

# FAMILIES FOR FREEDOM

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## Anti-Deportation Case Campaigns Training for New Sanctuary Movement

April 18, 2007  
11am - 12.30pm EST

### AGENDA

1. **Tele-training Goals & Agenda Review** **5 min**
  - a. Build anti-deportation organizing capacity (alongside legal one)
    - i. Now that a family has taken sanctuary, what exactly are we doing to win the campaign?
    - ii. Build knowledge of deportation system; relevant targets
    - iii. Share experiences of Families For Freedom and other organizers
  - b. Brainstorm ongoing ways to build capacity of New Sanctuary Movement and support each other

*\* NOT discussing: What does it mean to give sanctuary?*
2. **What is a case campaign against deportation?** **5 min**
3. **How do we win one...or all?** **15 min**
  - a. Litigation: legal actions waged in judicial or administrative courts
    - i. Hafeez family (Texas)
  - b. Public bill: a law enacted by Congress and signed by the President to benefit a class of people
    - i. HR 1176, Child Citizen Protection Act (proposed)
  - c. Private bill: a law enacted by Congress and signed by the President to benefit an individual or finite, named group
    - i. Individual – Alejandra Garcia (Arizona)
    - ii. Group – Sanctuary families (Illinois)
  - d. Prosecutorial Discretion: Prosecutorial Discretion (PD) is authority that Homeland Security's Bureau of Immigration and Customs Enforcement (ICE) has to act favorably in a person's immigration case. It is a legal way of asking ICE to not enforce the law against a specific person. PD is often a last resort when all legal options have been exhausted or when cases are overwhelmingly sympathetic. Receiving PD may mean that you remain on lifelong parole. Getting PD comes down to pressure and politics. Often the best way to get it is to involve your community and elected officials in your immigration case. (see PD sheet)
    - i. Malik Akbar (New York)
    - ii. Ansar Mahmood (New York)
    - iii. Meth Merchant (Georgia)
    - iv. Eddy Zheng (California)

(continued on next page)

**4. Prosecutorial Discretion in Focus**

**40 min**

- a. Mapping:
  - i. Where is deportation in the federal system?
    - 1. see governmental agencies map
  - ii. Where is my family in the deportation process?
    - 1. See Deportation map
    - 2. See Attention Noncitizens! flyer
- b. Who are the primary targets? What demands can we make on them?
- c. Who are secondary targets?
- d. How do we move any targets?
  - i. See favorable factors worksheet
  - ii. See PD requests

**5. Discussion: Case Campaigns in the New Sanctuary Movement**

**15 min**

- a. How are leaders in the New Sanctuary Movement preparing for each sanctuary family?
- b. What are our organizing strengths?
- c. What are our organizing weaknesses?

**6. Brainstorm: what are sensible next steps for New Sanctuary Movement to build internal organizing capacity?**

**10 min**

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

Last updated 3/24/2006  
*Note: Congress is currently considering several immigration bills. If passed, the information in this packet may no longer be correct.*

## **A**ssist Ourselves

- Learn the Laws
- Get Good lawyers
- Go to Support Meetings
- Help Other Families
- Attend Each Other's Court Hearings
- Socialize!

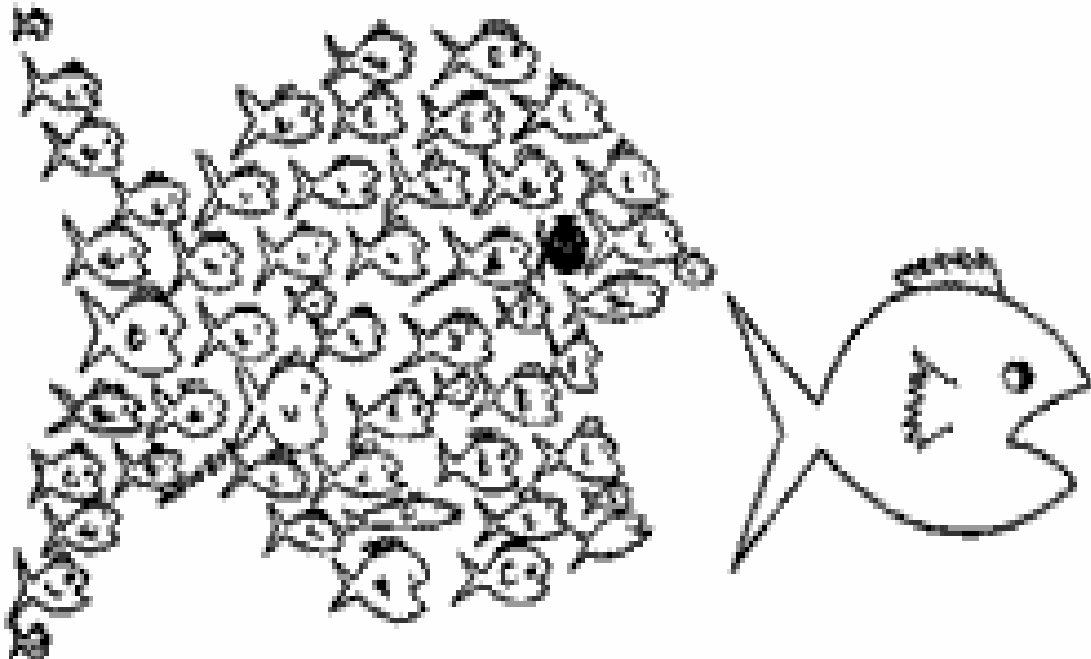
## **R**aise awareness

- Publicize Our Own Cases
- Collect Petitions
- Speak Outs! In our Communities
- Legal Clinics for our Neighbors

## **M**ake 'em Bleed!

- Hold Press Conferences
- Go on Hunger Strike
- Organize Rallies & Protests
- Flood Congressional Offices

**If you have to leave, don't leave quietly!  
Make THEM lose sleep the same way we do!**



# ANTI-DEPORTATION CASE CAMPAIGN TOOLS

- Organizing and Advocacy**  
Challenges to organizing for people facing deportation (especially with past crimes).
- Prosecutorial Discretion (PD): Asks**  
How to pressure the Department of Homeland Security to drop the case against you.
- Prosecutorial Discretion (PD): Building Your Campaign**  
How to get other players to support your demands on the Department of Homeland Security
- Congress**  
Make elected officials work for you.
- Favorable Factors**  
Prove that you are neither a flight risk nor a threat to society.
- Letters of Support**  
Get help from family and friends.
- Petitions**  
Educate your community and build support.
- Media**  
Expose how your detention or deportation is UNJUST.

## Organizing & Advocacy: Everyone must take a stand!

Deportation is a crisis, possibly the biggest one you've ever faced. But as soon as you start looking for help, doors close on you and powerful people act as though they are powerless to keep your family together. This packet, **Anti-Deportation Case Campaign Tools**, is made for people who want to fight to win their case and change the laws...but need some help along the way. We hope this helps you to fight strategically. Let's start with some basic ideas.

Some of the first roadblocks in getting support for your case campaign are:

### **MYTH: "I can't do anything"**

Elected officials and other Government Officials often say that they cannot get involved in deportation issues, the number one reason they cite is that they do not intervene in court or judicial matters for "ethical" reasons.

**Quick Response:** Immigration Deportation (even Immigration "Court") is a Function of the Executive Branch of the Government, *not* the Judicial Branch. Most immigrants facing Deportation never see a real court. Elected officials intervene in executive branch use and abuse of power all the time. You can encourage an executive body to exercise their discretion.

### **MYTH: "I am just doing my job"**

BICE officials often publicly say, "we are just doing our jobs". Immigration Judges always state (somewhat correctly) that the 1996 laws "tie their hands."

**Quick Response:** BICE (formerly INS) has large amounts of **Prosecutorial Discretion** when determining whether or not to enforce the immigration laws against a specific person. Even if they feel they cannot do anything, BICE, Immigration Judges, and *anyone* that is asked to help can *at least* state for public record that they believe a person's deportation is wrong.

Example:

*"In a way the court is very sympathetic to the respondent. I honestly believe that the respondent's criminal infraction is minute and should have no bearing in the respondent's right to remain in the United States... The respondent is an honest individual who did not [embellish] his facts."*

U.S. Immigration Judge Alberto J. Riefkohl, in his ruling ordering Hemnauth Mohabir's deportation, Sept. 25, 2002 (www.npr.org)

### **FACT: "DHS has a culture of no"**

It's true. DHS does have a culture of saying no to immigrants, even when they have the power to say yes.

**Quick Response:** There are instances even after 9/11 of DHS granting favorable discretion to immigrants.

# Prosecutorial Discretion (PD): Asks

Prosecutorial Discretion (PD) is authority that Homeland Security's Bureau of Immigration and Customs Enforcement (BICE) has to act favorably in a person's immigration case. It is a legal way of asking ICE to not enforce the law against a specific person. PD is often a last resort when all legal options have been exhausted or when cases are overwhelmingly sympathetic. Receiving PD may mean that you remain on lifelong parole. Getting PD comes down to pressure and politics. Often the best way to get it is to involve your community and elected officials in your immigration case.

**NOTE: Prosecutorial Discretion is...**

<i>NOT given by courts and judges</i> <i>NOT a way to obtain legal status (i.e. lifelong parole)</i>	<i>NOT always more effective with presswork</i> <i>NOT a solution for everyone</i> <i>NOT something you can appeal</i>
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Doris Meissner, the former Commission of the INS under Clinton, wrote a memo on prosecutorial discretion outlining when the agency should use it favorably. Although dated and deeply underused, Homeland Security maintains it is still valid. Factors taken into consideration include:

Immigration Status Length of residence in U.S. Criminal History Humanitarian Concerns Immigration History Likelihood of ultimately deporting the immigrant Likelihood of achieving enforcement goal by other means	If the person is (likely to become) eligible for relief Effect of action on future admissibility Current or past cooperation with law enforcement Honorable U.S. military service <b>Community attention</b> Resources available to the INS If interest served by prosecution would not be substantial
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When seeking PD, you have to know exactly what and who to ask. Some examples are:

When	ASK DHS	TARGET <i>*Some Former INS officials may not have DHS Equivalents.</i>
Before Removal Proceedings	DHS or, specifically, BICE should not issue <b>Notice To Appear (NTA)</b>	<ul style="list-style-type: none"> <li>▪ Field Office Director</li> <li>▪ Other DHS officer authorized to issue NTA*</li> </ul>
	DHS should cancel NTA before it is filed at the Immigration Court	
	Move to dismiss the NTA	<ul style="list-style-type: none"> <li>▪ District Counsel</li> </ul>
In Removal Proceedings	Ask DHS for release on bond, or parole (when someone is technically not bond eligible)	<ul style="list-style-type: none"> <li>▪ Field Office Director</li> <li>▪ District Counsel</li> </ul>
	Ask to support you in the other type of relief you're seeking before IJ, for example a Joint Motion to Terminate Proceedings	
After Removal Proceedings (But Before Removal)	Ask for an agency <b>stay of deportation.</b>	<ul style="list-style-type: none"> <li>▪ Field Office Director</li> </ul>
	Ask for <b>deferred action</b> (even if you have a removal order, the government can choose not to deport you.)	
	Ask for a release under an order of supervision	

*Prosecutorial Discretion Chart made with the invaluable help of City University of New York Immigrant Rights Clinic.*

# Prosecutorial Discretion (PD): Building Your Campaign

It's not enough to identify what Homeland Security can do for you. You have to **make** them do it by getting the support of other players.

Primary Targets	Possible Tactics (Not an exhaustive list)	Demands
<ul style="list-style-type: none"> <li>▪ BICE Field Office Director</li> <li>▪ Deportation Officer</li> <li>▪ Trial Attorney</li> <li>▪ Detention and Removal Operations (DC office)</li> </ul>	See Prosecutorial Discretion (PD): Asks	
<ul style="list-style-type: none"> <li>▪ Immigration Judges</li> </ul>	<ul style="list-style-type: none"> <li>▪ Pack the court</li> <li>▪ Letter writing campaign to the court</li> <li>▪ Demonstrations outside court</li> </ul>	<ul style="list-style-type: none"> <li>▪ Exercise discretion</li> <li>▪ Public Record in Support</li> </ul>
Secondary Targets		
<ul style="list-style-type: none"> <li>▪ Congressional Offices</li> </ul>	<ul style="list-style-type: none"> <li>▪ Written Letter of Request</li> <li>▪ Congressional Visits</li> <li>▪ Call-ins</li> <li>▪ Ask for Public Comment</li> <li>▪ Crash their Press Conferences (e.g. Schumer)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Write a Letter of Support</li> <li>▪ Sponsor a Private Bill</li> <li>▪ Conduct an Investigation</li> <li>▪ Sponsor Legislation</li> <li>▪ Sponsor Hearings</li> </ul>
<ul style="list-style-type: none"> <li>▪ Consulates/Embassies*</li> </ul>	<ul style="list-style-type: none"> <li>▪ Vigils</li> <li>▪ Community Meetings</li> </ul>	<ul style="list-style-type: none"> <li>▪ Letter of Support</li> <li>▪ Help locate detainee</li> <li>▪ Investigate detention abuse</li> <li>▪ Intervene to ensure international laws and norms are followed</li> </ul>
Other Important Targets		
Criminal Justice Actors <ul style="list-style-type: none"> <li>▪ Judge</li> <li>▪ Prosecutor</li> </ul>	<ul style="list-style-type: none"> <li>▪ Post Card Campaigns</li> <li>▪ Letter to the Judge/Prosecutor (see letter re: Jamaican Deportees)</li> <li>▪ Public Meetings</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ask for some people to be charged as YO's (NY only)</li> <li>▪ Reopen, Vacate or Re-sentence</li> <li>▪ Take immigration into consideration when charging, convicting or sentencing</li> </ul>
Local Government <ul style="list-style-type: none"> <li>▪ State Legislature</li> <li>▪ Governor</li> <li>▪ City Council</li> <li>▪ Mayor</li> <li>▪ Probation/Parole Officer</li> </ul>	(see Congressional Office Tactics)	<ul style="list-style-type: none"> <li>▪ Letters of Support</li> <li>▪ Support a Pardon**</li> <li>▪ Sponsor Statewide private bills</li> <li>▪ Conduct Investigations</li> <li>▪ Sponsor Public Hearings</li> <li>▪ Sponsor Legislation against local enforcement cooperation</li> </ul>
<ul style="list-style-type: none"> <li>▪ Public Schools and Other Public Agencies (ACS, School Principals, Co-workers, Teachers, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Group Visits</li> <li>▪ Letter Writing Campaign</li> </ul>	<ul style="list-style-type: none"> <li>▪ Letter of Support</li> <li>▪ Letter's documenting hardship of family</li> </ul>

\* Some consulates and embassies take a strong stand in deportation matters if they feel deportation is not in the best interest of the national, their family or human rights. See Chinese Consulate General's Letter to INS (now ICE).

\*\* If the immigrant has a federal conviction, the state Governor does not have the authority to pardon him; you might have ask for a Presidential pardon.

# Congress

Last updated 3/24/2006  
*Note: Congress is currently considering several immigration bills. If passed, the information in this packet may no longer be correct.*

Nearly every case campaign requires the support of elected officials – especially members of Congress. After you analyze points of prosecutorial discretion, reach out to your representative and senators.

## Identify your representatives.

Congress has 2 parts: the Senate and the House of Representatives. Members of Congress keep offices in Washington D.C. and the local district they represent. Find out who are your Senators (2) and Congressperson (1), to target for help.

1. Call the Congressional switchboard 202-224-3121 or 202-225-3121. Tell them your home address, and they can tell you who are your 2 Senators and 1 Congressperson.
2. Call your elected officials' offices and get the names of the **Immigration Caseworker** (local district office) and **Immigration Legislative Aide** (D.C. office).

	Senate		House of Representatives
	Senator 1	Senator 2	Congressperson
Name			
Immigration Caseworker (District Office)			
Immigration Legislative Aide (DC Office)			

## Set up an appointment.

When you speak with the Immigration Caseworker or Legislative Aide, they will almost always insist that they can't get involved in deportation matters. That's a lie! They can do lots. But don't waste time arguing. Avoid discussing details over the phone. Just demand a meeting in person. A good line to use is, "I am a constituent. I have the right to a meeting. I don't feel comfortable talking on the phone."

## Prepare ASKS.

You can't go into the congressional office and say, "Stop my deportation!" Congress *cannot* tell a judge what to do. But they *can* tell Homeland Security to exercise power to not deport you. Before you go to your congressional office, figure out what you are asking them to do. Review **Prosecutorial Discretion (PD): Asks**. And bring the legal papers and favorable factors you have to document your case.

## Always Demand Responses In Writing

Remember, much of our goal in gathering support is to make decision-makers take a stand. Always prepare your requests for a Congressional office in writing and always demand a written response, *especially* if the office tells you they cannot help you. This way you can seek out help from other Congressional offices. More importantly, it is more difficult for them to articulate what they can't do for you in writing. Congressional offices often do not want to be on record saying they can't help you.

## Favorable Factors

You can't just say that you or your loved one is a good person. To fight deportation, you have to PROVE IT. The more paper, the better. For example, don't just say, "I have 3 US citizen kids." Copy their birth certificates or naturalization certificates. Below is a list of factors that judges, immigration and Congress offices consider when they see your case. Collect whatever you have. Keep all your proof in one folder.

FAVORABLE FACTOR	PROOF
<input type="checkbox"/> Family Ties in the United States	- copies of family members' naturalization certificates and/or resident alien cards - letters of support from family members
<input type="checkbox"/> Long-term residence in the United States, especially if residence began at a young age	- US school diplomas - letters of support from long-term friends in US, former teachers, neighbors, landlords
<input type="checkbox"/> Hardship to yourself and/or to family members if deportation occurs	- reports from counselors. Whenever possible, actively seek therapy and get a letter from therapist documenting psychological hardship on you and family members (especially children) - letters from schools of younger children, documenting any change in behavior since deportation started - medical reports showing material dependence of family member on you (the person being deported) - medical reports documenting your own health problems and need for family support here - written proof that elderly parents, young children, pregnant spouse, etc. will suffer if you are deported - written household budget that highlights family's dependence on you for payment of rent/mortgage, children's educational expenses, child support, medical expenses, utilities and food
<input type="checkbox"/> Service in U.S. Armed Forces	- enlistment and honorable discharge papers (DD 214) - certificates for all service given and honors received - letters of support from fellow enlistees, officers and superiors in Armed Forces
<input type="checkbox"/> History of Employment	- letters of support from current/former employer(s) discussing your merits as a worker - tax returns, W2 Forms
<input type="checkbox"/> Property or Business Ties	- Deed/mortgage/lease of home - letters of support from employees - ownership documents of Business (especially if business supports family expenses and/or provides jobs to other people)
<input type="checkbox"/> Service to community	- letters of support from religious groups, PTAs, and other local organizations with which your family is involved - awards for or documentation of community service
<input type="checkbox"/> Genuine Rehabilitation	- proof of programs and work in prison/jail - proof of attendance for rehabilitation program, or support groups like Alcoholics Anonymous (including letters from counselors/group leaders documenting your progress) - certificates for (or proof of enrollment in) continuing education (e.g. GED, college courses, business and/or trade skills)
<input type="checkbox"/> Good Character	- tax returns documenting consistent payment and good tax history - letters of support from Correction/Parole/Probation Officers, judges, lawyers, community leaders, local elected officials, clergy
<input type="checkbox"/> Political Support	- letters of support & phone calls from elected officials (council members, mayors, members of Congress)

# Letters of Support

Fill the blanks below with the name of the person being deported. Put your name is the last line, and a deadline for people to write and return their letters. Make a list of everyone you know and give the request for a letter of support to each of them. Follow up with phone calls and reminders. Get a close friend to help you collect letters. All letters of support should be in English or, if in another language, you should get an accurate English translation.

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**URGENT!**  
**Letters of support needed for \_\_\_\_\_**

\_\_\_\_\_ is facing deportation. We, as family members and loved ones, are fighting it. Our success depends on your help! We need you to write a one-page letter of support **IN YOUR OWN WORDS**. Please neatly write or type the letter. If possible, put it on *\*organizational\** letterhead. You may begin the letter:

[Today's Date]

*To Whom It May Concern:*

*I am writing in regard to \_\_\_\_\_. He came to US on \_\_\_\_\_ as a (refugee/visitor/LPR) and later adjusted his status to \_\_\_\_\_. He is currently at risk of being deported to \_\_\_\_\_. His family and community are here, and we need him to stay with us.*

Continue the letter including these points:

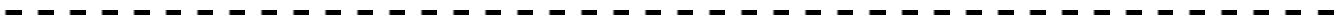
- **Background:** who are you (profession, place you live, etc), how long you have known \_\_\_\_\_ (use his first name), and what is your relationship (friend, family, attended same church, etc).
- **Community support:** describe the good things \_\_\_\_\_ has done in the community or for you personally. BE SPECIFIC.
- **Family:** talk about the effects deportation and detention are having on the family. If you know them well, describe them and how they got along with \_\_\_\_\_. If possible, describe how the family depends on \_\_\_\_\_ financially and emotionally.
- **Safety:** Explain *briefly* why \_\_\_\_\_ is not a threat to society.
- Sign the letter with your full name. Get it notarized whenever possible.
- Put letter on company letterhead if possible and include your work title.

We need your letters to save our loved one.  
Please return your letter of support to \_\_\_\_\_ by \_\_\_\_\_. Thank you!

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# Petitions

Create a general petition in support of your detained/deported loved one. Collect signatures on the streets, at school or your place of worship. The petition will educate others about immigration. Lots of signatures will pressure your congressional office to get involved. Below is a sample, which has been signed by hundreds of community members.



June 26, 2004

To Whom It May Concern:

As a community member and supporter of Juan Diego Jimenez Rijo, I urge you to do all you can in your power to bring Juan Diego back to United States so that he can be with his community and family who love him.

On September 3rd, 2003, two days after Juan turned 19, he went to New York Federal Plaza thinking he was getting his naturalization certificate. Instead he was put in shackles. The next day at sunrise, he called home from John F. Kennedy airport to say, "They're deporting me to the Dominican Republic."

Juan came to the US when he was 13. He loved this community and loved New York. Throughout Washington Heights, neighbors only say good things about him. Juan worked for United Parcel Service (UPS), planned to join the US Armed Forces within months, and wanted to go to college. He was excited that he was becoming a US citizen. He did not know that when he was just 15 years old, the government revoked his greencard and ordered him deported. He had no chance to fight his case. Now in the Dominican Republic – far from New York and far from his loved ones – his dreams are shattered.

What happened to Juan is a disgrace. Juan deserves to have his case reopened and given a chance to get his legal status and citizenship in the United States. This is what he thought he was doing when he went to Federal Plaza on September 3<sup>rd</sup> before he was taken away from us. We urge you to do all within your power to bring Juan Diego back now.

Yours truly,

<i>Printed Name</i>	<i>Address</i>	<i>Signature</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

# Media

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Deportation tears apart families. It wastes taxpayer dollars. It's double, even triple jeopardy, as people get deported for settled matters and then face persecution again back home. Most people don't know anything about how the system really works. Media can be a great weapon in your fight against deportation.

But before you try calling newspapers or TV stations, make sure you know: why am I speaking out? What is my message? Who should I contact? Below are some strategic points.

## WHY AM I GOING TO THE PRESS?

To pressure my Congressperson to help me.

To educate others at risk about deportation.

Other: \_\_\_\_\_

To educate the general public about deportation.

To expose specific people/agencies abusing my loved one.

## GET YOUR FACTS STRAIGHT.

Sometimes people feel ashamed of the reasons they are being deported. For example, if you have criminal convictions, you may be tempted to lie about them. But when speaking publicly, you have to be prepared to be honest. If you are caught lying, it will hurt you more. So get your side down. If you have a lawyer, you may want to ask him/her for help. Figure out what you do and don't want to disclose, and the facts you want in focus. Role-play with friends.

## MAKE TALKING POINTS.

Reporters are busy (or at least they think they are). They want to hear in **30 seconds** why they should cover your story. Before you call, think up a few sentences to explain:

**News hook:** what JUST happened that must be covered. Why is your issue timely? Sometimes an anniversary or recent/upcoming event gets journalists interested.

**Key facts:** what or who is the story about? This should include facts about the person/family in focus, and about the bigger system that's the issue.

**Message:** why does it matter? This is an opportunity to propose how the journalist should write about the story. Don't just repeat the facts. Frame them. If you have demands (e.g. that your Congressperson speaks out against your deportation; that Homeland Security gives you prosecutorial discretion; that the jail guards stop beating you), make them clear. Most journalists know nothing about the deportation system. Help them to focus, focus, focus.

## MAKE A PRESS LIST.

There are thousands of newspapers, TV and radio stations. You can't call them all. And bigger is not always better. Tips for getting strategic and helpful coverage:

Decide whose attention you want. For example, if you are trying to influence local leaders and community members, the Hometown Paper may be a better choice than the *New York Times*.

Identify any reporters assigned to your specific issue (e.g. immigration, prison beat). You can call the media outlet and ask, "May I have the name of the reporter who covers immigration issues in Brooklyn?"

Watch out for journalists who give your issues a bad spin. For example, if John Imaracist only talks about immigrants as rapists, you **don't** want to call him!

## CALL!

You've done a lot of work to prepare. You know your facts and your message. Now make the calls! Reporters are so used to getting calls from boring professionals, they will be thrilled hear a real person. Keep an organized record of who you spoke with and each conversation. Follow up when you say you will.