

NNIRR Community Days of Advocacy For Justice & Human Rights

April 4 - 19, 2009

Participant Talking Points & Main Messages

These “talking points” are to assist you in your visits with members of Congress. This document is not to be given to the Congress member or to their staff members, but you may want to leave them your organization’s materials, NNIRR’s “[Open Letter to Barack Obama](#)” (www.nnirr.org/resources/docs/OpenLettertoBarackObama3.pdf) and/or “[A New Path Toward Humane Immigration Policy](#)” (www.afsc.org/ht/a/GetDocumentAction/id/76697) produced by the American Friends Service Committee. The “Open Letter” and “A New Path” share a vision and positions for fair, humane immigration reform.

Overall Message:

We need **just and fair** immigration reforms. Humanitarian policies and accountability in immigration enforcement and border control, the protection of immigrant worker rights, and attainable legalization will help to make our communities safe and secure. Ending raids will not be enough to address the civil and human rights violations and abuses perpetrated against immigrants and refugees in our communities. However, ending raids will be an important step to ease the intimidation and trauma in immigrant communities.

Talking Points

- 1) The Obama Administration should end immigration raids now.
- 2) Detentions and deportations should be suspended while hearings are held and humanitarian policies and practices are put into place.
- 3) Due process rights should be restored to ensure equality before the law for all persons, regardless of their immigration or citizenship status. We need the protection and expansion of the civil and labor rights of all immigrants, as well as community-based oversight and accountability of the Department of Homeland Security for immigration law enforcement and services.
- 4) We need to end the criminalization of immigrants. This includes local police arrests and immigration collaboration, employer sanctions, the unlawful use of SSA “no-match” letters, increased prosecution for immigration violations in federal courts, and mandatory detention for immigrants.
- 5) Enact a fair legalization program that provides clear and attainable opportunities to regularize the status for all undocumented immigrants, protects rights, and ends deportations.

- 6) Rollback border militarization policies that have caused thousands of migrant deaths and disappearance and countless violations of the human and civil rights of diverse border communities. Border security must change to protect the rights of border communities and migrants and end the policies and strategies of “prevention through deterrence,” which deliberately force migrants cross through the most desolate desert and mountainous regions of the border

Background Information by Issue:

1) Immigration Raids

- In fiscal year 2008, less than 2 per cent of nearly 350,000 persons deported by DHS and ICE were identified through highly publicized workplace raids.
- These raids have led to the separation of families, traumatized communities, and disrupted local economies.
- All of the workplace raids in which employers confirmed their ‘full cooperation’ with ICE officials undermined workers’ organizing for labor rights protections. At least four major worksites targeted by ICE raids were undergoing investigations for labor rights violations (such as those at Shipley Donuts in Houston, Texas; Pilgrim’s Pride raids; Agriprocessors, Inc., in Postville, Iowa; Howard Industries in Laurel, Mississippi).

2) Detention and deportation

- Immigration officials routinely intimidate and coerce immigrant detainees into signing documents and waiving their right to a hearing before an immigration judge, even though they may be eligible for adjustment of status.
- The rising numbers of immigrant detainee deaths in federal immigration custody are testament to the deteriorating and deplorable conditions in detention, such that it becomes a death sentence.
- Many people are transferred to remote and isolated facilities, away from their families and social networks, and find it increasingly difficult to access legal representation.
- Nearly 10 percent (34,155 people) of deportees were arrested by ICE’s Fugitive Operations teams, costing over \$32 million. One out of every four persons arrested by these teams in FY 2008 had no order of deportation or prior criminal record.
- Over two-thirds of total persons deported by ICE in FY 2008 had no prior criminal record or conviction.
- Other immigration enforcement operations and arrests, carried out as raids, targeted immigrant neighborhoods including churches, schools, homes, apartment complexes under the guise of ICE’s Fugitive Operations Program resulting in the arrest, detention, and deportation of nearly 35,000 people in FY 2008. ¹

3) Denial and violation of due process rights

- More than 50% of immigrants in detention for status violations do not have access to legal counsel. Since immigration status violations and deportations are treated as civil proceedings, detainees do not get court-appointed counsel.
- Federal government has dramatically expanded the use of stipulated removal and other programs to expeditiously deport immigrants without a court hearing in front of an immigration judge. 95 percent of immigrants who signed stipulated removal forms did so without legal representation.

- Although the “stipulated removal” program is meant to target ‘criminal aliens,’ most people selected and deported through stipulated removal since 1999 did not have a criminal record, and were targeted for immigration status violations.¹

4) Criminalization of immigrants

Police Collaboration with ICE

- The collaboration of local, county, and state police with federal immigration officials to enforce immigration laws compromises public safety and deters immigrants from reporting crimes for which they may be potential witnesses, or even from seeking help in cases of domestic violence or emergency health care needs.
- 287(g): As of November 2008, 67 agreements have been signed between the federal government and local, county, state police nationwide, with over 950 officers in 40 counties across 20 states.ⁱ
- Across the country, immigrants are routinely arrested and detained for minor traffic violations or other civil, non-violent administrative violations and then face racial profiling by police and local authorities who turn them over to immigration authorities for possible removal through programs like 287g.ⁱⁱ Once in holding, immigrants are questioned without access to legal counsel, often in a language they do not understand, and without interpretation.
- Families of detained immigrants are often denied visitation rights, and/or intimidated to visit their loved ones in local jails for fear they may also be targeted by jail officials and local police.

Workplace Enforcement & Abuse

- Employer sanctions and SSA “no-match” letters result in employer abuse. Immigrant workers continue to face harassment and intimidation by abusive and unscrupulous employers for SSA “no-match” letters, which are often wrongfully used as an indication of the immigration status of an employee.
- The E-Verify program is highly problematic and relies on faulty and outdated databases, which would negatively affect thousands of U.S. workers, both immigrants and citizens.ⁱⁱⁱ

Federal courts prosecute for immigration-related violations at record levels.

- Eighty-nine percent of criminal prosecutions and ninety-one percent of convictions in U.S. district courts across the country on any given month in 2008 were for immigration-related charges. The most common charge under Operation Streamline (Tucson sector, AZ) has been ‘re-entry of a deported alien.’
- Since the 1996 laws (IIRIRA), the definition of an “aggravated felony” was expanded to include over 52 misdemeanors and other non-violent acts such as urinating in public and shoplifting, which can be applied to any crime committed even before the law was passed. Immigrants accused of an aggravated felony face a mandatory sentence, detention, and deportation without relief.

5) Militarization of border and immigration control

- As a result of the U.S. strategy of “prevention through deterrence” strategy, implemented in 1994, more than 5,000 migrant dead have been recovered on the U.S. side of the border.^{iv} Migrants are deliberately funneled into crossing through the desert and mountains, where they either perish, disappear, or are detected and detained if they survive the crossing.

- During the past six months (October 2008-March 2009), some 50 migrant dead have been recovered on the Arizona-Sonora border. Even though there is a decrease in the numbers crossing, the Coalición de Derechos Humanos, based in Tucson, AZ, reports that the number of migrant dead recovered is on par with the count last year.
- The "Funnel Effect," which has been documented by the Binational Migration Institute, shows that the practice of sealing of traditional crossing points ultimately pushes migration into the deadliest areas. The extent of this crisis is not known, as the numbers of human remains recovered in neighboring states are not available.
- While non-partisan and research institutes have declared this strategy a failure at stopping unauthorized migration and one that has only caused more migrant deaths, the U.S. continues to expand this deliberate strategy. President Obama recently implemented the latest phase of this strategy as part of the emerging crackdown on drug cartels in Mexico.
- The humanitarian crisis of deaths and rights violations at the border could be ameliorated and even ended by just issuing enough visas so people could enter legally, safely and with their rights protected.

ⁱ ICE Fact Sheet, "The ICE 287(g) Program: A Law Enforcement Partnership," November 19, 2008. http://www.ice.gov/pi/news/factsheets/section287_g.htm.

ⁱⁱ Fact Sheet: "287(g)" Agreements, American Immigration Lawyers Association. www.ailadownloads.org/advo/AILA-287gFactSheet.pdf

ⁱⁱⁱ E-Verify is an internet-based database operated by the Department of Homeland Security, in conjunction with the Social Security Administration database to cross-check the criminal background and social security numbers of all U.S. workers.

^{iv} See NNIRR human rights report, *Over-Raided, Under Siege: Immigration Laws and Enforcement Destroy the Rights of Immigrants*; January 2008. Available at www.nnirr.org