten years after the events on 9/11, South Asian, Muslim, Arab communities in South Los Angeles continue being subjected to intensive surveillance and police collaboration not only

with federal immigration officials, but also with the FBI.

South Asian, Muslim, and Arab communities continue to be heavily impacted by immigration enforcement, but also by hate crimes, police brutality, and workplace abuses. While South Asian Network (SAN) with communities organize and push back against a climate of deepening fear, exploitation, and criminalization, current policies on local police collaboration with federal agents, severely undermine community safety, compounding existing fears of police in the community.

With Arizona in the spotlight, revealing the problems communities face when police collaboration with immigration becomes sanctioned in state law, there is a lot of fear in the community of coming in contact with police, even among people with legal residency. Community members, particularly the undocumented, have expressed fear of reporting crimes or abuses to police, which creates an especially vulnerable situation for victims of crimes including hate violence, domestic violence, workplace abuses and exploitation. In addition, victims of hate crimes have come under surveillance by FBI after contacting law enforcement for help, leaving the community without a clear sense of the difference between police, immigration, and the FBI.

A couple of years ago, an Imam from a local school went to the police for help because he felt they were being targeted after several parents' cars were vandalized and people threw rocks at his students attending tutoring sessions. SAN stepped in to support the Imam, and found that the tutoring center had been under surveillance by the FBI.

Police Collaboration with Immigration Undermines Workers Rights

Through an oral history project with Latino and South Asian workers in various industries along Pioneer Blvd in Artesia, CA, SAN has found the following issues at the intersection of workers' and immigrants' rights:

- ✗ Immigrant workers, both with and without legal status, are much more reluctant to report employer abuses to police because they are afraid of being criminalized.
- ✗ Workers report being paid as low as \$2-6 per day, for a ten-hour work day. The current economic crisis has meant low employment, which leaves immigrant workers more vulnerable to exploitation and abuse.
- ✗ Wage theft and sexual harassment are two major issues in the workplace, as well as retaliation by employers against workers who raise concerns or report abuses, including threats to call immigration.

In one case, a Nepali woman came to SAN and reported sexual harassment and retaliation by her employer for speaking up about abuses in the workplace. Shortly after an attempt at mediation to resolve the problem directly with the employer, the employer hired a lawyer and filed a false lawsuit against the woman, her husband, and two staff members of the South Asian Network. The employer was also attempting to send a clear message to any worker about what happens when you stand up for your rights. In the end, the charges were [36 National Network for Immigrant and Refugee Rights | HURRICANE](#) dropped, but they could never return the amount of time and resources that went into fighting the lawsuit.

There is already a deep silence in our community around domestic violence, which is compounded by a very real fear of deportation by women who have suffered domestic violence.

Recommendations

- ✗ End police collaboration with federal law enforcement, including immigration enforcement and the FBI
- ✗ Offer path to legalization with justice and human rights
- ✗ Strengthen worker protections and enforcement of labor laws
- ✗ Address backlog in immigration and allow families to reunite with their rights protected

Joyti Chand is the Civil Rights Unit Coordinator with South Asian Network in Artesia, CA. South Asian Network (SAN) is a grassroots, community based organization dedicated to advancing the health, empowerment and solidarity of persons of South Asian origin in Southern California.

Photo credit: South Asian Network.

Rhode Island Communities Resist ICE Collaboration With Local Police

By Shannah Kurland

April 17, 2010: Evelyn Garcia was nearly strangled to death by her former boyfriend. Although she had tried for months to steer clear of him, this night she survived the attack because she managed to protect herself with a kitchen knife and, tragically, he died after she stabbed him in the leg.

Years prior, Evelyn survived the ordeal of crossing the border. She survived by becoming a transnational mother, turning to migration as the only way to meet the basic needs of her daughter back in Guatemala. But the insidious everyday relationship between local police and ICE almost stopped Evelyn from surviving domestic violence.

Providence, Rhode Island is one of numerous cities around the U.S. that have no formal immigration-policing agreements with ICE. Officially, the level of local enforcement of immigration law varies wildly depending on who is asking the question and who is listening to the answer. When pushed by anti-immigrant forces, the mayor proudly proclaimed that Providence uses a system of faxing names to the regional ICE office to check immigration status. When human rights groups inquired, the police chief said that pressuring people for information about their immigration status has nothing to do with good police work, and that his officers do not engage in the practice.

Yet community members report stories of abuse by local police. One reported to ONA that he was jailed for three days because local police did not have a clue about TPS (Temporary Protected Status). Another reported police telling him, “you’re going back to Guatemala,” after busting down the door of his home without a warrant. One Providence police officer told a U.S. citizen, “I don’t care; I’ll haul you down to immigration too.” Officers from other police departments in Rhode Island have demanded to see social security cards. They regularly ask people where they were born and give them appointment slips requiring them to go to the local ICE office after their release. At least one attorney who has examined these forms explained that they do not appear to correspond with any official ICE documents, leading community members to wonder if they were crafted by local police or ICE officials outside formal protocols.

From Racial Profiling to Domestic Violence

Racial profiling in Rhode Island has steadily expanded from the “crime” of “Driving While Black” to now encompassing “Driving While Anything But White.” And all this has happened without a single 287(g) agreement being signed between ICE and the thirty-nine local police departments. No state official seems able to accurately describe a policy governing cooperation with ICE in any local police department. Nonetheless, community members know that contact with police is dangerous for anyone without “papers.”

For women in Evelyn Garcia’s position, the decision of whether or not to turn to police for help in domestic violence situations is already hard enough. As much as victims need protection, police have often made bad situations worse by escalating the violence and using criminalization as the only remedy, especially against men of color. And the history of police violence against people of color makes police dubious protectors at best. Unfortunately, in many instances women have found it necessary to turn to police, at least for their immediate safety.

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Evelyn is like many other undocumented women who find an extremely difficult decision even more painful because they risk deportation. The struggle doesn’t stop with the decision of whether or not to call the police. The shelter system, ideologically and operationally entwined with law enforcement, re-plays the dynamic.

A shelter worker told one woman who was searching for ways to escape an abusive relationship, that she would need a police report in order to seek refuge. When the woman explained that she could not contact the police because her husband would be deported, the

shelter worker replied coldly, “So what? That solves the problem.”

Communities Rise Up Against Immigration Policing

At the Olneyville Neighborhood Association (ONA), people are working to grow the urgent responses to everyday police misconduct into an organizing fight for policy changes that ensure safety for all immigrant and non-immigrant members of our community. Although the right wing has become bolder and meaner, people in the community and allies are using direct action to denounce police attacks on immigrants, while forging links to the broader historic struggle against police violence and criminalization in all communities of color.

When racist Democrats in the Rhode Island legislature tried to move an SB1070 copycat bill, 100 community members and activists occupied the house chambers and stopped the bill.

By understanding police repression of immigrants as something much deeper than formal agreements, we can gain a clearer picture of how it operates in our communities. Police repression in communities of color is one way that “*crimmigration*” is enforced.^{.lxxxvi} Coined by legal scholar Juliet Stumpf and analyzed by Rinku Sen and Fekak Mamdou in their book *The Accidental American*, “*crimmigration*” means the convergence of the ideas of criminal and immigrant in the public imagination. As Stumpf explains, even though society demonizes people convicted of crimes and immigrants in different ways, both strategies are designed to make full citizenship more valuable for some by denying it to others. And we can see that to be safe from domestic violence, or free to drive or walk down the street, we have no choice but to challenge the racial hierarchy that makes “*crimmigration*” work.

Shannah Kurland is former staff and currently a volunteer with the Olneyville Neighborhood Association (ONA).

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Photo credit: Ravi Somaiya, at ravi@gawker.com.

Police Collaboration With the Secure Communities Program Intimidates Communities in Illinois

By Francisco Ramos

Eight counties in Illinois, including DuPage, Lake, Will, Winnebago, Kane, Madison, Saint Clair and McHenry counties, have voluntarily joined the Secure Communities program, committing to sharing the information of arrestees with the Bureau of Immigration and Customs Enforcement (ICE). Some of these counties represent the wealthiest areas in the state of Illinois and others represent the most anti-immigrant counties in the state. It is no mistake that the City of Carpentersville in Kane County and the City of Waukegan in Lake County, two of the most anti-immigrant cities in the state, have also pushed for local antiimmigrant ordinances in the past. The Illinois State Police has also joined the “Secure Communities” program.

ICE has publicly presented the “Secure Communities” program as a non-intrusive program that just allows agencies to share the information of individuals that the police has stopped or detained for “valid” reasons and in the process discovered that they do not have documents proving their immigration status. Yet, the truth is very different. The “Secure Communities” program gives power to local police to harass individuals, using racial profiling. Immigration-police collaboration is destroying whatever remains of trust between local enforcement agencies and communities. “Secure Communities” will also give a green light to the discriminatory practices of local law enforcement agencies.

The Deadly Mix of Racial Profiling and Immigration-Police Collaboration

How could the Rockford Police Department in Winnebago County, for instance, make a commitment to not profile individuals based on their race and appearance, when in fact two white police officers gunned down Mark Barmore on August 24, 2009, a twenty-three year old unarmed African American youth? The police shot Barmore in front of approximately twelve young children who were in the childcare center located in the church basement. The “Secure Communities” program will only reinforce these flat out racist and discriminatory behaviors already present within local law enforcement agencies.

Clearly, the case of a police assassination of an unarmed civilian by two Rockford police officers is a violation of human rights under the international definition. The City of Rockford and its police should be charged before an international human rights court, and yet the court

was contemplating letting the two shooting officers go free. Latino community members in Rockford reported to CAAAELII the widespread fear in the community that riots would break out if indeed the officers were declared ‘innocent.’

In Search of Community Solutions

CAAAELII, in collaboration with the Midwest Coalition for Human Rights (MCHR), was invited by a group of Latino community leaders in the city of Rockford, Illinois to implement a human rights training during September and October. With the training, communities would identify new paths of action to organize against the “Secure Communities” program and other discriminatory practices present within the local government structures.

The community group is interested in monitoring human rights abuses because they fear that an immigration-police collaboration program like “Secure Communities” will only worsen the use of racial profiling by police and other human rights violations in their community. In fact, Mr. Doudou Diene, the UN Rapporteur for Racial Discrimination, pointed out in his report that racial profiling in the U.S. was a serious issue of concern.^{.lxxxvii} Mr Diene even mentioned the “Secure Communities” program by name as one of the sources of concern.^{.lxxxviii}

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Through the human rights training, participants will visualize a process to organize a broadbased coalition in Winnebago County so that communities would work together to demand accountability. This broad-based coalition would monitor government agencies in an effort to make them accountable to the communities that pay their salaries.

Francisco Ramos is the executive director of Coalition of African, Arab, Asian, European and Latino Immigrants of Illinois (CAAAELII).

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Photo credit: AFSC U.S.-Mexico Border Program

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ENDNOTES

i National Public Radio, "How Corporate Interests Got SB1070 Passed," November 9, 2010. Available at <http://www.npr.org/templates/story/story.php?storyId=131191523>. And, Think Progress, "Prison Industry Funnel Donations to State Lawmakers Introducing SB1070-Like Bills Around the Country" by Lee Fang; September 16, 2010. Available at <http://thinkprogress.org/2010/09/16/sb1070-prison-lobby/>

ii Migration Policy Institute, "Hidden in Plain Sight: Indigenous Migrants, Their Movements, and Their Challenges" by Carlos Yescas; New School for Social Research, Politics Department; March 2010. Available at <http://www.migrationinformation.org/Feature/display.cfm?ID=776> Also see Indian Country Today, "Indigenous immigrants to be counted in 2010 Census" by Juliana Barbassa and Manuel Valdes, Associated Press Writers; Jan 10, 2010. Available at <http://www.indiancountrytoday.com/national/81003457.html>; Seattle Times, "Indigenous migrants grow in U.S. work force" by Manuel Valdes; available at http://seattletimes.nwsource.com/html/localnews/2008665505_farmworkers24.html and Indigenous Migrants in the United States edited by Jonathan Fox and Gaspar Rivera-Salgado; Centers for U.S. Mexican Studies and Comparative Immigration Studies, UCSD, 2004. Read excerpt here: <http://americas.irc-online.org/pdf/reports/0410migrants.pdf> Book can be ordered at

<http://www.ccis-ucsd.org/PUBLICATIONS/Indigenous.htm>

iii Pioneer Press, "Undocumented workers are culled in audit," Julie Forster; December 1, 2010. Available at http://www.twincities.com/business/ci_16754546?nclink_check=1

iv Migration Policy Institute, "Hazleton and Beyond: Why Communities Try to Restrict Immigration" By Kevin O'Neil; Princeton University; November 2010. Available <http://www.migrationinformation.org/Feature/display.cfm?ID=805>

v The U.S. in 2003 launched a ten-year plan inaugurating the DHS, "Operation Endgame: Office of Detention and Removal Strategic Plan 2003-2012," available only at <http://www.aclum.org/pdf/endgame.pdf> After DHS unveiled "Endgame," the public outcry over the draconian nature of the plan was so sharp DHS pulled it off their website. DHS's plan, still being implemented with reckless vigor, calls for "... the removal of all removable [sic] aliens."

vi See "U.S. Unauthorized Immigration Flows are Down Sharply Since Mid-Decade" by Jeffrey S. Pastel and D'Vera Cohn; PEW Hispanic Center Report, September 1, 2010; available at <http://pewhispanic.org/reports/report.php?ReportID=126> and "Portrait of the Unauthorized Immigrants in the United States," by Jeffrey S. Pastel and D'Vera Cohn; PEW Hispanic Center Report, April 14, 2009. Available at <http://pewhispanic.org/files/reports/107.pdf>

vii Ibid.

viii See HURRICANE's report, Guilty by Immigration Status, published in October 2009. See also NNIRR's report, Human Rights & Human Security at Risk: The Consequences of Placing Immigration Enforcement and Services in the Department of Homeland Security, published in September 2003.

ix The best example of this is California's Prop. 187, which passed by almost 60% of voters and used anti-immigrant scapegoating to get voters to support a basic neo-liberal policy of privatization of public services. California politicians, led by then Governor Pete Wilson, blamed immigrants for the deterioration of social, health and education services and the fiscal crisis enveloping California at the time. They convinced the electorate that the reason California's schools, county hospitals and other critical public services were declining was that there were individuals (immigrants) who were receiving public services but not paying taxes. Although the courts ruled Prop. 187 unconstitutional because it encroached on federal powers to regulate immigration, Prop 187 was followed by other successful neoliberal policies approved through California propositions that weakened and/or eliminated affirmative action, labor rights, bilingual education and women's rights. In 2004, Arizona voters successfully passed Prop. 200, learning the lessons of and modeled on Prop 187. Arizona's Prop. 200 prohibited state public services to immigrants and made it a crime for public workers (teachers, police, public health providers and others) not to report a person if they believed they were undocumented.

Prop. 200 were followed by a dozen more onerous propositions and laws culminating in the infamous SB1070 that pushed immigration-police collaboration over the edge.

x See Immigration Policy Center's "Secure Communities: A Factsheet," available at <http://www.immigrationpolicy.org/just-facts/secure-communities-fact-sheet> and U.S. Immigration and Customs Enforcement fact-sheet on "Secure Communities" at <http://www.ice.gov/about/offices/enforcement-removal-operations/secure-communities/index.htm>

xi Washington Independent, "Immigration Program Expands, Despite Abuse Record" by Daphne Eviatar; July 23, 2009 at <http://washingtonindependent.com/52197/immigration-program-expands-despite-abuse-record> Also see ImmigrationChange.Org, "DHS analysis Finds that 287(g)

Program is a Big, Fat flop," by Alex DiBranco; April 7, 2010; available at [http://immigration.change.org/blog/view/dhs_analysis_finds_that_287\(g\)_program_is_a_big_fat_flop](http://immigration.change.org/blog/view/dhs_analysis_finds_that_287(g)_program_is_a_big_fat_flop) and Gorena Blog site fact-sheets on "Section 287(g) of the Immigration and Nationality Act" at [http://www.gorena.org/287\(g\).htm](http://www.gorena.org/287(g).htm)

xii Los Angeles Times, "Questions and answers on SB1070 – a guide to Arizona's new immigration law" by Steve Padilla, July 23, 2010; available at <http://latimesblogs.latimes.com/washington/2010/07/arizona-immigration-law.html> and text of the State of Arizona Senate 49th Legislature, Second Regular Session 2010, "SB1070" at <http://www.azleg.gov/legtext/49leg/2r/bills/sb1070s.pdf>

xiii Reuters, "States turning up heat on illegal [sic] immigrants" by Carey Gillam; November 1, 2007; available at <http://www.reuters.com/article/idUSN0118499720071101>; New York Times, "Illegal [sic] Immigrants without Driver's License Risk More than a Ticket" by Julia Preston and Robert Gebeloff, December 9, 2010; available at <http://www.nytimes.com/2010/12/10/us/10license.html>; and The Progressive, "Local police shouldn't be involved in immigration enforcement" by David A. Harris; April 28, 2010; at <http://www.progressive.org/mpharris042810.html> and New York Times, "Immigrant Detention Centers; Interactive Graphic," February 23, 2010; available at <http://www.nytimes.com/interactive/2010/02/23/nyregion/20100223-immig-table.html>

xiv Rights Working Groups, "Faces of Racial Profiling: A Report from Communities From Across America," September 2010; available at <http://www.rightsworkinggroup.org/faces-of-racial-profiling>

xv Southern Poverty Law Center, "Climate of Fear: Latino Immigrants in Suffolk County, N.Y.," September 2009; available at <http://www.splcenter.org/get-informed/publications/climate-of-fear-latino-immigrants-in-suffolk-county-ny> and SPLC profile of "Anti-Immigration Groups," available at <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2001/spring/blood-on-the-border/anti-immigrationxvi>

The Bismarck Tribune, "Border Violence and Immigration" by Jessica Arneson, Casselton; November 20, 2010. Available at http://www.bismarcktribune.com/news/opinion/mailbag/article_a390ea6e-f460-11df-99ef-001cc4c002e0.html?mode=story

xvi See Wiretap Magazine "Silence Broken: Cities Profiting From Immigrant Detention" By Kameelah Rasheed, March 27, 2009; <http://www.wiretapmag.org/immigration/44084/>; Reuters, "U.S. judges admit to jailing children for money" by Jon Hurdle; Philadelphia; Fri Feb 13, 2009 at <http://www.reuters.com/article/idUSTRE51B7B320090213?rpc=60> and Political Research Associates, "One Raid At A Time: How Immigrant Crackdowns Build the National Security State" by Roberto Lovato, available at http://www.publiceye.org/magazine/v23n1/immigrant_crackdowns.html . On the intersection of corporate interests and border militarization, see Truthout, "Defense Contractor Money Fueling Push to Militarize the US-Mexico Border" by Mike Ludwig, September 02 2010; available at <http://www.truth-out.org/defense-contractor-money-fueling-push-militarize-us-mexico-border62905>

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<http://www.truth-out.org/defense-contractor-money-fueling-push-militarize-us-mexico-border62905> For the figures on Southern California, see Los Angeles Times, "Cities and counties rely on U.S. immigrant detention fees" by Anna Gorman, March 17, 2009; available at <http://articles.latimes.com/2009/mar/17/local/me-immigjail17>

xviii See The Post and Courier "Immigration Crackdown Debated" by Yvonne Wenger; Friday, November 26, 2010. Available at <http://www.postandcourier.com/news/2010/nov/26/immigration-crackdown-debated/>

xix New America Media, "Report: Criminalizing Undocumented Boosts For-Profit Prisons" by Khalil Abdullah, August 06, 2010; at <http://newamericamedia.org/2010/08/report-criminalizing-undocumented-boosts-for-profit-prisons.php>; Times Herald Record, "Pike County, PA. could land federal detention," by Beth Brelje; October 22, 210, at <http://www.recordonline.com/apps/pbcs.dll/article?AID=/20101022/NEWS/10220378>; The York Daily Record, "County officials not 'holding breath' on immigration detention center," December 11, 210; available at http://www.ydr.com/ci_16834546 and The Ogle County Life, "Ogle County Board discusses possible detention center" by Tina Ketter; September 24, 2010; at http://www.oglecountylife.com/v2_news_articles.php?heading=0&page=72&story_id=2203 and The Washington Post, "The Profit of Detention," by Josh White and Nick Miroff; October 5, 2008; at <http://www.washingtonpost.com/wp-dyn/content/article/2008/10/04/AR2008100402434.html>

xx The Gadsden Times editorial, "Our view: All politics is local, as ICE proves;" December 11, 2010; available at <http://www.gadsdentimes.com/article/>

20101211/NEWS/101219974/-1/opinion01?p=1&tc=pg
xxi Center for American Progress report, "Stop the Conference: The Economic and Fiscal Consequences of Conference Cancellations Due to Arizona's S.B. 1070" By Marshall Fitz , Angela Maria Kelley; November 18, 2010. At http://www.americanprogress.org/issues/2010/11/az_tourism.html
xxii Cardozo Immigration Justice Clinic, "Constitution on ICE: A Report on Immigration Home Raid Operations," 2009. Available at http://www.cardozo.yu.edu/uploadedFiles/Cardozo/Profiles/immigrationlaw-741/IJC_ICE-Home-Raid-Report%20Updated.pdf
xxiii New York Times, "Deportations From U.S. Hit Record High" by Julia Preston; October 6, 2010. Available at <http://www.nytimes.com/2010/10/07/us/07immig.html>
xxiv See NNIRR's HURRICANE report, Guilty by Immigration Status, endnote 99, page 34; available at and Detention Watch Network, "Conditions in Immigration Detention," at <http://www.detentionwatchnetwork.org/node/2383>. Also see http://blogs.chron.com/immigration/archives/2010/01/more_detention.html Also see The Houston Chronicle, "More ICE detention deaths, cover-ups," January 13, 2010; at http://blogs.chron.com/immigration/archives/2010/01/more_detention.html
xxv The Nation, "Secret Courts Exploit Immigrants," by Jacqueline Stevens; June 28, 2009. Available at <http://www.thenation.com/article/secretcourts-exploit-immigrants> Also see by Jacqueline Stevens, "ICE Agents' Ruse Operations," Nation, December 17, 2009, <http://www.thenation.com/article/ice-agents-ruse-operations> and "America's Secret Ice Castles," Nation, January 4, 2010, <http://www.thenation.com/article/americas-secret-ice-castles>
xxvi MS Magazine blog, "Women in Detention Not Protected From Sexual Abuse," by Michelle Chen; August 25, 2010. Available at <http://msmagazine.com/blog/blog/2010/08/25/women-in-detention-not-protected-from-sexual-abuse/>
xxvii Texas Observer, "Access Denied: Countless women are sexually assaulted as they attempt to immigrate into the United States. What happens to their reproductive rights when they wind up in U.S. custody?" by Kevin Sieff, February 19, 2009, at <http://www.texasobserver.org/archives/item/15571-2963-access-denied-countless-women-are-sexually-assaulted-as-they-attempt-to-immigrate-into-the-united-states-what-happens-to-their-reproductive-rights-when-they-wind-up-in-us-custody>
xxviii See NNIRR's report "U.S. Human Rights Abuses against Women and Parents." Available at: Also see Response magazine reporting on the case of Cirila Baltazar Cruz: "Stolen Baby," by Arnoldo García; pp 12-14. November 2009, which also cites six other cases where U.S. public agencies and courts have taken children away from immigrant women because of their status.
xxix See HURRICANE 2009-2010 chronology at April 13, 2009. For additional reporting on incidents of ICE detention abuse, see Human Rights Watch report, "Detained and at Risk," section at "Known Incidents and Allegations" at <http://www.hrw.org/en/node/92629/section/5>
xxx National Immigrant Justice Center, Detention Watch Network and Midwest Coalition for Human Rights, "Year One Report Card: Human Rights & the Obama Administration's Immigration Detention Reforms," October 6, 2010; at <http://www.immigrantjustice.org/policy-resources/icereportcard/icereportcard.html>
xxxi See report by the ACLU of San Diego and Imperial Counties and the Mexican National Human Rights Commission, "Humanitarian Crisis: Migrant Deaths at the U.S.-Mexico Border," written by María Jiménez, October 2009; at <http://www.aclu.org/immigrants-rights/humanitarian-crisis-migrant-deaths-us-mexico-border>
xxxii See joint report by NNIRR and Coalición de Derechos Humanos, Militarization and Impunity on the U.S.-Mexico Border; at <http://www.nnirr.org/resources/index.php?op=list&maxitems=10&type=10&start=2> In fact, the current U.S. immigration policing regime has its roots in the militarization of immigration and border control. See NNIRR HURRICANE report, Over-Raided, Under Siege: U.S. Immigration Enforcement and Laws Destroy the Rights of Immigrants, pages 24-26, for background on the militarization of immigration and border control.
xxxiii On June 8, 2010, a Border Patrol agent, standing on the El Paso, TX, side, shot across the borderline and killed 15-year old Sergio Adrian Hernandez Huereca. A week before at San Ysidro, California border CBP agents repeatedly shot Anastacio Hernández with a stun, resulting in his death. See Huffington Post, "Sergio Adrian Hernandez Huereca Death Sparks Anger," by Olivia Torres and Christopher Sherman; 6/09/10. Available at http://www.huffingtonpost.com/2010/06/09/sergio-adrian-hernandez-huereca_n_605557.html Also see ColorLines, "FBI Opens Civil Rights Probe on Border Patrol Shooting," by Julianne Hing; June 14, 2010; available at http://colorlines.com/archives/2010/06/fbi_opens_civil_rights_probe_into_border_patrols_shooting.html and AOL News, "Border Patrol Agent Fatally Shoots Mexican Teen," by Emily Schmall. Available at <http://www.aolnews.com/world/article/border-patrol-accused-of-excessive-force-in-death-of-mexican-tee/19508871>
xxxiv See Coalición de Derechos Humanos report on migrant deaths recorded in fiscal year 2010, <http://nnirr.blogspot.com/2010/10/us-bordersecurity-causes-record.html> and Latin American Herald Tribune, "More Than 2,000 Die on Arizona-Mexico Border Since 2000," Available at <http://www.laht.com/article.asp?ArticleId=373539&CategoryId=14091>
xxxv Center for American Progress report, "The Costs of Mass Deportation" By Marshall Fitz , Gebe Martinez, Madura Wijewardena; March 19, 2010; at http://www.americanprogress.org/issues/2010/03/deportation_cost.html The report states, deportations "... would cost taxpayers at least another \$17 billion annually (in 2008 dollars) to maintain the status quo at the border and in the interior, or a total of nearly \$85 billion over five years." Emphasis added.
xxxvi In 2010, HURRICANE tracked ICE raids in a San Diego transit center and several bus stations in Las Vegas, which caused a devastating ripple of fear across surrounding communities. HURRICANE has found that even though these types of raids only result in a small fragment of the overall arrests resulting in deportation; their immediate and long-term traumatizing effects are enormous. Also see Cardozo Immigration Justice Clinic's "Constitution on ICE: A Report on Immigration Home Raid Operations," 2009; at http://www.cardozo.yu.edu/uploadedFiles/Cardozo/Profiles/immigrationlaw-741/IJC_ICE-Home-Raid-Report%20Updated.pdf
xxxvii Reported by Western North Carolina's 100 Stories Project. See Western North Carolina Communities Raise Their Voices Against Immigration Policing, page 16.
xxxviii The Boston Globe, "Immigrant cases face long delays in court" By Maria Sacchetti; November 26, 2010. Available at http://www.boston.com/news/local/massachusetts/articles/2010/11/26/mass_immigration_court_delays_second_only_to_california/?page=full
xxxix See NNIRR's Action Alert on Mr. Rebby Abdel-Malak, available at <http://www.nnirr.org/action/index.php?op=read&id=237&type=0>
xl See in this report, "Police Collaboration with the Secure Communities Program Intimidates Communities in Illinois" by Francisco Ramos
National Network for Immigrant and Refugee Rights | HURRICANE 45
xli New York Times, "Illegal Workers Swept From Jobs in 'Silent Raids,'" by Julia Preston; July 9, 2010. Available at <http://www.nytimes.com/2010/07/10/us/10enforce.html>.
xlii See joint report by AFL-CIO, American Rights at Work Education Fund and the National Employment Law Project report, "ICED OUT: How Immigration Enforcement Has Interfered with Workers Rights," by Rebecca Smith, National Employment Law Project; Ana Avendaño, AFL-CIO; Julie Martínez Ortega, American Rights at Work Education Fund; October 2009. Available at http://www.americanrightsatwork.org/dmdocuments/ARAWReports/icedout_report.pdf
xliii Houston Chronicle, "Audits: ICE isn't cracking down on illegal immigrant employers" by Susan Carroll; August 31, 2010; at <http://www.chron.com/disp/story.mpl/metropolitan/7180760.html>
xliv See AFL-CIO Now Blog, "Report: Wage Theft, Labor Law Violations Widespread Across Country" by James Parks, Sep 4, 2009; at <http://blog.aflcio.org/2009/09/04/report-wage-theft-labor-law-violations-widespread-across-country/> And also see Endnote 8 on report by AFL-CIO, American Rights at Work Education Fund and the National Employment Law Project.
xlv See 2009-2010 Chronology of Abuses, Young Guatemalan worker dies in preventable workplace accident, August 5, 2009 (San Francisco,

CA). Available at, http://org2.democracynaction.org/o/5702/content_item/2009-2010fullchronology

xlvi Capital Press, "Farm Bureau: More ICE audits soon. Organization will help train employers who are audited" by Dan Wheat; September 30, 2010. Available <http://www.capitalpress.com/washington/djw-ICE-100110> ; H1B Lawyers Blog, "ICE Selects 1,000 Employers for Form I-9 Audits," November 20, 2009; at <http://www.h1bvisalawyerblog.com/2009/11/> and I-9Compliance.com, "Employers Weather ICE Storm of I-9 Compliance Audits by Government," December 10, 2009; available at <http://www.pre-employ.com/blog/?tag=ice>

xlvii See Inland Raids Chronology 2008-2009, available at http://org2.democracynaction.org/o/5702/content_item/inlandempireraids

xlviii See in this report, "U.S. Border Militarization and Immigration Policing are Deepening the Humanitarian Crisis in Arizona" by Isabel García.

xliv See Coalición de Derechos Humanos, "Arizona Recovered Remains," at http://www.derechoshumanosaz.net/index.php?option=com_content&task=view&id=20&Itemid=34 and Arizona Daily Star, "AZ border saw record 252 deaths in fiscal '10," by Brady McCombs. Available at http://azstarnet.com/news/local/border/article_c50f048f-acf9-52a9-8863-6e5969360091.html

l See Douglas Dispatch, "National Guard force is up to full strength at state border with Mexico," by Derek Jordan, Wick News Service, October 6, 2010. Available at <http://www.douglasdispatch.com/articles/2010/10/13/news/doc4caba064d1e88031676533.txt>

li See The Seattle Times, "At least \$800M spent for Boeing's 53-mile border fence," by Suzanne Gamboa. Available at http://seattletimes.nwsource.com/html/politics/2012140924_apusbordersecurityvirtualfence.html

lii See resource pages hosted by the School of Law, University of Texas-Austin, on affected communities available at: <http://www.utexas.edu/law/centers/humanrights/borderwall/>

liii See GlobalSecurity.Com, "US-Mexico Border Fence / Great Wall of Mexico Secure Fence;" available at <http://www.globalsecurity.org/security/systems/mexico-wall.htm>

liv See 2009-2010 Chronology of Abuses, SB1070 hate crime results in killing of Mexican American man, May 6, 2010 (Phoenix, AZ). Available at, http://org2.democracynaction.org/o/5702/content_item/2009-2010fullchronology

lv See 2009-2010 Chronology of Abuses, Six youth brutally attack Guatemalan migrant, causing permanent brain damage, July 22, 2009 (Boston, MA). Available at, http://org2.democracynaction.org/o/5702/content_item/2009-2010fullchronology

lvi See report by Immigration Works USA, "To Copy or Not to Copy? State Lawmaking on Immigration After Arizona SB1070," available at <http://www.immigrationworksusa.org>. For background materials on countering copy-cat SB1070 efforts, see Center for American Progress, "Fighting Back Against Copycat Immigration Laws Like Arizona's" by Henry Fernandez, August 24, 2010; available at http://www.americanprogress.org/issues/2010/08/fernandez_arizona_copycat.html. Also see The Upshot, "Report: 25 states considering Arizona-style laws" by Liz Goodwin, October 28, 2010; available at http://news.yahoo.com/s/yblog_upshot/20101028/us_yblog_upshot/report-25-states-areconsidering-arizona-style-immigration-laws/ and Yahoo News report, "States following Arizona's footsteps on immigration law SB1070," by Carol Bengle Gilbert. Available at http://news.yahoo.com/s/ac/20101005/tr_ac/6869540_opinion_states_following_arizonas_footsteps_on_immigration_law_sb1070

lvii Also see NNIRR's 2008-2009 HURRICANE report Guilty By Immigration Status, documenting the rise of the U.S. immigration policing regime. Available at <http://www.nnirr.org/hurricane/GuiltybyImmigrationStatus2008.pdf>

lviii ICE ACCESS, "Agreements of Cooperation in Communities to Enhance Safety and Security," include 287(g), "Secure Communities", and other programs drawing on the resources of local police, courts, and jails to detain and remove people labeled 'criminal aliens.' Source: OneAmerica website, ICE ACCESS Programs factsheet. Available online at: http://www.hatefreezone.org/ice-access-programs-fact-sheet#_ftn1

lix In Guilty by Immigration Status, NNIRR describe the four components of the DHS 'immigration enforcement regime,' including: criminalization of status, militarization of interior and border communities, merging immigration enforcement and services to national security, and trade policies that cause the massive displacement of migrants around the globe. Available online at: www.nnirr.org/resources

lx A recent report by the University of North Carolina revealed that traffic violations are the most common reason people are detected for deportation in 287(g) counties. The report also revealed that 287(g) was implemented in counties with an overall decline in crime rates. See "287(g) Program: The Cost and Consequences of Local Immigration Law Enforcement in North Carolina" by Mai Thi Nguyen and Hannah Gill, University of North Carolina, Chapel Hill, February 2010; at [http://isa.unc.edu/migration/287\(g\)_report_final.pdf](http://isa.unc.edu/migration/287(g)_report_final.pdf)

lxi ICE has outlined two models of the 287(g) program: the jail model and the field model. Although most jurisdictions in North Carolina follow the jail model, meaning that officials check immigration status at a detention center after an arrest is made, there is little to no accountability when police officers violate the terms of their 287 agreement with ICE. A complete list of 287(g) jurisdictions is available at: http://www.ice.gov/pi/news/factsheets/section287_g.htm

lxii Binational Migration Institute. "The Funnel Effect & Recovered Bodies of Unauthorized Migrants Processed by the Pima County Office of the Medical Examiner, 1990-2005." October 2006. Available at <http://www.derechoshumanosaz.net/images/pdfs/bmi%20report.pdf>.

lxiii Latin American Herald Tribune, "More Than 2,000 Die on Arizona-Mexico Border Since 2000," Available at <http://www.laht.com/article.asp?ArticleId=373539&CategoryId=14091>

lxiv See Grassroots Leadership report, "Operation Streamline: Drowning Justice and Draining Dollars along the Rio Grande" available at <http://grassrootsleadership.org/OperationStreamline/2010/07/19/operation-streamline-drowning-justice-and-draining-dollars-along-the-therio-grande/>

lxv Washington Independent, "Kyl Pushes for Expansion of Operation Streamline," by Elise Foley; 7/23/10. Available at <http://washingtonindependent.com/92374/kyl-pushes-for-expansion-of-operation-streamline>. Also see the Chief Justice Earl Warren Institute on Race, Ethnicity & Diversity report: Assembly-Line Justice: A review of Operation Streamline by Joanna Lydgate; University of California, Berkeley Law School; January 2010.

lxvi See "On a Typical Day in Fiscal Year 2009, CBP..." at http://www.cbp.gov/xp/cgov/about/accomplish/fy09_typical_day.xml

lxvii On an initial account of three minors detained and summarily deported, see <http://www.signonsandiego.com/news/2009/may/23/1m23immig235644-teens-detention-deportation-assail/?metro&Iindex=104362>. A letter written to San Diego Sector Chief Michael Fisher on the same matter is available at: http://www.aclusandiego.org/article_downloads/000938/Border%20Patrol%20Letter%20Requesting%20Policy%20Change%20Final-12-09.pdf

lxviii This story also highlights the internal controversy caused when Border Patrol agents were no longer permitted to conduct random patrolling in San Diego County: http://legacy.signonsandiego.com/news/metro/20030814-9999_1n14agents.html

lxix For an account that highlights the case of a U.S. citizen stopped and questioned about her status, see: <http://www.signonsandiego.com/news/2009/mar/01/1m1enforce22436-border-patrols-stops-are-criticize/>. Interestingly, the Border Patrol

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also acknowledged the surge in roving patrols is due to the increase in Border Patrol personnel.

lxx Article available at <http://diariosandiego.com/bin/articulos.cgi?ID=90945&q=1&s=34>. In addition to this story, the AFSC San Diego office has received numerous reports by community members of Border Patrol operations on San Diego-based piers.

lxxi The AFSC San Diego office has received numerous complaints from community members. For instance, see <http://www.ellatinonline.com/noticia/13696/continuan-abusos>.

lxxii This incident was reported to the AFSC San Diego office. The name has been changed to protect the identity of the complainant.

lxxiii AFSC staff witnessed the incident and spoke with the two remaining day laborers about what transpired during the encounter with Border Patrol agents.

lxxiv See for instance, http://www.usatoday.com/news/nation/2008-09-30-border-patrol-inside_N.htm and http://www.seattlepi.com/local/387945_pot15.html

lxxv The word 'colonia' means neighborhood in Spanish. However, in Texas, Arizona and New Mexico, the word has a legalistic connotation, referring to the rural, unincorporated settlements along the U.S.-Mexico border characterized by substandard housing, inadequate roads, poor drainage,

and substandard or no water and sewer facilities. For more information, visit Colonias Development Council

http://www.colonias.org/about_us.html

Ixxvi H.R. 6061, 109th Congress, Second Session, January 3, 2006. Available at School of Law, The University of Texas at Austin, The Texas-Mexico Border Wall, Law and Litigation, Statutes Mandating Construction of Border Barriers at: <http://www.utexas.edu/law/centers/humanrights/borderwall/law/statutes-secure-fence-act.pdf>.

Ixxvii See Anthony K. Webster, "Lipan Apache Placenames of Augustina Zuazua: Some Structural and Discursive Features," *Names*, Vol. 55, No. 2, (June 2007), 103-122.

Ixxviii Between October 18 and October 23, 2009, the U.S. obstructed numerous human rights articles, as articulated in detail in briefing papers submitted

to the Inter-American Commission/Organization of American States earlier that year by an inter-disciplinary panel of experts. The international human rights investigation continues to gain traction. See The Texas-Mexico Border Wall, UT Working Group Human Rights Analysis, "Working Group Briefing Papers on Human Rights Impact," at <http://www.utexas.edu/law/centers/humanrights/borderwall/analysis/briefingpapers.html>.

Ixxix See http://www.ice.gov/pi/news/factsheets/section287_g.htm#signed-moa.

Ixxx See http://www.ice.gov/doclib/secure_communities/pdf/sc_activated.pdf (pg.15).

Ixxxi This number may be higher. It only reflects cases in which the client reported being a survivor of sexual assault or domestic violence.

Ixxxii 2006 Critical Resistance and Incite! "Gender Violence and the Prison Industrial Complex," in *Color of Violence Anthology*, South End Press: Boston.

Ixxxiii Coll, Kathleen M. 2005. "Yo no Estoy Perdida": Immigrant Women (Re) locating Citizenship," pg. 403 in *Passing Lines: Sexuality and Immigration* edited by Epps, Valens and Johnson-Gonzalez. Harvard University Press: Cambridge.

Ixxxiv Gonzalez-Lopez, Gloria, 2007. "Nunca he dejado de tener terror: Sexual Violence in the Lives of Mexican Immigrant Women," *Women and Migration*

in the U.S.-Mexico Borderlands: A Reader. Edited by Segura and Zavella. Duke University Press: Durham.

Ixxxv Falcon, Sylvanna. 2007. "Rape as a Weapon of War: Militarized Rape at the US-Mexico Border."

Ixxxvi Juliet P. Stumpf, "The Cimmigration Crisis: Immigrants, Crime, and Sovereign Power," *American University Law Review* 56 no. 367 (2006); Rinku Sen and Fekkak Mamdou, *The Accidental American: Immigration and Citizenship in the Age of Globalization* (San Francisco: Berrett-Koehler Publishers, Inc., 2008) p. 57-60.

Ixxxvii Human Rights Council. Eleventh session. Agenda item 9. Racism, Racial Intolerance, Xenophobia and related forms of Intolerance, Follow up to and implementation of the Durban Declaration and Programme of Action. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène. April 28, 2009. Paragraphs 52-55.

Ixxxviii Ibid, Paragraph 79.

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