

September 2009

Guilty *by* immigration status

A report on U.S.
violations of the rights
of immigrant families, workers
and communities in 2008



Produced by HURRICANE:
The Human Rights Immigrant Community Action Network
An initiative of the National Network for Immigrant and Refugee Rights

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Executive Summary

Guilty by Immigration Status reveals that immigration policing¹ is causing a disturbing pattern of abuses and rights violations – a pattern that has severely and detrimentally affected the livelihood and safety of entire families, workers and communities across the U.S. In particular, the report describes how the Department of Homeland Security (DHS), along with other police, public officials and agencies, routinely trumped the civil rights and constitutional protections of a person in order to question, detain and/or jail them solely based on their actual or perceived immigration status.

The pattern of DHS practices and policies illustrated in the report gives evidence to a dramatic expansion and consolidation of an “immigration control regime,” under which the human rights of immigrants, including legal permanent residents and U.S. citizens, are routinely violated at the U.S.-Mexico border and in the U.S. interior.² Unless the components of this regime are halted and dismantled, the long-held promise of immigration reform – the lifting of millions of immigrant workers and their families out of a life of fear and exploitation – will be severely undermined.

Guilty by Immigration Status is the second annual report³ of the Human Rights Immigrant Community Action Network, or HURRICANE, an initiative of the National Network for Immigrant and Refugee Rights. The findings are drawn from 141 stories of human rights abuse reported and documented by HURRICANE members and partners, including 25 interviews offering first-hand testimony from immigrant workers, families, and community members directly affected by immigration enforcement policies and practices in 2008. HURRICANE also tracked 118 incidents of ICE immigration enforcement operations or high profile raids through extensive documentation from newspaper articles, scholarly journals, advocate reports and interviews with affected persons and reporting by community groups and other institutions.⁴

The report provides a picture of a troubling pattern of systemic abuse requiring further investigation and documentation. The various cases point to longstanding problems and concerns that reproduce a climate of impunity, in particular: **1) rampant due process violations, and 2) a glaring lack of accountability and oversight in immigration enforcement and services.**

Immigration policing – using immigration status to implement repressive policies to detain persons – is now pervasive as a draconian form of social, economic and political control from the womb⁵ to the workplace. The vast majority of those targeted for deportation are immigrants, non-citizens and citizens of color, or those who “look or sound” foreign. There is mounting evidence that DHS-led immigration policing is fueling widespread racial, ethnic/nationality and religious profiling and criminalization, one of the central pillars of the new immigration enforcement regime. And immigrant and non-immigrant members of our communities are paying a severe price, ending up in prison⁶ and being deported in droves.⁷

While DHS’ Bureau of Immigration and Customs Enforcement (ICE) high profile immigration worksite raids are appalling⁸ and may be perceived as the hallmark of the U.S. immigration control regime, *Guilty by Immigration Status* underscores that ICE immigration raids, or enforcement operations, are only the “tip of the iceberg.”

ICE worksite raids and arrests constituted a small percentage of the overall arrests and apprehensions resulting in detentions and deportations, representing less than 2% of all

persons detained and deported in 2008.⁹ In 2008, ICE deported 6,287 out of the 356,739 persons as a result of worksite raids.¹⁰ However, this deliberate use of raids as a strategy of attrition and intimidation led to the further destabilization of communities and forced immigrants to choose living in fear in the shadows or consider self-deportation to avoid jail and further criminalization.

Both the Obama Administration and Congress must act to end these abuses and provide avenues for remedies and redress. Even while immigration reform proposals are being drafted, formal hearings should be held with impacted communities to ascertain the scope and scale of abuses caused by immigration enforcement and services. Immigration reform and other proposals to adjust the status of millions of immigrants in the U.S. must include remedies that specifically work to rollback the climate of hate and scapegoating and that will prevent further abuses from taking place. In doing so, our elected officials can help to inform the public debate and build a more trusting environment for its most vulnerable residents to emerge from a life in the shadows of hostility and restriction.

KEY FINDINGS

Based on thorough review of the stories collected in 2008 and reports of human rights abuses by dozens of organizations and community groups across the country, *Guilty by Immigration Status* finds that:

- **ICE enforcement operations and raids are used as a deliberate tool and strategy to intimidate and destabilize communities** and often leave local and regional economies in shambles.¹¹
- **ICE enforcement operations reinforce rampant workplace abuses and labor violations against immigrant workers.**¹²
- **The detention of persons solely for *immigration status* is at an all-time high.**¹³
- **Deportations separate and devastate families, traumatize communities, trample and violate due process rights.**¹⁴
- **Inter-agency and police collaboration in immigration control undermine community safety** and make immigrants more vulnerable to abuse and exploitation.¹⁵
- **The unrelenting militarization of immigration enforcement and border control is causing deaths** and deliberately violates the rights of Indigenous people¹⁶, workers, migrants and communities of color at the border.¹⁷
- **Local, county and state xenophobic and anti-immigrant legislative, policy proposals and ordinances¹⁸ across the country fueled a climate that has promoted and condoned hate violence** against immigrants and propelled police and government abuses with impunity.¹⁹

Since issuing *Over-Raided, Under Siege: Immigration Laws and Enforcement Destroy the Rights of Immigrants*,²⁰ NNIRR's first HURRICANE report covering 2006-2007, human rights violations against immigrants and refugees have not only increased, but policies, practices and infrastructure supports have continued to expand, including:

- The intensification of the scope and scale of inter-agency collaboration resulting in increased arrests of non-white immigrants, legal permanent residents and U.S. citizens of color victimized by racial, ethnic/nationality and religious profiling by local, county, state, and federal law enforcement agents.
- Unprecedented expansion and funding for policing and jails exclusively for immigrants.
- Increased funding for “Fugitive Operations” teams, which cast a broader net than their alleged target, “criminal aliens,” through Operations “Community Shield” and “Secure Communities,” resulting in a qualitative increase in criminal prosecutions in federal courts for minor immigration-related offenses.
- A new generation of the border security strategy, the Secure Border Initiative, which continues to drive punitive programs of criminalization such as “Operation Streamline” that immediately jails, convicts and deports migrants without regard for their due process rights.²¹
- Six thousand new Border Patrol agents were hired in FY 2008, doubling the number of agents since 2000, continuing the build-up of the militarization of immigration and border control.
- The deliberate use of high profile enforcement operations, or immigration raids, as integral to an expanding system of immigration control with prisons and detention centers exclusively for immigrants.
- The deepening criminalization of immigration status, with an almost exclusive reliance on detention, imprisonment and deportation, and the continuing militarization of immigrant and border communities – doubling the number of persons detained and jailed for immigration status violations from 202,000 to over 400,000 between 2002 and 2009, and increasing jail bed space exclusively for immigrants by 78 percent between 2005 and 2008.²² The Obama Administration has made changes that will continue deepening and institutionalizing this trend.
- The disparate impact of immigration enforcement and border militarization on women, including sexual abuse and gender-based exploitation and discrimination. The DHS’s indefinite detention and deportation of women severely undermines family unity and the safety and welfare of children.²³

RECOMMENDATIONS

***Guilty by Immigration Status* urges a fundamental shift in immigration policies away from the Bush-era politics of national security toward a human rights approach that addresses human needs and community safety.** NNIRR strongly recommends that the Obama Administration and Congress take immediate action to address and remedy the longstanding problems that have plagued immigration services and enforcement, measures, practices, laws and policies for almost three decades.

Given the uncertain schedule and provisions of a major immigration bill, we urge the Administration to act swiftly to:

- Restore due process rights and other Constitutional protections, while expanding access to the Courts.

- End the practice of jailing persons solely for immigration status violations, except where there is a particularized finding of high risk to public safety.
- Suspend all detentions and deportations, prohibiting high profile raids and enforcement operations, investigate the abuses and place a moratorium on the expansion of the immigration detention facilities.
- End the policies and practices of selective enforcement programs including Operation Streamline and other programs that perpetrate the criminalization and demonization of immigrants.
- End inter-agency and police collaboration with immigration authorities and end all local, county and state government and police participation and policy-making in immigration enforcement.

These steps are necessary to alleviate the trauma, family separation, discrimination and undue fear facing immigrant workers and families. This is also important to reshape the current climate so that all immigrants can participate in programs to regularize their status as soon as Congress establishes such programs.

In developing workable policies and immigration reforms that restore and protect our labor and civil rights and guarantee equality before the law, NNIRR also urges Congress, with the support of the Obama Administration, to:

- Expand access and options to adjust immigration status for undocumented immigrants.
- Increase and expand civil and labor rights protections for all immigrant and native-born workers.
- Increase options to legal avenues of immigration, legal permanent residency and citizenship.
- Expedite family reunification; end the backlog and shift resources and investment from immigration enforcement to immigration services.
- Repeal employer sanctions and end the E-verify program; expand worksite protections and enforcement of labor rights, including stopping the use of SSA “no-match” letters and ending prosecution for so-called “ID theft.”
- Shift resources and investments from policing, detention centers, jails and prisons to services.
- Demilitarize immigration and border controls and end “prevention through deterrence” policies, practices and strategies.

Finally, we urge policy makers to consider the root causes of displacement and international migration and engage in responsible global engagement policies to support sustainable economic development and job creation in developing countries, addresses the growing crisis of climate change and its impact, and supports democracies not repression.

Guilty by Immigration Status

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Methodology and Purpose

Telling Our Stories, Raising Our Voices for Human Rights

NNIRR's 2008 report on the human rights of immigrants, *Guilty by Immigration Status*, is based on the close monitoring, reporting and documentation of human rights abuses perpetrated against immigrant and refugee members of our communities across the country.

In 2008, NNIRR collected 141 cases of human rights violations through a combination of direct interviews, stories documented and reported by HURRICANE and NNIRR members and partners, and close tracking of news articles, community action alerts, legal, scholarly, and other human rights reports. Through HURRICANE: The Human Rights Immigrant Community Action Network, NNIRR also compiled a chronology of ICE immigration raids carried out in 2008, which includes 118 cases of worksite and home raids combined.²⁴

In addition, a series of consultations with over a dozen HURRICANE and NNIRR members and partner groups throughout the year informed the analysis and trends after close review of the stories collected and data compiled through archival research and close tracking of legislative and other relevant developments in immigration-related policies and practices.

Guilty by Immigration Status is a testament to the capacity of directly affected communities to report and document abuses. HURRICANE documentation of abuses helps to strengthen community organizing and to develop a shared vision of building community power to be able to respond to and prevent abuses. While we recognize that the reported abuses and rights violations represent a fragment of the conditions facing our communities, *Guilty by Immigration Status* offers a commitment to engage in collective action and dialogue to determine our communities' needs and the changes we want and to decide together how to achieve them.

Through the HURRICANE initiative, scores of community groups, organizers, activists and directly affected community members reported and documented stories exposing human rights violations and abuses. HURRICANE amplifies the voices of these immigrant communities to demand rights and socially just reforms in the road to restoring justice and full labor and human rights protections for all.

Guilty by Immigration Status is a piercing wake-up call to community organizations and immigrant rights advocates to understand the systemic nature of the challenges and obstacles facing the immigrant rights movement's call for socially just immigration reforms that must include a sustained struggle for justice and human rights.

Guilty by Immigration Status

"It's been very frustrating to want justice and to be faced with a wall of injustice at every single turn."

–Family friend of Sacramento couple facing deportation and separation from their U.S. citizen children after an appointment with a social worker got them nabbed by ICE.²⁵

Overview

All persons, all humans in the United States, regardless of their citizenship or immigration status, have rights and are equal before the law.²⁶ And everyone in the United States has guaranteed Constitutional protections. Yet everyday, the Department of Homeland Security's (DHS) immigration services and enforcement operations and other types of policing and inter-agency collaboration methodically undermine and violate the rights of non-citizens and citizens perceived to be an immigrant or refugee. This is the face of an immigration control regime that has been a decade in the making. U.S. immigration policing produces devastating results: deepening the criminalization of immigration status and the militarization of immigration enforcement and border control, and further merging immigration services and enforcement with the politics of national security.

2008 was a pivotal year in the intensification of immigration policing and border control. The transition from the Bush Administration to the Obama Presidency was marked by the institutionalization of an immigration control regime that has extended immigration policing into almost all social, political and economic policy areas and aspects of U.S. life. From the womb to the workplace, from the border-line to the color-line, the U.S. government has converted immigration status into a racial, gender, social, political and economic marker that determines whether a person can raise and keep a family together, has access to employment with labor protections, social and health services, livable housing, clean air, water and soil, or has her rights ignored, changed and trampled merely for being, or even looking or sounding like, an "immigrant."

As a result of U.S. immigration laws and enforcement, immigrants are now the fastest growing prison population in the U.S., facing severe punishment solely for their immigration status.²⁷ The incarceration of persons for immigration status alone intensifies the already disproportionate incarceration of African Americans, Latinos and other people of color. DHS Immigration and Customs Enforcement (ICE) operated and contracted local, county, state federal and private prisons and jails immigrants are being subjected to some of the most inhumane and abusive detention conditions, including physical and sexual violence and assault.²⁸ Over ninety deaths have been reported in federal immigration detention since 2003; nearly half were inmates from Cuba and

Mexico.²⁹ 2008 ended with hunger strikes and protests carried out by persons being held in immigration prisons and detention centers in at least three facilities.³⁰

DHS's formal and informal inter-agency collaboration and the use of 287(g) agreements with local, county and state police are gutting due process rights and deepening the criminalization of immigration status.

Over 50% of all persons in deportation proceedings do not have legal representation or counsel. At the end of 2008, the U.S. planned to have up to 40,000 jail-bed spaces exclusively for immigrants. During the eight years of the Bush Administration, DHS doubled the number of Border Patrol agents and the new Obama Administration plans to continue pursuing plans that include the tripling the number of Immigration and Customs Enforcement (ICE) agents policing the interior.

DHS policies have created a vicious cycle of immigration law enforcement and criminalization, rooted in the immigration reforms and policies of the last two decades. DHS brazenly uses this cycle to demand increases in enforcement funding and personnel, along with draconian policies and strategies, to detect, jail and deport "criminals."

The 1986 and 1996 immigration reforms laid the groundwork for the militarization of interior and border immigration control, cementing immigration policies to national security, foreign trade and other economic policies. These immigration reforms introduced and institutionalized immigration policing of the workplace and deepened the criminalization of immigration status, making it a crime to work without authorization.

The 1996 reforms continued undermining labor and civil rights and created new forms of segregation and access to services based on immigration and citizenship status. After 1996, persons with an immigration status were further subjected to prosecution for deportation for minor offenses. The U.S. government's criminalization of work and immigration status created new forms of racial discrimination, that have led to profiling that includes racial, religious and ethnic/nationality profiling and discrimination. During 2000-2008, the U.S. government under the helm of the Bush Administration, further cemented immigration services and enforcement to the "war on terror" and national security. The 1986 and 1996 laws laid the foundation for the current immigration control regime.

Since 2001, a new form of double jeopardy in law enforcement has emerged. Law enforcement officials are resorting to immigration laws to detain persons under the guise of criminal investigation or even for routine stops or traffic violations; and, conversely, using minor traffic violations as a pretext to enforce immigration law. Now, when police and other federal law enforcement agencies cannot charge or detain a person with criminal offenses, they resort to immigration charges and detain them. When ICE or other federal police agencies cannot hold a person for immigration violations, they resort to criminal charges to arrest them. **Federal immigration law enforcement is fueling immigrant profiling and emboldens local police to participate in immigration enforcement using profiling that violates the rights and protections of individuals against racial and other types of discrimination.**

Secure Communities Undermines Community Safety And Violates Rights

The latest ICE program, the Secure Communities initiative, facilitates immigration police collaboration, supplementing the 287 (g) agreements. Secure Communities, along with Operation Streamline and other initiatives, is a centerpiece of the U.S. government's main immigration control plan called "Operation Endgame," whose goal is to deport everyone who can be deported. **Under these policies of criminalization, a person is literally "guilty by immigration status" and subjected to incarceration and deportation for the most minor of offenses.**

ICE's Secure Communities is dedicated to imprisoning and deporting more immigrants.³¹ Under this program, law enforcement can sidestep due process rights, allowing ICE with local, county, state and other police to scour all persons for their immigration status, whether during traffic stops or while in detention.³² Secure Communities provides local law enforcement agents with additional resources and tools to stop and question persons they suspect of being immigrants, subjecting them to additional scrutiny for arrests, aggressive interrogation by immigration officials and deportation.³³

DHS launched the Secure Communities program in October 2008 in 48 counties across seven states and plans to expand it to all U.S. jails and prisons by the end of 2012.³⁴ Congress allocated \$350 million for the program in fiscal years 2008 and 2009. In May 2009, after less than four months in office, President Obama asked Congress for a 30% increase in federal funds for fiscal year 2010.³⁵

Immigration enforcement and inter-agency collaboration is giving rise to new forms of racial discrimination and profiling under the guise of arresting and deporting "criminal aliens."

Through programs such as Secure Communities, immigration-police collaboration is also being used to expand and change the definition of "criminal alien." ICE immigration police collaboration fuels racial, ethnic/nationality and religious profiling, targeting anyone who looks or sounds "foreign," severely undermining community safety and fueling mistrust toward law enforcement.

Because Secure Communities gives police the power to identify and remove "criminal aliens" as part of enforcing immigration laws, immigrants fear detection and will not report crimes, robberies, domestic abuse or fires to the police and other government agencies and officials responsible for public safety and health. Secure Communities will further destabilize communities, making everyone less secure and immigrants will be more vulnerable to abuse and exploitation.

The stories reported in the media and those shared by community members, advocates, organizers, workers, and families in *Guilty by Immigration Status* point to the long-standing problems our communities have faced for decades in the absence of policy and legislative reform that addresses our rights and in the face of increased immigration enforcement and policing in the places where people live, work, worship, study, and play.³⁶ The government's Operation Endgame plans and strategies (see next section) are at the root of the rights crisis enveloping our communities.

Operation Endgame: *Draconian Immigration Control Regime*

Since issuing its first HURRICANE report, *Over-Raided, Under Siege*, on human rights abuses committed against immigrants and refugees in 2006-2007, NNIRR has continued to document the U.S. government's massive increases in DHS funding and resources for the incarceration and deportation of non-citizens, ripping them away from their families,³⁷ traumatizing communities and their neighborhoods, invading the workplace, schools, and places of worship and recreation.³⁸ In addition, the U.S. government's unprecedented funding and support to expand the border security and immigration control strategy, called "prevention through deterrence," has had devastating impacts on immigrant workers, families and communities.

These government initiatives all fit within Operation Endgame,³⁹ DHS's ten-year plan to build the police force, infrastructure and capacity, including the extension of enforcement strategies at the border into the U.S. interior, to deport all persons the U.S. deems deportable.⁴⁰ The criminalization of immigration status, militarization of the interior and border immigration control, and the merging of immigration services and enforcement to national security are the most visible components of Operation Endgame, the government's strategic plan initiated in 2003 and the foundation of the new immigration control regime.

Anchored by Operation Endgame, the immigration control regime consists of four pillars:

- **Criminalization of status**, using new forms of racial, nationality/ethnic and religious profiling, making unauthorized entry a continuing offense and subjecting documented and undocumented immigrants to arrest, detention and deportation for minor offenses and immigration status violations. It includes the construction of a vast system of public and private jails and immigration police collaboration to detect, arrest and deport persons who have irregular or undocumented immigration status and permanent residents who may have committed an "aggravated felony," a deportable offense. Developed in the mid-1990s, the new regime consists of an inter-locking system of profiling, policing, public and private jails and prisons exclusively targeting immigrants or anyone who "looks or sounds foreign." As a result, racial profiling has intensified; ICE and other immigration policing are routinely sweeping up immigrants or persons who "pass" as people of color but not as citizens. Now hundreds of thousands of persons are being denied bail and legal counsel and representation, arrested without warrants, subjected to unreasonable search and seizures delivered with an overwhelming threat of deadly force, selective enforcement, mistreatment and inhumane detention conditions.
- **Militarization of immigrant and border communities**, where the U.S. relies almost exclusively on policing and incarceration of migrants and immigrants to "solve" the issue of unauthorized workers in the U.S. economy. Starting at the border with its "prevention through deterrence" strategy, which deliberately funnels migrants into the most dangerous regions of the border, the immigration control regime has established an enforcement corridor that starts at the border, extends into the interior, and follows migrants wherever they go in the U.S.⁴¹ Operation Streamline is the latest version of the "funneling" strategy, which uses and threatens unauthorized border crosses with criminal prosecution and jail as a presumed deterrence.⁴²
- **"Securitization" of immigration services and enforcement:** The formation of the Department of Homeland Security in 2003 signaled the transition to the new

regime with the almost total linking of immigration services and enforcement to national security.⁴³

- **Trade, economic and other foreign and neo-liberal policies⁴⁴, which systematically displace communities**, forcibly pushing many into international migration, and funnel them as low-cost migrant workers who are subject to abysmal conditions and exploitation.

During 2000-2008, the Bush Administration developed and consolidated the infrastructure and strategies that now characterize the U.S. immigration control regime. Today, immigrant communities, which include citizens and non-citizens, continue to shoulder the brunt of DHS's immigration enforcement regime's impunity and lack of transparency, accountability and oversight. The new Obama Administration must critically review these impacts, including the curtailment of due process rights, the intensification of immigration-police collaboration and the heightened militarization of immigration enforcement and border control in order to move forward to reform the current system.

In the absence of a legalization program and the protection of the rights of all immigrant and native born workers and families, LGBT people, children, women, Indigenous people, increased ICE enforcement will continue to descend upon our communities without any accountability and mechanisms for humanitarian relief and redress. ***Our immigration laws and policies will continue to devastate communities until there is a complete de-linking of immigration services and enforcement from the politics of national security.***

The stories documented in *Guilty by Immigration Status* are the face of U.S. immigration laws, policies measures and strategies. These stories highlight long-term concerns and problems with immigration services and enforcement, including but not limited to lack of accountability and oversight, pervasive criminalization of status and its concomitant and systematic violation of due process rights and other Constitutional protections. They represent a small fragment of the problems, challenges, and conditions faced by immigrant communities throughout the U.S.⁴⁵ The stories reflect the challenge of being confronted with the deeply seated normalization of violence and abuse and where only the most egregious abuses are reported, enforcing a resounding silence on the more pervasive and persistent conditions that are the root causes of rights violations and abuse.⁴⁶

Key Findings

Guilty by Immigration Status finds that:

ICE enforcement operations and raids are used as a deliberate tool and strategy to intimidate and destabilize communities. Immigration enforcement and policing is destroying families and resulting in whole-scale violations of the due process and constitutional rights of immigrant families, workers and communities. These ICE enforcement operations also often leave local and regional economies in shambles.⁴⁷ When ICE carries out raids and other high profile enforcement operations, ICE sends shock waves of fear through the community. Fearing detection and deportation, parents stop sending their children to school and do not go to stores, believers stop going to church services and workers stop going to their jobs. ICE deliberately uses their enforcement actions as a force of attrition to cover immigrants into self-deportation and exposes them to further abuse, exploitation and crime.⁴⁸

ICE enforcement operations reinforce rampant workplace abuses and labor violations against immigrant workers. Unscrupulous employers subject immigrant workers to harassment, lay-offs, non-payment of wages and substandard wages and dangerous working conditions by as a result of SSA “no-match” letters and E-Verify, both tactics of worksite enforcement operations and the further development of employer sanctions.⁴⁹ ICE also carried out high profile worksite raids where there was an on-going labor dispute; the most egregious examples of recent raids against workers were in Postville,⁵⁰ Iowa and in Laurel, Mississippi.⁵¹

The detention of persons solely for *immigration status* is at an all-time high. In 2008, the Department of Homeland Security detained and deported record numbers of immigrants, documented and undocumented, including unparalleled incarceration of immigrants solely for being undocumented.⁵² Operation Streamline on the U.S.-Mexico border and its informal extension into the U.S. interior automatically criminalizes and jails persons for immigration status and makes unauthorized entry a continuing offense with no statute of limitations or redress in sight.⁵³ Immigrants are jailed in overcrowded detention facilities and suffer inhumane conditions, with no or inadequate medical care and little to no oversight or accountability for abuses perpetrated against detainees and their families.⁵⁴

Deportations separate and devastate families, traumatize communities, and violate due process rights through broad government implementation of deportation programs such as “Secure Communities” and others targeting persons in local, county and state jails. Immigration enforcement and policing also disrupts local and regional economies, impacting the national economy, and are a drain on funding that could otherwise be invested to provide services.

Inter-agency and police collaboration in immigration control undermines community safety and makes immigrants more vulnerable to abuse and exploitation. ICE formally and informally collaborates with local, county, state police, airport officials, Child Protective Services, Department of Motor Vehicles and other public agencies. Immigration policing collaboration relies on the use of racial, ethnic/nationality and religious profiling. Inter-agency and immigration police collaboration compromises public safety because immigrants will hesitate to report crimes to the authorities that also threaten them with apprehension and deportation.⁵⁵ Immigration police programs and collaboration undermine crime-fighting and gut due process rights. Once police arrest a

person for criminal charges that do not stick and they turn them over to ICE for immigration status, they curtail due process rights.

The government's unrelenting militarization of immigration and border control causes deaths and deliberately violates the rights of Indigenous people, workers, migrants and communities of color at the border. Local law enforcement, courts, and jails within the nation's poorest 24 counties in California, Arizona, New Mexico and Texas⁵⁶ are deeply affected by the increased militarization of the U.S.-Mexico border.⁵⁷ In addition to the DHS intentionally funneling migrants into the most dangerous areas of the desert and mountains areas of the border region where thousands of migrants have died and disappeared⁵⁸, members of border communities face more checkpoints restricting access to vital services, making them increasingly vulnerable to physical/sexual, legal and emotional-psychological abuse by border officials. Employers use immigration status to exploit workers and DHS subjects large swaths of the border community to special programs of criminalization like Operation Streamline.

Local, county and state xenophobic and anti-immigrant legislative, policy proposals and ordinances across the country fueled a climate that has condoned hate violence against immigrants. The FBI reported a significant and steady increase in hate crimes against Latinos since 2004.⁵⁹ The American Arab Anti-Discrimination Committee also reported an increase in hate crimes against Arab and South Asian immigrants.⁶⁰ Members of hate and anti-immigrant groups that have carried out attacks against immigrants inflict violent blows and severe injuries to the body, many times resulting in death. The official policies that intensify criminalization also fuel hate crimes against Latino, Asian, Arab, Muslim, African, South Asian immigrants and other people of color, whether they are immigrants or perceived to be immigrants. White supremacist and hate groups, under the shadow of U.S. immigration laws and policies, are fomenting hate and carrying out acts of violence against immigrants, including racist murders, injury and deliberately creating a climate of fear.⁶¹

ICE Raids and Enforcement Operations

"They [ICE] wouldn't let me see my mother or brother. I wanted to make sure they were ok, had a warm jacket on, money and a calling card. When I asked to speak to their supervising officer, they kicked me out of the visitor's area and accused me of banging on their window; as if the separation of our family was not bad enough, they had to treat me this way and humiliate me after refusing to let me see my family before they were deported."

– UC Berkeley student whose mother and college-bound brother were deported less than 24 hours after ICE agents raided their Sacramento home on October 29, 2008.⁶²

ICE raids and other enforcement operations continue to be used to intentionally destabilize immigrant communities, separating families, and violating the constitutional due process rights of native born and immigrant workers, their families and communities. ICE agents conduct raids usually clad in black clothes, wearing bulletproof vests and ski masks and carrying high-powered rifles and side arms. DHS, ICE, and CBP have become a paramilitary-style police force that treats undocumented workers and immigrants with the threat of deadly force.⁶³

Although ICE worksite raids represent a minute percentage of the hundreds of thousands of immigrant workers and others swept up, ICE uses raids to deliberately instill fear and intimidate communities at a exorbitant price to our rights and the economy.

Over the past eight years, ICE deliberately used high profile workplace enforcement operations, or raids, to instill fear in immigrant communities and undermine their rights. However, deportations through ICE workplace enforcement are a small fraction of the total number of persons deported. For example, in 2007, DHS deported over 285,000 persons, documented and undocumented, with only 4,077 deported through workplace enforcement. In fiscal year 2008, DHS increased deportations over 20%, deporting some 349,041 persons; less than 6,000 were through workplace raids. This does not include the tens of thousands who are detained, jailed and deported from the U.S. Southwest border regions.

DHS ICE enforcement operations are extremely costly to implement and have long-term consequences on local and regional economies, causing severe economic dislocations and unemployment. For example, the ICE enforcement operation in Postville, Iowa, where ICE ended up jailing 389 workers at the AgriProcessors plant, cost some \$5.2 million, an average of \$13,368 per worker.⁶⁴ NNIRR's two previous reports on rights violations against immigrants and refugees detail that in 2003 for every nine dollars DHS spent on immigration enforcement, DHS only spent one dollar for services. In 2006-2007, DHS spent six dollars for every one dollar spent on services.⁶⁵

ICE uses the threat of deadly force to detain immigrant workers.

In over half of ICE's immigration enforcement operations, including worksite raids and "fugitive operations" documented by NNIRR in 2008, DHS and ICE exercised an overwhelming use of force, arriving at worksites, homes and neighborhoods fully armed. ICE deployed at least twice as many immigration officers as persons arrested. ICE enforcement operations created an atmosphere of fear and intimidation, with widespread arrests and detention of persons solely for their immigration status. ICE enforcement

operations left in their wake devastated families, deliberately traumatized communities and a local economy in disarray.

Examples of overwhelming use of force

October 2008: Nearly a dozen ICE and US Marshals vehicles and armed agents descended upon the small town of Walden, NY, blockading the street and evacuating an entire building to arrest one man: Rudolfo Caltenco, a 59-year-old mechanic accused of ignoring a deportation order from 1988. Within ten days ICE deported Mr. Caltenco, who had no money and only the clothes on his back. His crime? Mr. Caltenco was working to support his family in Mexico and the U.S.⁶⁶

"By the time we found out he had been arrested by ICE and went to the DRO offices in NYC, he was no longer there. It was so frustrating," explained Jasmine Caltenco, Mr. Caltenco's daughter who is a U.S. citizen. "Then we went to New Jersey to look for him, and we saw him there. It was so sad, seeing my father so scared. This is unfair, what they are doing to him. He doesn't deserve this. He didn't do anything wrong."⁶⁷ Jasmine was a college bound student who had to take a year off of school to work and help provide for the family after ICE deported her father, the family's main breadwinner.

May 2008: In Postville, ICE mobilized a small army of some 800 armed agents to arrest half as many workers, most of whom were charged with aggravated felonies for immigration-related violations, and who had no prior criminal record nor outstanding deportation orders. They were swept up in a dragnet to catch any undocumented immigrant who stood in its way.⁶⁸ The Postville ICE enforcement operation is a prime example of how ICE used the criminal justice system to carry out swift deportations. ICE also subverted the purpose of the criminal justice system through a plea deal that offered disproportionate and severe terms in relation to the alleged offense and coerced the workers to quickly accept the deal or else face worse terms.

"Collateral arrests:" Warrantless detentions and deportations

ICE enforcement operations routinely detained and deported persons without a warrant. ICE indiscriminately swept up citizens and non-citizens during enforcement operations, calling them "collateral" arrests in an attempt to justify their arrest in violation of due process and Constitutional rights. For instance, in Van Nuys (CA) ICE agents raided Micro Solutions Enterprise, unlawfully arresting and detaining workers based on their perceived immigration status, including legal permanent residents who later filed a lawsuit citing excessive use of force and due process rights violations.^{69 70}

In New Jersey, members of ICE's "fugitive operations" team forced their way into several homes and arrested persons without a judicial warrant, including the homes of U.S. citizens and legal permanent residents. ICE agents, at gunpoint, threatened a nine-year-old boy in his own home.⁷¹

In Texas, just days after ICE raided Pilgrim's Pride, a poultry-processing plant, ICE agents raided the home of an employee and unlawfully arrested him after wrongfully accusing him of using a false social security number.⁷²

ICE enforcement operations violate workers rights and undermine union organizing

ICE raids, or enforcement operations, undermine organizing and punish workers who endure substandard working conditions, discrimination, and harassment at the workplace. In raids documented by NNIRR's HURRICANE initiative in 2008, where employers cooperated fully with ICE's enforcement operation, employers were subjecting workers to egregious labor rights violations. This included not paying minimum wage, non-payment of wages, including overtime work, threats of deportation, denying access to or not providing safety equipment and not meeting safety standards, sexual and verbal abuse and harassment by immediate supervisors.

ICE also violates longstanding policy that prohibits ICE from carrying out enforcement in workplaces where there is a labor dispute. At least four major ICE raids in 2008 were carried out against companies undergoing investigations for labor rights violations, including Pilgrim's Pride (TX, TN, AK, FL, WV),⁷³ Agriprocessors, Inc in Postville (IA),⁷⁴ Shipley Donuts in Houston (TX),⁷⁵ and Howard Industries in Laurel (MS).⁷⁶

In addition, the government's use of employer sanctions does nothing to hold unscrupulous employers accountable and facilitates workplace abuse, disproportionately affecting immigrant workers organizing for living wages and improved working conditions.⁷⁷ In fact, employers who collaborated fully with ICE during a "worksites enforcement operation," or raid, deceived workers into attending a phony "staff meeting" or "mandatory training" where the workers are then turned over to ICE, in order for the employer to avoid prosecution for "knowingly hiring unauthorized workers." Immigrant workers in Asheville, (NC) King of Prussia (PENN), and several others were arrested this way.⁷⁸

Immigrant workers were also subjected to harassment, lay-offs, non-payment of wages and substandard wages and working conditions by unscrupulous employers as a result of SSA "no-match" letters and E-Verify, both elements of worksite enforcement operations and the further development of employer sanctions.⁷⁹

In San Jose, CA, Home Depot management fired Mr. Jorge Nateras, a 7-year employee, after requesting that Nateras re-submit his work eligibility documents, based on a Social Security "no-match" letter. Just a few months earlier, Nateras' wife had begun to receive intensive breast cancer treatment through Mr. Nateras' work-based health insurance. After several denials to Nateras' requests to access his personnel file to verify that there was indeed a letter from SSA, Home Depot fired Mr. Nateras, leaving his wife without health coverage and treatment.⁸⁰

ICE house arrest is not "humanitarian" release

All I could think about are my two children. I am a single mom and it's not easy. My baby is only 5 months old. I am still breastfeeding him. When I had the ankle bracelet, he got really sick and had itchy and painful skin rashes. Because of his delicate skin condition, he had a bad allergic reaction to the ankle bracelet I had to wear."

-- Jasmin Zavala, former janitorial worker, after ICE raids at ABM Janitorial Services, a subcontractor for the county courthouse in King of Prussia, Pennsylvania (October 2008).

ICE's "humanitarian release" policies maintained immigrant workers and their families in a virtual prison through the use of electronic monitoring devices or ankle bracelets, a GPS tracking device used by immigration officials to closely monitor immigrant detainees who are released on "humanitarian" grounds.⁸¹ Such bracelets have been criticized for restricting mobility, causing physical harm. Workers have reported severe emotional and psychological trauma due to the social stigma, lack of mobility, and the humiliation of being under constant surveillance in one's own home when forced to wear the electronic monitoring ankle bracelet

After an ICE raid at the House of Raeford's Columbia Farms in South Carolina where over a third of the workers arrested were women, 77 of them – mainly mothers with young children – were placed on house arrest and forced to wear an electronic monitoring ankle bracelet for several months before many of them were deported.⁸²

Enforcement Operations by the Numbers

- Although extremely costly, less than 2 percent of the 356,739 persons deported in FY 2008 were identified through high profile and worksite raids.⁸³ Meanwhile, increased funding for local police collaboration with ICE and other programs to expedite the removal of immigrants (including legal permanent residents) in local, county, and state prisons under the Secure Communities Initiative have resulted in the massive spike in deportations.⁸⁴
- In FY 2008, ICE consistently applied overwhelming use of force and agents outnumbered persons arrested during worksite raids and fugitive operations by an average of three to one.⁸⁵
- ICE Fugitive Operations Teams, part of DHS's strategic 10-year plan Operation Endgame, increased to 104 teams in 2008, up from eight teams in 2003.⁸⁶
- 75 percent of persons arrested by ICE fugitive operations teams since its inception in 2003 did not have a criminal record or outstanding deportation order.⁸⁷ In 2007, an alarming 40% were arrested solely for immigration status violations. In spite of this, Congressional financing for "fugitive operations" rose from \$9 to \$218 million in five years.⁸⁸
- ICE's fugitive operations teams made more than 34,000 arrests in FY 2008, a record level, representing more than double the number of arrests made in 2006.⁸⁹
- In August 2009, John Morton, assistant secretary of homeland security for ICE, revealed that in 2004 each DHS ICE fugitive operations team had to arrest at least 125 "fugitive" immigrants.⁹⁰ In 2006, each ICE team's quota was increased to 1,000 arrests. An internal ICE report released earlier in 2009 showed that ICE agents arrested two dozen Latinos at a Maryland convenience store in 2007 after their supervisor told them to boost arrests because they were behind reaching their goal.⁹¹

Detentions and Deportations

ICE detentions and deportations separate and destroy families, traumatize communities, and trample due process rights through broad government implementation of deportation programs such as “Secure Communities” and other programs targeting persons in local, county and state jails.

DHS ICE detentions of persons solely for immigration status are at an all-time high. Persons whose only offense is residing and working in the U.S. without authorization are being jailed in overcrowded detention facilities where they are subjected to inhumane conditions, lack of or inadequate medical care and little to no oversight or compliance with standards.⁹²

The abysmal and often dangerous conditions in ICE immigration detention facilities force jailed immigrants to make impossible choices. ICE subjects detainees to conditions that threaten their health and well being as they challenge their removal or serve their sentence. If they are deported voluntarily or involuntarily to their country of origin or remain jailed, their families’ health, economic and emotional well-being are jeopardized.

Deportations have increased dramatically through the expansion of ICE ACCESS programs⁹³ such as Secure Communities that detect and identify persons in local, county, and state jails who are “eligible for removal.” In many cases detainees are coerced to “consent” to their removal.⁹⁴

I saw people in the jail who suffered from serious injuries. One person fell from top bunk and dislocated his shoulder. He asked for medical attention and jail officials did not offer any help – all they gave him was a bandage and painkillers. I argued with them, and they said they couldn’t afford it. People had hernias, chest infections, heart and spinal problems; people who were not mentally stable who were beaten by other detainees.

I myself suffered from a severe chest infection; I knew I needed antibiotics, not painkillers. They refused and stopped responding to my sick calls. The nurse said any person who makes any noises or complaints is categorized as “low-priority” in terms of medical attention, and labeled as a troublemaker.

One detainee who witnessed the death of another detainee was punished with one month of solitary confinement for calling 911. The other detainee had been ill for over a week and jail officials ignored it; he suffered of cardiac arrest and fell when he tried to get up and walk. There were no Spanish-speaking nurses although 80 percent of detainees are Spanish-speaking. At times they outright refused any medical attention to detainees.

Jail authorities are extremely abusive to detainees; we don’t have rights in there.

-- Pakistani doctor jailed at Piedmont Regional Jail in Virginia, under ICE custody for 8 months, falsely accused of visa fraud and threatened by ICE and CBP officials to withdraw application to enter the U.S. legally⁹⁵

In nearly half of the 100 stories profiled in the 2008 Chronology of Abuses,⁹⁶ ICE initiated deportation proceedings through information obtained after flagrant violations of due process and Constitutional rights during initial encounter with local law enforcement agents. In addition, often because of racial profiling of people perceived to be “foreign,” ICE routinely detains law-abiding residents during worksite and home raids, DUI

checkpoints, routine traffic stops, and other encounters with local, state, or federal law enforcement agencies.

The criminalization of immigrants and their families and communities has a profound and lasting effect on children separated from their families, workers stripped of their livelihood, and marginalized communities that face severe rights violations and disenfranchisement through increased surveillance, policing, service cut-backs, and unemployment.⁹⁷

ICE detention and deportation abuses by the numbers

- ICE now jails as many as 33,400 people on any given day, solely for their immigration status, a civil violation. Immigrants in detention for civil violations related to immigration status are currently the third largest group of persons in federal detention.⁹⁸
- Over 104 immigrants have died in federal custody since 2003, including deaths of persons seeking asylum or who faced deportation for non-violent civil immigration violations; one-third of those who died in detention were being jailed in privately run facilities.⁹⁹
- DHS is prosecuting immigrants in federal courts across the country at alarming rates.¹⁰⁰ Federal courts saw criminal prosecutions for immigration-related charges jump to 89 percent in August 2008. The most common charge in immigration prosecutions is "reentry of a deported alien" according to the Transactional Records Access Clearinghouse (TRAC), with the majority of cases in Texas and Arizona under Operation Streamline.¹⁰¹ The federal prosecution of persons for immigration status violations makes a mockery of due process as in the case of Postville, Iowa ICE raid, where immigrant workers were literally held in "concentration camp or detention center"¹⁰² and processed en masse in a makeshift court in the National Cattle Compound.
- ICE deportations reached a record-level high in fiscal year 2008, with 356,739 persons deported, a 20 percent increase from the previous year.¹⁰³
- The federal government has dramatically increased the use of "stipulated removal" targeting low-income immigrants in detention without legal representation. ICE has deported nearly 100,000 people since 2003 through the use of stipulated removal orders.¹⁰⁴
- ICE used harmful chemicals and medication to sedate and forcibly deport 384 immigrants since 2003, an average of 64 per year, with nearly 40 percent from Africa.¹⁰⁵
- The U.S. deports an average of 97 Mexican children on any given day. Over a quarter are younger than 12 years old, and some 50% are unaccompanied by an adult.¹⁰⁶
- As of FY 2008, ICE spends \$135 million per year to deport people via airplane.

Inter-agency and police collaboration

"My three children and I were headed home after my last prenatal doctor's visit, when the police stopped me. The officer immediately asked for my driver's license and registration. I gave him the registration and told him I do not have a license; that I only have the ID given to me by the Mexican consulate. He had me waiting in the hot sun with my 3 children for nearly an hour while he checked my documents. He didn't tell me anything, like why he had stopped me. The officer simply told me to call someone to pick up my children because I would be going with him. I was arrested on July 3rd at 12:40 p.m. Eight days later I went to court; on July 10th was when I learned about the charges against me. Until that point, I did not know why they had detained me since I had not done anything wrong."

-- **Juana Villegas**, 9 months pregnant at the time, was arrested by Davidson County Police (TN) for driving without a license, and jailed due to an 'immigration detainer' placed on her as a result of 287g.¹⁰⁷

"My husband had never been arrested or stopped by the police before, nor ever been in any problems. He always went straight from work to home and home to work. This is unjust. He was on his way home from work when he was stopped. How is it possible that for a broken taillight my husband is detained and about to be deported, separated from his entire family? I have seen how the police are stopping and questioning people. It is usually Latinos, immigrants like us. I hear that usually when a Latino is arrested, he ends up getting deported. They are denied the right of release on bond."

-- **Delia Flores**, whose husband was stopped by Myrtle Beach Police on his way home from work for a "broken tail light" then arrested for driving without a license and turned over to ICE for deportation.¹⁰⁸

Police and inter-agency collaboration with ICE in immigration law enforcement has dire consequences for public safety and healthy community. Immigration police collaboration makes communities vulnerable to violence and exploitation. Immigrant members of our communities will not report crime or other threats to public safety to the police if they fear detection of their or their loved ones' immigration status.

Immigration-police collaboration deters community members from reporting crimes, or acting as witnesses, if they fear contact with law enforcement means jeopardizing their lives because their immigration status will be detected and end up in deportation proceedings. Where law enforcement agencies have already displayed a propensity to target people of color, formal or informal collaboration with ICE adds another layer of police misconduct or lack of accountability.

Inter-agency collaboration also undermines community health; families and workers are not able to access services to prevent or treat an illness if they fear the services will turn them over to ICE. This includes accessing state issued driver's licenses, which detracts from road safety, and further criminalizes persons with immigration status who are then subject to detention for a minor offense and deported.

Immigration policing is pervading all aspects of community life: local county and state governments, to solve a worsening fiscal crisis, introduce and pass ordinances, policies and laws that focus on immigration status to deny or limit access to public services.¹⁰⁹ More counties are resorting to ICE contracts to jail persons for immigration status violations. States, like Georgia and Arizona, have implemented some of the most draconian laws criminalizing immigration status to new lows and initiate

schemes to reduce and eliminate public services, scapegoating immigrants for their fiscal woes.¹¹⁰

States Pass Own Immigration Laws

State legislatures have been tackling immigration issues at an unprecedented rate since 2005. No less than 1,305 immigration-related pieces of legislation were introduced in 2008 alone, with at least one law or resolution enacted in 41 states. Laws passed related to employment, ID's/driver's licenses and law enforcement are among the most punitive.¹¹¹

Inter-agency collaboration by local, county, state police, airport officials, CPS, DMV, and other state agencies relies on and reinforces racial, nationality/ethnic and religious profiling to detect and apprehend persons eligible for removal. Immigration police programs and collaboration routinely violates the civil, constitutional, and human rights of immigrants and U.S. citizens.

Local, county, and state police across the country are not held accountable for civil, constitutional, and human rights violations perpetrated against immigrants who are targeted in routine 'checkpoints' and traffic stops, subjected to questioning on their immigration status, arrested, jailed, and expeditiously deported without access to legal counsel or the courts.

Local police target immigrants during routine traffic stops and at checkpoints, violating their Constitutional rights by questioning them about their immigration status, denying them the right to a lawyer, and taking severe measures such as impounding vehicles which include hefty fines of up to \$1500.

A family's pain

After a yearlong battle with the child welfare system, Maria and Sigifredo, the parents of two U.S. citizen children, were reunited with their children, but only after signing a voluntary departure order and return to Mexico. After taking their two month-old baby to the hospital to seek medical attention for their baby's leg, hospital staff and doctors began to ask them all sorts of questions.

After a few tests and x-rays, the doctors determined that the baby had a fractured femur and rib fractures that were now healed. Rather than thoroughly investigating the cause of the child's condition, they accused the parents of child abuse and called in social services. If the doctors had instead thoroughly examined the child, they would have found out that she suffered from "brittle bone disease."¹¹²

At their appointment with a social worker, they were asked to verify their status. Since Maria and Sigifredo did not have an ID and did not speak very good English, the hospital social worker reported them to ICE. Now the parents were being forced to simultaneously deal with the criminal justice and immigration control systems while fighting for the custody and well-being of their children. The court accused them of child abuse and denied them the right to see their children and refused to grant custody to the children's grandparents in Mexico so that their family could be together.

ICE-immigration police collaboration by the numbers

- As of November 2008, over 840 local, county, and state police officers were trained and certified through the 287(g) program; over half of these MOU's were signed in 2008 alone. Since 2006, over 70,000 people have been deported under 287(g) nationwide.¹¹³
- Formal agreements between local, county, and state law enforcement agencies with immigration officials through 287(g) programs target non-criminals in communities with a higher rate of Latino population growth and lower crime rates than the national average. 287 (g) agreements are being signed and implemented where there has been an increase of the Latino population, not an increase in crime.¹¹⁴
- In 2008, DHS began implementing "Secure Communities," a new enforcement program, to collaborate with police "to identify and remove criminal aliens [sic]" in federal, state, county and local jails. The Secure Communities initiative will use a database program to share information between ICE and other law enforcement agencies "to identify eligible criminal aliens for removal" in local, county, and state jails.¹¹⁵
- Secure Communities will increase racial profiling during immigration police collaboration; local police will no longer have to sign 287(g) agreements to check the immigration status of persons. ICE and police will cross-check a person's status during routine traffic stops or when they are being jailed.

U.S. Border Crisis

U.S. immigration and border control is causing a humanitarian crisis in migrant deaths and rights violations.

Called "prevention through deterrence," the U.S. border and immigration control strategy consists of deliberately funneling migrants through the most isolated desert and mountain regions of the U.S.-Mexico border. U.S. border security has caused thousands to have perished, disappear or suffer irreparable damage to their health and wellbeing. Since 1994, as a result of the U.S. strategy of militarizing immigration and border control, the remains of over 5,000 men, women and children have been recovered on the U.S. side of the border.¹¹⁶ Migrants who manage to survive the crossing are subjected to a gauntlet of social, economic and political exclusion, criminalization and automatic jailing and sentencing in the border regions and interior.

Increased and intensified militarization of the U.S.-Mexico border results in harassment, isolation, and the violation of the rights of border communities, including workers, migrants, Indigenous people and people of color who are subjected to intense policing, fixed and roving checkpoints that result in restricting access to vital services, increased vulnerability to physical/sexual abuse by border officials and more deaths at the border.¹¹⁷

Since the early 1990s, the process of militarizing border communities has included legislative measures that propose to build border barriers across the Southwest border between the U.S. and Mexico. To accelerate border wall construction, the Secretary of the Department of Homeland Security now has the unprecedented authority to waive any and all laws, policies and checks and balances that would prevent the U.S. government from building physical barriers and roads along the border. This has occurred without consultation of border communities, confiscating Indigenous lands and private property and public lands in Texas and other border states. Under the REAL ID Act, passed in May 2005, DHS's waiver authority overturns over 35 laws. The civil liberties of those who live along the border are at risk, as DHS has used intimidation tactics to force landowners to give up their lands for border wall construction.

Even more disconcerting is the increase in border deaths attributed, in part, to the border wall construction. While migration reports indicate that migration to the U.S. is down as a response to sagging economies worldwide, border deaths continue to increase. Border wall construction increasingly has pushed migrant flows through dangerous crossing areas, like mountains and deserts, and has made the trek to the U.S. longer. Migrants often travel up to 70 miles through horrific conditions in order to migrate to the U.S. While border wall construction historically has been a response to appease conservative perspectives on immigration policies, policies that seek to build more walls present a dangerous slippery slope for civil liberties, and perpetuate a human rights disaster along border communities.

The Militarization of the U.S. Border with Mexico and Canada

In November 2007, DHS abruptly notified members of the Lipan Apache indigenous community in South Texas and others whose private land abuts the Mexican border that their lands would be confiscated to build a massive border wall stretching east from South Texas. Eloisa Tamez, a member of the Lipan Apache community in El Calaboz, Texas, filed a monumental lawsuit to stop confiscation of her community's lands. Despite broad opposition to the border wall by environmentalists, local and county governments on the border, in 2008, the Lipan Apache community was unsuccessful in stopping the DHS land grab. Less

than 24 hrs after courts ruled in favor of DHS, the Border Patrol built significant portions of the border wall on the Tamez family lands that belonged to the Lipan Apache community.¹¹⁸

The border control strategies and policies that are associated with the U.S.-Mexico border regions are also being implemented along the U.S.-Canada boundary. While the U.S.-Canada boundary does not have the U.S.-Mexico border twin-city phenomena, states like New York, Michigan, Washington and other urban centers with Arab, Muslim and South Asian communities are being subjected to ICE and CBP agents using intensified religious profiling that is combined with racial and ethnic/nationality profiling to detain persons traveling on the northern border. ICE, Border Patrol and CBP agents have established roving and fixed immigration checkpoints where they conduct vehicle, commercial transportation and other types of identity and physical inspections within the U.S. The merger of U.S. national security, whose goal is to stop terrorism, with border and immigration control has not worked and only "ordinary" immigrants are being detained and deported.¹¹⁹

The Asian Law Caucus, Muslim Advocates and other South Asian, Muslim, and Arab organizations have documented excessive and intrusive questioning and detention by the Customs and Border Protection officials on grounds of religious affiliation and inquiries made about travel abroad.¹²⁰

U.S. border control endangers the lives of children

NNIRR interviewed five families living in Harlingen, Texas, with young U.S. citizen children who have rare health conditions and require constant medical attention and care. Immigrant communities in Harlingen are challenged by a lack of access to and limited social services. All but one of the families NNIRR interviewed, are headed by single mothers, who have had to deal with immigration agents throughout their quest to obtain adequate health care and treatment for their children.

All of these families have faced extreme hardship due to immigration

enforcement at the checkpoint when traveling from Harlingen, which is in the lower Rio Grande Valley, to the Corpus Christi Hospital, where the best treatment for children with special needs is available. This is one of their stories.

Immigration agents first detected me on my way to Corpus Christi Hospital, in the ambulance with my newborn baby in critical condition, weighing only one pound at birth. Daniela and her twin sister were born prematurely; only she survived although with several health problems requiring several surgeries within a year after her birth. Usually, in such cases, we are transported via airplane, but due to the bad weather that day, we had to travel by land.

When we arrived to the checkpoint they began to ask me several questions, and I answered with the truth. I was afraid of them, but mostly I was afraid of losing my baby. I told them I did not have a permit to go beyond this checkpoint but that my child was in critical condition and needed immediate attention.

It had only been one week since I buried my other baby (her twin) and I was terrified of losing her, too.

They made us wait one hour until they finally allowed us to continue, but not without sending an ICE police vehicle to follow us all the way to the hospital. As

soon as we arrived at the hospital and my baby was declared stable, the ICE agents detained me for four hours until they issued me a permit to return with my daughter, which was not until pre-dawn the following morning.

The worst part of all this is that ICE agents did not care about the critical health condition of the baby. She could have died right in front of them and they would continue to interrogate and harass me with no regard to one's humanity.

-- Claudia Zepeda, mother of three. ¹²¹

As mothers, we go hours without eating, days with no sleep, in the struggle for our children. It is like navigating a boat against a strong current. We are fighting for the lives of our children. What we experience is a mental and emotional exhaustion, an excessive amount of stress because of la migra – it is unfair to us. We have the right to fight for our children and to see their health improve.

-- Parent of child with special needs fighting deportation and the right to stay with her family in the U.S. and continue to provide special care for her 1 year old child.

U.S. militarization of immigration and border control by the numbers

- In 2008, the remains of 183 people were recovered on the U.S. side on Arizona border alone. Human rights advocates and community organizations report that at least 50% of all deceased migrants at the border are recovered in Arizona.
- During the first six months of fiscal year 2009 (October 2008-March 2009) the remains of some 69 individuals were recovered on the U.S. side of the Arizona-Sonora border.¹²²
- 6,000 new Border Patrol agents were hired in FY 2008.
- By the end of FY 2009, the Border Patrol will have 20,000 agents – a record number in the agency's history.
- Abuses perpetrated by Border Patrol agents are up by 6.6 percent since 2004, with a 17 percent increase for physical abuse alone.¹²³
- Through the appropriations process, Congress gave DHS \$9.7 billion for FY 2009 to continue enforcing the border, over \$200 million than the actual request for "securing the border."
- The U.S. government construction of border wall will cost taxpayers a projected \$6.5 billion over the next 20 years, in addition to the \$2.4 billion already spent to build more than 600 miles along the southwest border.¹²⁴
- DHS initiated Operation Streamline in December 2005 on the Del Rio, Texas sector of the U.S.-Mexico border and extended to Arizona in 2006. Operation Streamline guts the due process rights of persons charged with being unauthorized entry and automatically jails and tries them. First time offenders are given up to a six-month sentence. If a person is detained after having been deported and returned, they face a charge of "illegal re-entry," which carries a prison sentence ranging from two to twenty years. Second-time offenders serve up to a two-year sentence and third time offenders up to a ten years. DHS criminalization has made unauthorized entry a continuing offense.¹²⁵

Recommendations

To fulfill the long-held promise of legalization, the Obama Administration and Congress must prioritize in immigration reform the protection and expansion of rights and the elimination of current abuses, and a commitment to prevent them from taking place again. Without de-criminalizing immigration status – which includes repealing employer sanctions, de-linking immigration services and enforcement from national security and withdrawing immigration law enforcement from the workplace and other private and public spaces -- proposed immigration reforms would continue to deepen and reproduce the humanitarian crisis that is engulfing immigrant families, workers and communities.

Given the uncertain schedule and provisions of a major immigration bill, we urge the Administration to act swiftly to:

- Restore due process rights and other Constitutional protections, while expanding access to the Courts.
- End the practice of jailing persons solely for immigration status violations, except where there is a particularized finding of high risk to public safety.
- End the practice and policies of workplace and home raids and enforcement operations that target and criminalize persons solely for their immigration status;
- Suspend all detentions and deportations, prohibiting high profile raids and enforcement operations, and place a moratorium on the expansion of the immigration detention facilities; investigate abuses and establish and implement appropriate accountability, monitoring and oversight mechanisms
- End all selective enforcement programs including Operation Streamline and other programs that perpetrate the criminalization and demonization of immigrants.
- End inter-agency and police collaboration with immigration authorities and end all local, county and state government and police participation and policy-making in immigration enforcement, restoring the federal mandate over immigration services and enforcement;

These steps are necessary to alleviate the trauma, family separation, discrimination and undue fear facing immigrant workers and families. This is also important to reshape the current climate so that all immigrants can participate in programs to regularize their status as soon as Congress establishes such programs.

In developing workable policies and immigration reforms that restore and protect our labor and civil rights and guarantee equality before the law, NNIRR also urges Congress, with the support of the Obama Administration, to:

- Expand access and options to adjust immigration status for undocumented immigrants.
- Increase and expand civil and labor rights protections for all immigrant and native-born workers.
- Increase options to legal avenues of immigration, legal permanent residency and citizenship.

- Expedite family reunification; end the backlog and shift resources and investment from immigration enforcement to immigration services.
- Repeal employer sanctions and end the E-verify program; expand worksite protections and enforcement of labor rights, including stopping the use of SSA “no-match” letters and ending prosecution for so-called “ID theft.” Instead, increase Department of Labor worksite inspectors, issue Social Security numbers so that all workers are credited for their contributions to the economy and eliminate all immigration law enforcement activities from the workplace, neighborhoods and other spaces to ensure public safety and stable communities.
- Shift resources and investments from policing, detention centers, jails and prisons to services.
- Demilitarize immigration and border controls and end the “prevention through deterrence” policies, practices and strategies that deliberately “funnel”¹²⁶ migrants through the most isolated and dangerous desert and mountain regions of the border;

Finally, we urge policy makers to consider the root causes of displacement and international migration, and engage in responsible global engagement policies to support sustainable economic development and job creation in developing countries, which addresses the growing crisis of climate change and its impact, and supports democracies, not repression.

Conclusion

***Guilty by Immigration Status* concludes that the U.S. government has criminalized immigrants and militarized immigration and border control to unprecedented levels.** DHS immigration enforcement and border control have had deadly consequences for the rights and wellbeing of immigrant and refugee families, workers and communities and citizen and non-citizen people of color.

The new U.S. immigration enforcement regime, which continues to link immigration enforcement and services to the country's national security, is evolving new forms of racial profiling and deepening the criminalization of immigration status. Under this regime, the militarization of the U.S.-Mexico border is expanding with billions of tax-payer dollars committed to the construction of a border wall and the unleashing of new technologies that have not deterred migration, but that have deliberately funneled people to cross the border through the most dangerous terrains and potential death.

The restriction of the border follows migrants wherever they go. They are also "funneled" into certain industries, subjected to extensive policing where they live and work, are exploited and forced to work under inhumane conditions. Being an "immigrant" means having certain jobs, wages, inadequate or no services, limited educational and economic opportunities and living under the constant threat of jail and removal.

Although the Obama Administration has promised a thorough review of immigration enforcement programs and practices – and, indeed, DHS has proceeded with reviews and briefings in sharp contrast to the Bush Presidency – *the fundamental policies and programs that have shaped the immigration control regime developed over the last decade continue unabated.* While repudiation of the harshest and most discriminatory policies and practices is always welcome, the Obama Administration has yet to distinguish its stated commitment to human rights and fairness. **Unfortunately, the promise of immigration reform, particularly the central provision to regularize the status of undocumented immigrants, will be severely undermined without the suspension of the kinds of enforcement actions that have instilled fear and caused horrible hardships for immigrant workers and their families.**

At a time when the U.S. has pledged responsible global engagement, the Obama Administration and Congress have an unprecedented opportunity to shift foreign and economic policies towards sustainable economic development and job creation in developing countries, for "fair" trade programs, for real solutions to the climate change crisis, and support for human rights, peace and democratic developments. By addressing the root causes of involuntary or forced displacement and migration, including economic restructuring, political instability and strife caused by "free" trade and other neo-liberal policies, the U.S. government can begin fulfilling its role and responsibility to the world community to uphold and protect the human rights of all migrants, indeed, all persons in the United States.¹²⁷

Finally, *Guilty by Immigration Status* demonstrates that ending ICE raids, or enforcement operations, will not be enough. Immigration law enforcement must be withdrawn from the workplace to ensure labor rights and protections for all native and foreign-born workers. DHS must suspend all detentions and deportations resulting from the intrusion of immigration policing in neighborhoods, homes, on roads and highways and public spaces to ensure community safety and stability. Restoring due process rights and holding DHS accountable to our communities will help to ensure that immigration reforms protect our rights and renovate our nation's commitment to equality and justice for all.

Acknowledgements

The National Network for Immigrant and Refugee Rights (NNIRR) deeply thanks all the individuals, organizations and community groups who contributed their stories, feedback, analyses and struggles that made this report possible. *Guilty by Immigration Status* is dedicated to the families, workers and communities who have endured the abuses reported herein and who together, with their community groups, partners and fellow organizers and activists, are taking on one of the most significant challenges and battles for human rights: to arrive at a day when migrants and their more sedentary sisters and brothers will not be judged by the documents, passports or visas they bear but by their role, transformative presence and work they contribute many times selflessly in our neighborhoods, communities, workplaces, cultural centers and countries. NNIRR alone is responsible for the analyses, findings, recommendations and conclusions – and any errors in the report – and apologizes in advance if we have inadvertently left out anyone who contributed or helped shape *Guilty by Immigration Status*.

On the cover artwork

The cover of *Guilty by Immigration Status* features excerpts from artwork created by a legal permanent resident during immigration incarceration. He was jailed for ten months at the Eloy Detention Center in Arizona after completing a sentence in a California state prison. He did not want his name to be used. This is an excerpt from the letter he sent to NNIRR explaining his artwork:

We were never blindfolded, but all of us at Eloy felt as though we were blindfolded. We never knew what the DHS was going to do with us. We never got an honest answer from ICE. Our extended time in Eloy only proves that they do exactly what they want with us.

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Endnotes

¹ By “immigration policing,” NNIRR means a broad category of policies, measures, practices, laws and even customs that directly and indirectly give actual or perceived power to private citizens, law enforcement agents, employers, public service providers, landlords and local, county and state governments to inquire, check and/or verify the immigration status of a person in order to hire, give them access to services, rent, lease and/or sell housing, land and other private property or whether that person’s rights change, are weakened or is perceived to have “no rights” as a result of their actual or perceived immigration status in any given situation in the criminal justice system, public spaces, worksites and diverse social settings (in social, health and education services; stores, streets, places of worship and recreation). Additionally, the concept of “immigrant” has become part of the racial lexicon of the United States and refers to non-white immigrants. “immigrant” has become a racial category applied to immigrants who do not “pass” as “white” and/or are considered people of color and whose citizenship is constricted or denied as a result. Immigration policing has propelled the development of new forms of discrimination based on racial, ethnic or nationality and religious profiling, developing dynamically especially after 9/11.

² See NNIRR’s 2008 HURRICANE “100 Stories Chronology and Raids Timelines” available at <http://www.nnirr.org/hurricane/FINAL%202008%20100%20Stories%20Chronology.pdf>
<http://www.nnirr.org/hurricane/NNIRR%20Summary%20%20Raids%20Chronology%202008.pdf>

³ See NNIRR’s first HURRICANE report, covering 2006-2007, *Over-Raided, Under Siege: U.S. Immigration Laws and Enforcement Destroy the Rights of Immigrants*, released in January 2008. Available at http://www.nnirr.org/resources/docs/UnderSiege_web2.pdf

⁴ Read or download NNIRR’s HURRICANE’s 2008 “100 Stories” and “ICE enforcement and raids” chronologies at www.nnirr.org/hurricane. ICE immigration enforcement operations documented in the HURRICANE raids chronology represents about one-fourth of the total raids, or enforcement operations, reported by ICE.

⁵ In November 2008, a family court judge in Pascagoula, MS, took away the newborn girl of Cirila Baltazar Cruz, an undocumented Indigenous woman from Mexico, two days after she gave birth. The judge cited Ms. Baltazar Cruz’s status as one of the key reasons for recommending that Ms. Baltazar Cruz’s baby be put up for adoption. Even if press reports were correct, that Ms. Baltazar Cruz lost her child as a result of inadequate translation or lack of an interpreter who spoke her Indigenous language, the judge could have set conditions for her to regain custody of her child instead of out-right putting her in adoption. Instead the judge used the mother’s immigration status to circumvent the process that would have kept the family intact. Now Ms. Baltazar Cruz faces permanent separation from her child and deportation. See report by *Time Magazine*, “Can a Mother Lose Her Child Because She Doesn’t Speak English?” By Tim Padgett with Dolly Mascareñas / Oaxaca; published Thursday, Aug. 27, 2009; available at <http://www.time.com/time/nation/article/0,8599,1918941,00.html>

⁶ See the PEW Hispanic Center report, “A Rising Share: Hispanics and Federal Crime,” by Mark Hugo Lopez, Associate Director, Pew Hispanic Center, and Michael T. Light, Pennsylvania State University, available at <http://pewhispanic.org/reports/report.php?ReportID=104> The authors highlight that “[a]mong sentenced immigration offenders, most were convicted of unlawfully entering or remaining in the U.S. Fully 75% of Latino offenders sentenced for immigration crimes in 2007 were convicted of entering the U.S. unlawfully or residing in the country without authorization.”

⁷ ICE deportations reached a record-level high in fiscal year 2008, with 356,739 persons deported, more than double since fiscal year 2004. See <http://www.ice.gov/pi/nr/0810/081023washington.htm>

⁸ See “Interpreting after the Largest ICE Raid in US History: A Personal Account” by Erik Camayd-Freixas, Ph.D., Florida International University, June 13, 2008. This is a personal account describing the ordeal ICE subjected Postville workers who were detained during and after the raid, with blatant violations of due process rights, dehumanization and criminalization; available at <http://graphics8.nytimes.com/images/2008/07/14/opinion/14ed-camayd.pdf>

⁹ See ICE Annual Report Fiscal Year 2008, “Protecting National Security and Upholding Public Safety;” available at: http://www.ice.gov/pi/reports/annual_report/2008/ar_2008_page3.htm

¹⁰ See ICE Fiscal Year 2008 Annual Report: http://www.ice.gov/doclib/pi/reports/ice_annual_report/pdf/ice08ar_final.pdf

¹¹ In 2008 alone, ICE arrested 1,981 persons in six major raids across nine states, over one quarter of the total worksite raids arrests that year. The six major ICE worksite raids in 2008 averaged 330 arrests per raid and were carried out in key locations, targeting long-standing and emerging immigrant communities in: Van Nuys-CA (February), TX, AR, FL, TN, WVa. (April), Postville-IA (May), Houston-TX (June), Laurel-MS (August), and Greenville-SC (October). See NNIRR 2008 Raids Chronology: <http://www.nnirr.org/hurricane/NNIRR%20Summary%20%20Raids%20Chronology%202008.pdf>.

¹² In at least four of the raids documented by HURRICANE in 2008, ICE undermined and interfered with ongoing investigations for labor rights and other violations at the workplace. See section of this report titled, *ICE Raids and Enforcement Operations*.

¹³ The U.S. government is expanding funding for federal programs aimed at jailing immigrants for status violations (i.e. ICE Fugitive Operations Teams), which directly and indirectly promotes racial profiling of immigrants by local, county, and state policy through 287(g) and other programs. U.S. government-driven public-private partnerships in immigration control and enforcement is also creating unprecedented growth, expansion, and privatization of the immigrant detention industry that has fueled the current detention crisis based in part on the lack of accountability and enforceable standards. Corrections Corporation of American (CCA), the nation's largest private prison provider reached an all-time high in occupancy rates at 97 percent in 2008, and added 9,300 new beds between 2008 and 2009. See "CCA optimistic about future of detention business," by Renee Feltz, May 8, 2009. For more information, see *The Business of Detention* website: <http://www.businessofdetention.com/>

¹⁴ For examples, see *Los Angeles Times* "Iowa immigration raid case scrutinized. U.S. prosecutors' rapid-fire court processing may have violated the rights of hundreds of workers arrested at a meatpacking plant in May, the ACLU says." By Nicole Gauette; August 01, 2008. Available at <http://articles.latimes.com/2008/aug/01/nation/na-immig1> ; *Colorlines*, "When An Immigrant Mom Gets Arrested," By Julianne Ong Hing and Seth Wessler; July-August 2008; available at <http://colorlines.com/article.php?ID=379&p=1> ; *New York Times*, "After Losing Freedom, Some Immigrants Face Loss of Custody of Their Children," by Ginger Thompson; published: April 22, 2009; available at http://www.nytimes.com/2009/04/23/us/23children.html?_r=1 ; *Miami Herald*, "Foster care agency faulted for calling immigration agents," by Carol Marbin Miller; available at http://www.ykasec.org/board/bd_view.php?id=free&num=1250 ; *The Independent*, "A Mother's Nightmare: A Senegalese Woman Struggles to Save Her Daughters" By Karen Yi; June 26, 2009; available at <http://www.independent.org/2009/06/25/mothers-nightmare/> ; *The Providence Journal*, "R.I. court terminates illegal immigrant's custody rights" By Tracy Breton; June 21, 2009; available at http://www.projo.com/news/content/MEXICAN_IMMIGRANT_LOSES_KIDS_06-21-09_1NEO000_v20.36d59ab.html and *Times magazine*, "Can a Mother Lose Her Child Because She Doesn't Speak English?" By Tim Padgett with Dolly Mascareñas / Oaxaca; Thursday, Aug. 27, 2009. Available at <http://www.time.com/time/nation/article/0,8599,1918941,00.html> .

¹⁵ DHS signed a 287 (g) agreement with Arizona's Maricopa County Sheriff Joe Arpaio and is the most egregious example of the harm caused when local police become immigration enforcers, using raids, racial profiling and civil rights violations. See *Washington Independent*, "ACLU Sues Sheriff Joe Arpaio for Arrest and Detention of U.S. Citizen" by Daphne Eviatar, August 19, 2009; available at <http://washingtonindependent.com/55686/aclu-sues-sheriff-joe-arpaio-for-arrest-and-detention-of-u-s-citizen>. See generally *The New Yorker*, "William Finnegan Profiles 'Sheriff Joe,'" July 20, 2009, p. 42 http://www.newyorker.com/reporting/2009/07/20/090720fa_fact_finnegan

¹⁶ See the series by *Indian Country Today*, "Checkpoint: Sovereignty and Border Security" at <http://www.indiancountrytoday.com/enews/alerts/53941672.html>. See especially "Establishing boundaries, protecting citizens. Tohono O'odham faces many challenges," By Lucinda Hughes-Juan; available at <http://www.indiancountrytoday.com/national/59054837.html> . On Indigenous people's rights, see generally *Censored News: Indigenous Peoples and Human Rights News*, "Apache resisters in Texas: Homeland Security's Nazi genocidal tactics" <http://bsnorrell.blogspot.com/2008/01/apache-resisters-in-texas-homeland.html> and Lipan Apache Women Defense at <http://lipanapachecommunitydefense.blogspot.com/>.

¹⁷ See generally the Coalición de Derechos Humanos' reports on the consequences of the militarization of immigrant and border communities at http://www.derechoshumanosaz.net/index.php?option=com_content&task=view&id=38&Itemid=55 . Also see the report by the Public Policy Institute of California, "Holding the Line? The Effect of Recent Border Build-up on Unauthorized Immigration" by Belinda I. Reyes, Hans P. Johnson, and Richard Van Swearingen; July 2002; available at <http://www.ppic.org/main/publication.asp?i=158>; "In Democracy's Shadow: Fences, Raids and the Production of Migrant Illegality By Daniel Ibsen Morales, University of Wisconsin Law School, in *Stanford*

Journal of Civil Rights and Civil Liberties and forthcoming from the University of Wisconsin's *Legal Studies Research Paper No. 1068*; available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1301598

¹⁸ See the report by the National Council on State Legislatures, "State Laws Related to Immigrants and Immigration in 2008," January 27, 2009. Available at <http://www.ncsl.org/Portals/1/documents/immig/StateImmigReportFinal2008.pdf>. State legislatures have increasingly focused on immigration policies and laws since 2005. In 2008, 1305 immigration-related pieces of legislation related were introduced. A total of 206 laws and resolutions were enacted nationwide, with a broad range of enforcement and integration approaches. The top three areas are identification/driver's licenses, employment and law enforcement.

¹⁹ According to the FBI report on hate crimes, in 2007, Latinos were 61.7 percent of victims of crimes motivated by a bias toward the victims' ethnicity or national origin. Available at <http://www.fbi.gov/ucr/hc2007/index.html>. Also see generally, for examples of hate violence and crimes against immigrants, *New America Media*, "Civil Rights Leaders Address Hate Crime Spike," available at http://news.newamericamedia.org/news/view_article.html?article_id=e364948690a6224ef864120ae2543f6f; "Anti-Immigrant Tragedy in New York" by MALDEF http://maldef.org/truthinimmigration/anti-immigrant_tragedy_in_new_york11112008/ and the Southern Poverty Law Center report "Climate of Fear: Latino Immigrants in Suffolk County, N.Y." by Mark Potok. Available at: <http://www.splcenter.org/news/item.jsp?aid=395>.

²⁰ *Over-Raided, Under Siege* is available at http://www.nnirr.org/resources/docs/UnderSiege_web2.pdf

²¹ In Arizona alone, DHS pays \$13 million monthly to the Corrections Corporation of America (CCA) to incarcerate persons convicted of an immigration offense or crime. Additionally, the changes created by Operation Streamline result in some \$22 million paid per month to run the federal court processing these cases, not including the additional costs for the prosecution and defense. These figures are from an interview with Isabel García, co-chair of the Tucson-based Coalición de Derechos Humanos, via e-mail September 18-22, 2009. See generally <http://www.derechoshumanosaz.net>. Also see NACLA Report on the Americas, "A New Migration Policy: Producing Felons for Profit," by Renee Feltz; available at <http://www.businessofdetention.com/?p=457>. DHS Customs and Border Protection "Securing America's Borders - CBP 2008 Fiscal Year in Review (11/05/2008)" reported (emphasis in the original): "**Operation Jump Start was a resounding success.** The National Guard contributed in the arrest of more than 176,000 illegal aliens [sic] The end of OJS does not mean an end to the partnership between the Border Patrol and the National Guard.... **The highly successful Operation Streamline was expanded** from Del Rio, Texas and Yuma, Arizona Border Patrol sectors, to the Laredo, Texas and the Rio Grande Valley Border Patrol sectors resulting in an increase in criminal prosecutions and a reduction in apprehensions." Available at http://www.cbp.gov/xp/cgov/newsroom/highlights/08year_review.xml.

²² See *U.S. Detention of Asylum Seekers: Seeking Protection, Finding Prison* by Human Rights First, Endnote 10, page 85; available at <http://www.humanrightsfirst.org/pdf/090429-RP-hrf-asylum-detention-report.pdf>. Also see generally, "The Impact of Mass Incarceration on Immigration Policy" by Teresa A. Miller, pages 214-238, in *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*, Marc Mauer and Meda Chesney-Lind, Editors; The New Press; 2002.

²³ NNIRR documented four cases of sexual abuse and violence against women in 2008, two perpetrated by federal immigration agents (See NNIRR's 2008 Chronology of Abuses). In addition, women made up over 50% of arrested and detained workers in six ICE worksite raids documented in NNIRR's 2008 Raids Chronology. Both documents are available at: www.nnirr.org/hurricane. Also see *Tucson Weekly*, "Price of Admission. Along the border, sexual assault has become routine," by [Tim Vanderpool](http://www.tucsonweekly.com/tucson/price-of-admission/Content?oid=1091501); June 05, 2008; available at <http://www.tucsonweekly.com/tucson/price-of-admission/Content?oid=1091501>. NNIRR has received reports from organizations and activists based on the U.S.-Mexico border over the years that women in migration anticipate sexual harassment and rape as part of crossing the border that many begin taking birth control pills before undertaking this perilous ordeal. Also see Endnote 14 above.

²⁴ NNIRR tracking of ICE immigration enforcement operations represents about one quarter of all immigration enforcement operations, or raids, reported by ICE in fiscal year 2008. See NNIRR's Raids Chronology 2008 Introduction at <http://www.nnirr.org/hurricane/NNIRR%20Summary%20%20Raids%20Chronology%202008.pdf>. See DHS ICE Fiscal Year 2008 Annual Report: http://www.ice.gov/doclib/pi/reports/ice_annual_report/pdf/ice08ar_final.pdf

²⁵ NNIRR interviews with Mariana Rivera via telephone (October 2007-October 2008).

²⁶ NNIRR believes that all rights are inter-connected, inseparable and indivisible from one another, including civil, economic, political, social and cultural rights. These rights include the right to adequate housing, safe working conditions, living wages, organize unions and other associations to protect and promote one's rights, right to community, language, gender, nationality, ethnicity and identity, access to and provision of adequate health, social and education services, clean air, water and soil, full and equal representation, voice, opinion and power in policy- and decision-making and implementation. To this end, the U.S. must ratify the International Covenant on Economic, Social, and Cultural Rights; available at <http://www2.ohchr.org/english/law/cescr.htm>

²⁷ See Pew Hispanic Center report on Latino incarceration: <http://pewhispanic.org/reports/report.php?ReportID=104>

²⁸ Several articles and reports have documented the inhumane and abusive conditions in immigrant detention centers across the country, please see reports by:

One America, "Voices from Detention: A Report on Human Rights Violations at the Northwest Detention Center," July 2008 (Tacoma, WA). Available at <http://www.hatefreezone.org/downloads/Detention%20Center%20Study.pdf>

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ACLU-Massachusetts, "Detention and Deportation in the Age of ICE: Immigrants and Human Rights in Massachusetts," December 10, 2008 (MA). Available at: <http://www.aclum.org/ice/>

New Jersey Civil Rights Defense Committee, "Voices of the Disappeared: An Investigative Report on New Jersey Immigrant Detainees," see at: www.nj-civilrights.org/literature/VoicesoftheDisappeared.pdf

"Guards Confirm Sexual Assault Claims at Immigrant Prison," WOIA.com, May 16, 2008. <http://www.texascivilrightsproject.org/?p=242>

²⁹ *New York Times*, "Immigration Agency's Revised List of Deaths in Custody," April 2, 2009. http://www.nytimes.com/2009/04/03/nyregion/03detainlist.html?_r=2. For the list of detainee names, see: http://www.nytimes.com/2009/04/03/nyregion/03detainlist.html?_r=1

³⁰ NNIRR confirmed reports from first-hand testimony about hunger strikes and prisoner uprisings in Reeves County Detention Complex (Pecos, TX) and Piedmont Regional Jail (Farmville, VA). Prisoner uprisings in Alabama and Stewart Detention Center (Lumpkin, GA) were also reported by news sources in fall 2008.

³¹ In one of many directives issued by DHS Secretary Janet Napolitano, since January 2009, she declared the agency's commitment to expanding the Secure Communities Initiative and other federal programs to detect and deport all eligible immigrants jailed at all local, county, state prisons nationwide. http://www.alternet.org/immigration/127911/janet_napolitano_is_just_finishing_bush%27s_crackdown_on_migrant_workers/. Read more on Secure Communities here: http://www.ice.gov/pi/news/factsheets/secure_communities.htm

³² While ICE's Secure Communities initiative does not allow for inquiry into the immigration status of a person in the field, it opens the door to unlawful profiling and abuse of this power being extended in the field. Secure Communities allows police to check immigration status once a person has been detained for other charges.

³³ For example, Secure Communities hopes to include fingerprint pads that will allow police officers to check a jailed person's fingerprints against DHS's databases. Secure Communities represents a merger of the U.S. criminal and immigration justice systems. See Immigrant Justice Network's "A Dangerous Merger," a two-page primer on ICE ACCESS programs, Secured Communities, the 287(g) program, and the Criminal Alien Program. Available at www.immigrantjusticenetwork.org.

³⁴ *The Associated Press*, "Colo to get access to federal data on immigrants," by Ivan Moreno. July 18, 2009. See http://www.examiner.com/a-2124730~Colo_to_get_access_to_federal_data_on_immigrants.html (accessed on July 20, 2009).

³⁵ *Los Angeles Times*, "3 California county jails will check immigration status as inmates enter jail," by Anna Gorman; May 14, 2009. Available at: <http://articles.latimes.com/2009/may/14/local/me-immigjail14>

³⁶ NNIRR is using the environmental justice movement's definition of the environment to define the "environment" of where immigration policies, laws, practices, policing, services and enforcement are implemented.

³⁷ *New York Times*, "After Losing Freedom, Some Immigrants Face Loss of Custody of Their Children," by Ginger Thompson; April 23, 2009. Available at: http://www.nytimes.com/2009/04/23/us/23children.html?_r=1&ref=us

³⁸ In FY 2009, ICE has received over \$70 million for 1,400 additional detention beds "to support the end of 'catch and release' at the northern and southern U.S. borders" as well as \$150 million on the Secure Communities initiative "to identify and remove criminal aliens," according to the U.S. Immigration and Customs Enforcement Fact Sheet (October 2008): www.ice.gov/doclib/pi/news/factsheets/2009budgetfactsheet.pdf

³⁹ United States Department of Homeland Security Immigration and Customs Enforcement, *Endgame: Office of Detention and Removal Strategic Plan, 2003-2012. Detention and Removal Strategy for a Secure Homeland*, June 27, 2003. Available on-line at: <http://www.aclum.org/ice>

⁴⁰ United States Department of Homeland Security Immigration and Customs Enforcement, *Endgame: Office of Detention and Removal Strategic Plan, 2003-2012. Detention and Removal Strategy for a Secure Homeland*, June 27, 2003. Available on-line at: <http://www.aclum.org/ice>

⁴¹ Historically, over 90% of U.S. immigration enforcement resources and personnel have been and continue being concentrated in the U.S. Southwest, including California, Nevada, Colorado, Arizona, New Mexico, Texas and Florida, considered part of the U.S. southern border. Since 1993, the U.S. government implemented and extended the deliberate policy and strategy of "funneling" migrants at the border through Arizona and parts of New Mexico and Texas creating, in essence, an enforcement corridor that runs north through these states into Colorado, then east and west into surrounding states, where workers take other longstanding and newer routes toward the U.S. Northwest, Mid-West, Southwest, South and Southeast and Eastern regions. Many migrants decide to stay in states along the way, not wanting to risk detection and the high cost of migrating without authorization, which makes them more vulnerable to exploitation and abuse.

⁴² See NNIRR report *Over-Raided, Under Siege*, page 25-26. DHS launched Operation Streamline in December 2005 on the Del Rio, Texas border sector. DHS extended Streamline to Arizona's Tucson and Yuma border sectors in 2008. Streamline short-circuits the Constitutional due rights process and through selective prosecution, DHS jails and tries migrants for "entry without inspection." By deliberately "funneling" migrants into the criminal justice system, DHS believes the threat of prison and criminalization will deter unauthorized entries. The result has been the further funneling of migrants into increasingly desolate and more dangerous parts of the desert and mountain regions of the U.S.-Mexico border.

⁴³ The formation of the DHS also represented a facet of privatization, institutionalizing the "smart" borders strategy, the application of the "smart growth" strategy to immigration enforcement and border control. The "smart growth" strategy, launched by the Clinton Administration in the mid-1990s, was a private-public collaboration and initiative in economic development and social policies. Its application to the definition and control of the U.S. borders emphasizes the use of telecommunications and computer technology, including military technologies and strategies, in immigration policing and border control. The "smart" border strategy has transformed the U.S. borders and put it under a new type of private/public control, an extension of neo-liberal policies dependent on militaristic methods of social control.

⁴⁴ "Under neoliberalization, the figure of 'the disposable worker' emerges as prototypical upon the world stage. Accounts of the appalling conditions of labour and the despotic conditions under which labourers work in sweatshops of the world abound." Page 169 in *A Brief History of Neoliberalism* by David Harvey; Oxford University Press, 2005.

⁴⁵ NNIRR's chronology of "100 Stories" and "Raids" available at <http://www.nnirr.org/hurricane>.

⁴⁶ See NNIRR's popular education module, "Documenting Human Rights Abuses to Build Community Power," produced by NNIRR's BRIDGE Project: Building a Race and Immigration Dialogue In the Global Economy, June 2006. Please inquire to obtain a PDF copy.

⁴⁷ Detention Watch Network, "About the U.S. Detention and Deportation System." At <http://www.detentionwatchnetwork.org/aboutdetention>. Also see NNIRR's 2006-2007 HURRICANE human rights report *Over-Raided, Under Siege: U.S. Immigration Laws and Enforcement Destroy the Rights of Immigrants* at <http://www.nnirr.org/resources>.

⁴⁸ In the nearby communities of Willmar and Marshalltown, which were hit hard by the 2006 Swift raids, residents and community members continue to struggle with the after-effects of such a traumatizing operation. Testimony by Pastor David Vasquez and community organizer Amalia Deloney (Postville) and Mississippi Immigrant Rights Alliance Director Bill Chandler in *NNIRR Tele-Media Press Conference and National Community Briefing on the Impact of Immigration Raids Calling for End to Detentions and Deportations*, October 16, 2008.

Also see: *Quad-City Times*, "A year after Agriprocessors, Postville still struggles," by Jens Manuel Krogstad, May 10, 2009. http://www.qctimes.com/news/local/article_ca5b36ba-3d0d-11de-a14b-001cc4c03286.html

⁴⁹ For examples, see NNIRR raids chronology at www.nnirr.org/hurricane and *Des Moines Register*, "Immigration raid: Union fears action hurts probe" by William Petroski; May 13, 2008; <http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=/20080513/NEWS/805130406>

⁵⁰ *Des Moines Register*, "Claims of ID fraud lead to largest raid in state history," by Nigel Duara, William Petroski and Grant Schulte, May 12, 2008; available at <http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=/20080512/NEWS/80512012/1001> For a series of news reports on the impact of the ICE raid on Postville, visit: <http://www.wfcourier.com/features/ice/>

⁵¹ New America Media news analysis, "The Politics Driving Mississippi's ICE Raid," by David Bacon, Posted: Aug 31, 2008; available at: http://news.newamericamedia.org/news/view_article.html?article_id=fb0c72be1640d947e97f6107245a8905

⁵² See news article by *Vive Lo Hoy* that cites DHS reporting that in fiscal year 2008 some 792,000 undocumented immigrants were jailed and almost 359,000 deported. "792,000 'ilegales' en 2008," EFE HOY July 15, 2009; available at http://www.vivelohoy.com/vvl2-nac_inmigracion_0715jul15%2C0%2C1810947.story Also see Pew Hispanic Center report on Latino incarceration: <http://pewhispanic.org/reports/report.php?ReportID=104> The New York Times reports that one out of every 100 persons in the U.S. is in prison and that "[i]ncarceration rates are even higher for some groups. One in 36 adult Hispanic men is behind bars... One in 15 adult black men [and] one in nine black men ages 20 to 34.... one in 355 white women ages 35 to 39 is behind bars, compared with one in 100 black women." Available at <http://www.nytimes.com/2008/02/29/us/29prison.html>

⁵³ To highlight the disparity in punishment meted out for having an immigration status violation, a minor offense, Peter Schey, noted attorney and president of the Center for Human Rights and Constitutional Law, has pointed out that there are two "crimes" that do not have statute of limitations: homicide and being out of status or being an undocumented immigrant. DHS enforcement operations target and round up documented and undocumented residents with impunity for a minor offense for which the U.S. government has yet to provide a solution other than criminalization.

⁵⁴ See *Washington Post* news report, "System of Neglect: As Tighter Immigration Policies Strain Federal Agencies, The Detainees in Their Care Often Pay a Heavy Cost," by Dana Priest and Amy Goldstein; Page A1; May 11, 2008 available at http://www.washingtonpost.com/wp-srv/nation/specials/immigration/cwc_d1p1.html. And "Lawsuit Challenges L.A. Detention Conditions" provides a snapshot of the "heinous conditions" of immigrant detention; available at <http://lawprofessors.typepad.com/immigration/2009/04/lawsuite-challenges-la-detention-conditions.html>

⁵⁵ For an in-depth discussion and analysis of the consequences of immigration-police collaboration see report by Justice Strategies, "Local Democracy on ICE: Why State and Local Governments Have No Business in Federal Immigration Law Enforcement," available at <http://www.justicestrategies.org/2009/local-democracy-ice-why-state-and-local-governments-have-no-business-federal-immigration-law-en>. Also see the testimony of Hubert Williams, President, Police Foundation presented to U. S. House of Representatives Committee on the Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties, Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law at the "Hearing on Public Safety and Civil Rights Implications of State and Local Enforcement of Federal Immigration Laws," held on April 2, 2009. Available at <http://judiciary.house.gov/hearings/pdf/Williams090402.pdf> and The Police Foundation report, "The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties," 256 pages. Published April 2009; available at <http://www.policefoundation.org/pdf/strikingabalance/Role%20of%20Local%20Police.pdf>

⁵⁶ See "U.S./Mexico counties: The Costs of Law Enforcement and Criminal Justice Services," March 3, 2008, report by the University of Arizona and San Diego State University that offers an in-depth cost analysis on the impact of federal immigration policies on local law enforcement, courts, and corrections within the nation's

poorest 24 counties in the four states sharing the border with Mexico: CA, AZ, NM, TX. Available at <http://www.bordercounties.org>

⁵⁷ See report published by No More Deaths, "Crossing the Line: Human Rights Abuses of Migrants in Short-Term Custody on the Arizona/Sonora Border," Summer 2008. Available at: <http://www.nomoredeaths.org/index.php/Download-document/9-Crossing-The-Line-Human-Rights-Abuses-of-Migrants-in-Short-term-Custody.html>

⁵⁸ The Coalición de Derechos Humanos (CDH) reports an increase in deceased migrants recovered in the Arizona strip of the U.S. border during October 2008 through March 2009, for the first six months of the 2008-2009 fiscal in "Arizona Recovered Bodies," available at http://www.derechoshumanosaz.net/index.php?option=com_content&task=view&id=20&Itemid=34. Also see "The 'Funnel Effect' & Recovered Bodies of Unauthorized Migrants Processed by the Pima County Office of the Medical Examiner, 1990-2005" by the Binational Migration Institute; available at http://www.derechoshumanosaz.net/index.php?option=com_content&task=view&id=38&Itemid=55. The Arizona Daily Star newspaper has created a database of migrant deaths, available at: <http://req29ulus.azstarnet.com/borderdeaths/search.php>

⁵⁹ FBI Hate Crimes Statistics available at http://www.fbi.gov/ucr/hc2007/table_01.htm. Also see MALDEF article, "Hate Crimes Against Latinos at New Record Levels," http://www.maldef.org/truthinimmigration/hate_crimes_against_latinos_at_new_record_levels10282008/

⁶⁰ Op cit. NCLR report, "We Can Stop the Hate: Take Hate Out of the Immigration Debate." Also, see the American Arab Anti-Discrimination Committee's 2003-2007 edition of its "Report on Hate Crimes and Discrimination Against Arab Americans." Available at <http://www.adc.org/index.php?id=3388> and www.adc.org/PDF/hcr07.pdf Also see the American Arab Anti-Discrimination Committee report, "NSEERS: The Consequences of America's Efforts to Secure Its Borders;" available at <http://www.adc.org/PDF/nseerspaper.pdf>

⁶¹ National Council of La Raza (NCLR) campaign "We Can Stop the Hate: Take Hate Out of the Immigration Debate," at <http://www.wecanstopthehate.org/> Also, see Southern Poverty Law Center reports: "Under Siege: Life for Low-Income Latinos in the South," Available at: <http://www.splcenter.org/legal/undersiege/> and SPLC, Winter 2007 "Immigration Backlash: Hate Crimes Against Latinos Flourish," By Brentin Mock. <http://www.splcenter.org/intel/intelreport/article.jsp?aid=845> Mock reports, "According to hate crime statistics published annually by the FBI, anti-Latino hate crimes rose by almost 35% between 2003 and 2006, the latest year for which statistics are available."

⁶² NNIRR interview with Heidi Sarabia (November 4, 2008).

⁶³ For accounts showing excessive use of force and other abuses during ICE worksite raids, see UFCW report, "Raids on Workers, Destroying our Rights," June 18, 2009. <http://www.icemisconduct.org/document.cfm?documentID=1145> In addition, several pending lawsuits against DHS and ICE for grave misconduct and abuse during home raids by fugitive operations teams show patterns of abuse; See the lawsuit for New Jersey ICE enforcement operations: http://law.shu.edu/ProgramsCenters/PublicIntGovServ/CSJ/upload/amended_complaint.pdf

⁶⁴ *Des Moines Register*, "Taxpayers Costs Top \$5 Million for May Raid in Postville," by William Petroski; October 15, 2008. Available at <http://www.miracoalition.org/press/general-news/taxpayers-costs-top-5-million-for-may-raid-at-postville>

⁶⁵ See NNIRR's reports, *Human Rights & Human Security At Risk: The Consequences of Placing Immigration Services and Enforcement in the Department of Homeland Security* (September 2003) and *Over-Raided, Under Siege: U.S. Immigration Laws and Enforcement destroy the Rights of Immigrants* (January 2008).

⁶⁶ NNIRR interview with Jasmin, Paula, and Susan Caltenco, Mr. Caltenco's daughters and wife (via phone, October 2008). Also see [NNIRR 100 Stories Hurricane Chronology](#).

⁶⁷ Ibid. Interview with Jasmine Caltenco.

⁶⁸ *The Jewish Week*, "Widespread Worker Abuses Alleged at AgriProcessor's," by Debra Nussbaum Cohen, December 17, 2008.

⁶⁹ ACLU News Release, "Judge Dismisses Deportation Case After Finding That Agents Illegally Arrested and Interrogated Van Nuys Raid Workers," February 20, 2009. <http://www.aclu-sc.org/releases/view/102932>

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- ⁷⁰ *USA Today*, "Citizens Sue After Detentions, Immigration Raids," June 25, 2008. http://www.usatoday.com/news/nation/2008-06-24-Immigration-raids_N.htm?loc=interstitialskip
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- ⁷² *Dallas Morning News*, "In case of mistaken identity, wrong Pilgrim's Pride plant worker arrested, released," by Diane Solis. April 19, 2008. http://www.dallasnews.com/sharedcontent/dws/news/world/stories/DN-wrongman_19met.ART.State.Edition2.46bdb93.html
- ⁷³ *Deseret News*, "Pilgrim's Pride sued over backwages," August 9, 2007. http://findarticles.com/p/articles/mi_qn4188/is_20070809/ai_n19444582
- ⁷⁴ *The Jewish Week*, "Widespread Worker Abuses Alleged at AgriProcessors," by Debra Nussbaum Cohen, December 17, 2008. http://www.thejewishweek.com/viewArticle/c37_a9467/News/National.html
- ⁷⁵ Houston Independent Media Center, "Immigration raid denounced," by we're all immigrants! Wednesday, April 16, 2008. Available at <http://houston.indymedia.org/news/2008/04/63519.php> and Also see <http://indymedia.us/en/topic/labor/archive26.shtml>. Also see NNIRR 2008 Raids Chronology: <http://www.nnirr.org/hurricane/NNIRR%20Summary%20%20Raids%20Chronology%202008.pdf>.
- ⁷⁶ *In These Times*, "An Unfolding Crisis in the Wake of Mississippi ICE Raid," by Kari Lydersen; September 19, 2008. http://www.inthesetimes.com/article/3928/an_unfolding_crisis_in_the_wake_of_mississippi_ice_raid/
- ⁷⁷ In at least two raids documented by NNIRR, employers had collaborated fully with ICE agents and effectively deceived immigrant workers into attending a 'staff meeting' or 'training,' only to be confronted with armed and aggressive immigration officials. See [NNIRR 2008 Raids Chronology](#): ICE raid in Asheville, NC (August 2008) and ICE raid in King of Prussia, PENN (July 2008).
- ⁷⁸ Workers in Asheville reported arriving at a 'staff meeting' at 7:30am where ICE agents stormed in, demanding everyone line up according to those with documents proving work eligibility and legal status and those without. Similarly, workers in Pennsylvania reported arriving at a 'mandatory training' at 4:30pm where they were held hostage by ICE agents for six hours. See [NNIRR 2008 Raids Chronology](#).
- ⁷⁹ See National Employment Law Project website for more information on worksite enforcement and harmful employer sanctions policy that undermine the rights of all workers: http://www.nelp.org/site/issues/category/worksite_immigration_enforcement_and_no_match
- ⁸⁰ NNIRR interview with Rocio Vasquez, Jorge Nateras' wife; both are long-term San Jose residents with two young U.S. citizen children (October 30, 2008 via telephone).
- ⁸¹ See Jasmin Zavala's story in NNIRR 2008 Hurricane 100 Stories Chronology of Abuses, www.nnirr.org.
- ⁸² Reported to NNIRR by Nuestro Centro, a community group in Asheville (via email, September 2008). Also see ICE News Release, "331 Arrested by ICE Agents during search of South Carolina poultry processing plant," October 9, 2008. Available at <http://www.ice.gov/pi/nr/0810/081009greenville.htm>
- ⁸³ ICE reported 6,287 total arrests in worksite enforcement operations, or raids, a 27 percent increase over FY 2007. See ICE Fiscal Year 2008 Annual Report: http://www.ice.gov/doclib/pi/reports/ice_annual_report/pdf/ice08ar_final.pdf
- ⁸⁴ See *Congressional Daily*, "Homeland Security launches program to find illegal immigrants in jails," By Chris Strohm, October 27, 2008. Available at: <http://www.govexec.com/dailyfed/1008/102708cdpm1.htm>
- ⁸⁵ See NNIRR 2008 Raids Chronology: <http://www.nnirr.org/hurricane/NNIRR%20Summary%20%20Raids%20Chronology%202008.pdf>. NNIRR documented about one-fourth of all immigration raids reported by ICE. See DHS ICE Fiscal Year 2008 Annual Report: http://www.ice.gov/doclib/pi/reports/ice_annual_report/pdf/ice08ar_final.pdf
- ⁸⁶ *New York Times*, "Target of Immigrant Raids Shifted," by Nina Bernstein; February 4, 2009. Also see ICE Fiscal Year 2008 Report, page 4, http://www.ice.gov/doclib/pi/reports/ice_annual_report/pdf/ice08ar_final.pdf

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- ⁸⁷ Mendelson, Margot, Shayna Strom, and Michael Wishnie. "Collateral Damage: An Examination of ICE's Fugitive Operations Program," February 2009. Read full report at: www.migrationpolicy.org/pubs/NFOP_Feb09.pdf
- ⁸⁸ *Los Angeles Times*, "No longer rounding up just fugitive aliens," by Anna Gorman; February 5, 2009. Also see the Cardozo report with outstanding information and analysis of "collateral" arrests; available at http://www.cardozo.yu.edu/uploadedFiles/Cardozo/Profiles/immigrationlaw-741/IJC_ICE-Home-Raid-Report%20Updated.pdf
- ⁸⁹ See ICE Fiscal Year 2008 Report, page 4, http://www.ice.gov/doclib/pi/reports/ice_annual_report/pdf/ice08ar_final.pdf .
- ⁹⁰ See *Boston Globe*, "ICE boss says he suspended use of arrest quotas," By Amy Taxin, Associated Press Writer / August 17, 2009. http://www.boston.com/news/nation/articles/2009/08/17/ice_boss_says_he_suspended_use_of_arrest_quotas
- ⁹¹ See *Washington Post*, "Conflicting Accounts of an ICE Raid in Md. Officers Portray Detention of 24 Latinos Differently in Internal Probe and in Court," By N.C. Aizenman, Wednesday, February 18, 2009; A01 http://www.washingtonpost.com/wp-dyn/content/article/2009/02/17/AR2009021703451_pf.html
- ⁹² See the report "A Broken System: Confidential Reports Reveal Failures in the U.S. Immigrant Detention Centers," by the National Immigration Law Center, the ACLU of Southern California and Holland & Knight; 2009. Available at www.nilc.org
- ⁹³ ICE ACCESS (Agreements of Cooperation in Communities to Enhance Safety and Security) was formally implemented in 2007 as an umbrella program to coordinate and expand local law enforcement collaboration with immigration officials. See <http://www.ice.gov/partners/dro/iceaccess.htm>
- ⁹⁴ NNIRR interviews with former detainees, detainee advocates and family members revealed this alarming trend. In October 2008, ICE agents forced detainee Marvin Ventura to sign documents to expedite his removal at Stewart Detention Center in Georgia; In November 2008, six ICE agents at an Atlanta facility severely beat Mr. Rebby Abdel Malak to force him to sign his travel documents. See [NNIRR 2008 Chronology of Abuses](#).
- ⁹⁵ NNIRR telephone interview; person requested anonymity; conducted on February 6, 2009.
- ⁹⁶ See 2008 Chronology of Abuses at <http://www.nnirr.org/hurricane/FINAL%202008%20100%20Stories%20Chronology.pdf>.
- ⁹⁷ See "The Implications of Immigration Enforcement on America's Children," by National Council of La Raza; available at <http://www.nclr.org/content/publications/detail/52035/>
- ⁹⁸ See Global Detention Project report, "United States Country Profile" at <http://www.globaldetentionproject.org/countries/americas/united-states/introduction.html>
- ⁹⁹ *In May 2008*, The Washington Post and The New York Times ran a series of articles on immigrants in detention and each provided a website with additional information: <http://www.washingtonpost.com/wp-srv/nation/specials/immigration/index.html>, http://topics.nytimes.com/top/reference/timestopics/subjects/i/immigration_detention_us/incustody_deaths/index.html (accessed December 4, 2008). On August 17, 2009, DHS disclosed eleven deaths of persons in immigration detention previously unreported, bringing the total of detention-caused deaths to 104. See the Christian Science Monitor, "Immigrant detention deaths increase pressure for reform. Lack of medical care is the main problem in 104 deaths. Agencies and Obama promise change, but not fast enough for immigrant advocates," by Michael B. Farrell; August 18, 2009 edition; available at <http://www.csmonitor.com/2009/0819/p02s13-usgn.html> Also read about the very compelling case of Tanveer Ahmad, a Pakistani person, who died in detention after a heart attack despite his numerous attempts to ICE officials requesting medical care; see The New York Times, "Piecing Together an Immigrant's Life the U.S. Refused to See," by Nina Bernstein; published: July 5, 2009; available at http://www.nytimes.com/2009/07/06/nyregion/06detain.html?_r=2&hp
- ¹⁰⁰ See "Persons Charged in Immigration Courts by Department of Homeland Security," Transactional Records Access Clearinghouse (TRAC), Syracuse University, 2007. <http://trac.syr.edu/immigration/reports/178/include/graph1.html> (accessed 9/9/08).

¹⁰¹ Read more on Operation Streamline in NNIRR's report *Over-Raided, Under Siege: U.S. Immigration Laws and Enforcement Destroy the Rights of Immigrants*, pp.24-26 (January 2008).

¹⁰² See page 1 of "Interpreting after the Largest ICE Raid in US History: A Personal Account" by Erik Camayd-Freixas, Ph.D., Florida International University, June 13, 2008; available at <http://graphics8.nytimes.com/images/2008/07/14/opinion/14ed-camayd.pdf> .

¹⁰³ See ICE Fiscal Year 2008 Annual Report: http://www.ice.gov/doclib/pi/reports/ice_annual_report/pdf/ice08ar_final.pdf

¹⁰⁴ Stanford Immigrant Rights Clinic prepared a backgrounder on the expansion of stipulated removal, which allows federal government to deport persons without a hearing before an immigration judge, showing a 535 % increase between 2004 and 2008. One-in-five of all stipulated removal orders were signed at the Eloy Detention Facility in AZ. They also found that 94% with stipulated removal orders lacked legal representation, and 93% targeted for stipulated removal were charged with being in the US without papers and had no criminal history. See www.nilc.org/immlawpolicy/removpsds/stipulated-removal-bkgrndr-2008-11.pdf (accessed November 26, 2008).

¹⁰⁵ *Dallas Morning News*, "Immigration officials curtail sedation of deportees with anti-psychotic Haldol after criticism, lawsuits," by Dianne Solis. January 4, 2009. See http://www.cleveland.com/nation/index.ssf/2009/01/immigration_officials_curtail.html.

Washington Post, "Some Detainees Are Drugged for Deportation: Immigrants Sedated Without Medical Reason," by Amy Goldstein and Dana Priest. May 14, 2008. http://www.washingtonpost.com/wp-srv/nation/specials/immigration/cwc_d4p1.html.

¹⁰⁶ *El Excelsior*, "Migración: la frontera de la pobreza," ["Migration: the border of poverty"] by Mario Luis Fuentes. December 16, 2008. http://www.exonline.com.mx/diario/noticia/primer/especiales_nacional/migracion: la frontera de la pobreza/447086

¹⁰⁷ NNIRR telephone interview with Juana Villegas, Tennessee resident, October 9, 2008. Also view video interview of Ms. Villegas at http://www.youtube.com/watch?v=87_j7pN_L4c

¹⁰⁸ NNIRR telephone interview with Delia Flores, South Carolina resident, March 17, 2009.

¹⁰⁹ Anti-immigrant groups are attempting to put the "California Taxpayers Protection Act" on the 2010 ballot, which would require all persons to present proof of U.S. citizenship or of being lawfully present in the U.S. to be eligible for federal, state, county and local public benefits. "The measure would (1) make changes to the application process for federal, state, and local public benefits, (2) provide for the identification on birth certificates of foreign parents of children born in California, and (3) eliminate cash benefits for low-income children not living with a cash-aided adult." Available at <http://www.lao.ca.gov/ballot/2009/090301.aspx> For a list of proposals in Arizona, see "2009 Anti-Immigrant Bills in the Arizona State Legislature;" available at http://www.borderaction.org/web/index.php?option=com_content&view=article&id=74%3A2009-anti-immigrant-bills-in-the-arizona-state-legislature&catid=43%3Aarizona-legislature&Itemid=143&lang=en

¹¹⁰ 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>

¹¹¹ See *National Council on State Legislatures*, "State Laws Related to Immigrants and Immigration in 2008," January 27, 2009. <http://www.ncsl.org/Portals/1/documents/immig/StateImmigReportFinal2008.pdf>

¹¹² "Brittle bone disease," or *osteogenesis imperfecta*, is a genetic disorder usually resulting from abnormalities of the genes that control the production of a protein called collagen, which is the main protein in bone and essential for its strength. It is known as the most common disease causing fractures in childhood. See <http://www.netdoctor.co.uk/diseases/facts/brittlebones.htm>

¹¹³ Southern Coalition for Social Justice (North Carolina), "287(g) and other ICE ACCESS Programs in 2008," by Marty Rosenbluth. December 9, 2008.

¹¹⁴ See *Justice Strategies* report, "[Local Democracy on ICE: Why State and Local Governments have no Business in Federal Immigration Law Enforcement](#)," by Aarti Shahani and Judith Greene; published February 2009. "Local Democracy on ICE" demonstrates that **race, not crime, has propelled the growth of the 287(g) program**. In the start-up phase of the program, ICE did not prioritize regions heavily impacted by

“criminal illegal alien” activity. FBI and census data indicate that sixty-one percent of ICE-deputized localities had violent and property crime indices lower than the national average. Meanwhile eighty-seven percent had a rate of Latino population growth higher than the national average. ICE signed nearly eighty percent of its 287(g) agreements with agencies in the US South. While it is true that crime rates in that region are higher than in others, ICE’s focus in the South is disproportionate and prevents a balanced approach to public safety. Available at <http://www.justicestrategies.org/2009/local-democracy-ice-why-state-and-local-governments-have-no-business-federal-immigration-law-en>

¹¹⁵ See ICE Annual Fiscal Year 2008 Report, page 5-6, available at http://www.ice.gov/doclib/pi/reports/ice_annual_report/pdf/ice08ar_final.pdf

¹¹⁶ See NNIRR’s report “Preliminary Report and Findings: Militarization and Impunity at the Border,” prepared by NNIRR with the Coalición de Derechos Humanos, reporting on the work of the Emergency National Border Justice & Solidarity Community Tour. Copies are available upon request.

¹¹⁷ BBC reported a 6.6% increase in complaints filed against Border Patrol since 2004, with a 17% increase in physical abuse cases alone. Human rights activists report this represents only the tip of the iceberg. See BBC Mundo, “Una frontera de quejas,” [“A border of complaints”] by Kristel Mucino, December 3, 2008. Available at http://news.bbc.co.uk/hi/spanish/mundo_usa/newsid_7761000/7761253.stm

¹¹⁸ For general updates and information on the Lipan Apache community’s ongoing struggle, see *Lipan Apache Women’s Defense Blog* available at <http://lipanapachecommunitydefense.blogspot.com/>. Also see NNIRR’s newsletter, *Network News*, “After Obama: Justice & Rights for Immigrants Higher on the Agenda,” Winter 2008-2009, page 9. Available at <http://www.nnirr.org/resources/docs/FinalPDFWinter2008-09.pdf>.

¹¹⁹ See *Seattle Post Intelligencer* report, “Heightened security at U.S.-Canada border catching few terror suspects. Agent calls it ‘immigration dumpster diving’” by Nadja Drost; available at http://www.seattlepi.com/local/405176_immigration20.html

¹²⁰ See reports by Asian Law Caucus at <http://www.asianlawcaucus.org/wp-content/uploads/2009/04/Returning%20Home.pdf> and by Muslim Advocates http://www.muslimadvocates.org/documents/Unreasonable_Intrusions_2009.pdf%22

¹²¹ NNIRR telephone interview with five Harlingen families and their attorney Jodi Goodwin, November 20, 2008.

¹²² See the report by the [Coalicion de Derechos Humanos](http://www.derechoshumanosaz.net/). “Less than Six Months into Fiscal Year, Count of Arizona Recovered Remains is 50.” Available at <http://www.derechoshumanosaz.net/>

¹²³ See *BBC Mundo*, “Una frontera de quejas,” [“A border of complaints”] by Kristel Mucino, December 3, 2008. Available at http://news.bbc.co.uk/hi/spanish/mundo_usa/newsid_7761000/7761253.stm

¹²⁴ *Associated Press*, “Gov’t: Border fence to cost \$6.5B over 20 years,” by Eillen Sullivan, September 17, 2009.

¹²⁵ For additional background on Operation Streamline, see NNIRR’s 2006-2007 HURRICANE human rights report, *Over-Raided, Under Siege*, pp 25-26; available at http://www.nnirr.org/resources/docs/UnderSiege_web2.pdf

¹²⁶ See the Binational Migration Institute’s report “The ‘Funnel Effect’ & Recovered Bodies of Unauthorized Migrants Processed by the Pima County Office of the Medical Examiner, 1990-2005,” available at <http://www.derechoshumanosaz.net/images/pdfs/bmi%20report.pdf> and NNIRR-CDH report *Militarization and Impunity at the Border: Emergency National Border Justice & Solidarity Community Tour* (June 15-18-, 2006).

¹²⁷ NNIRR believes the United States government must ratify and implement the U.N. International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families as part of addressing the root causes of international migration and upholding the human rights of international migrants, refugees and immigrants in the U.S. Other causes of migration include political strife and economic restructuring, environmental degradation and other forms of class, gender and racial social and economic inequities that produce disparities in social, education and health services, employment, access to human rights and security, safety, clean air, water and land and lack of sustainable community development.