Detention Watch Network

National Tele-Training
ICE Enforcement, Detention, and Deportation

Friday March 9th, 2007, 3 pm EST
In collaboration with

- Families for Freedom
- Immigrant Defense Project of NYSDA
- Immigrant Legal Resource Center
- National Immigration Project of the National Lawyers Guild
 Speakers

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Agenda

I. Introduction of Speakers

II. Brief Overview Current ICE Enforcement, Detention, and Deportation System

III. What to Do When Someone is Picked Up in a Raid?

IV. How Are Communities Responding?

V. How Can Upcoming Legislation Impact the System?

VI. Wrap Up & Extended Time for Questions
Overview of ICE Enforcement, Detention and Deportation System

• With “Operation Endgame”, we have seen:
  – A 7 fold increase in worksite arrests between 2002 and 2006
  – Triple the number of “Fugitive Operations Teams” and the development of other specialized operations
  – More than 186,600 immigrants deported in 2006
  – 1.6 million immigrants deported since 1994
Detention System Has Exploded

- The number of beds tripled from 9,303 in 1996 to 27,300 in 2006

- Last year 283,000 immigrants were detained, costing taxpayers $1.2 billion at an average of $95 a day per bed

- The system is set to triple again even without new legislation
Tent City in Raymondville, TX

The Washington Post recently calculated that “with roughly 1.6 million immigrants in some stage of immigration proceedings, the government holds more detainees a night than Clarion Hotels have guests, operates nearly as many vehicles as Greyhound has buses and flies more people each day than do many small U.S. airlines.”
Who is in Detention?

- Both undocumented and documented immigrants, many who have been in the US for years
- Survivors of torture, asylum seekers and other vulnerable groups
When Did this Begin?

- Long-term trend that started in the early 1980s
- In 1996, there were sweeping new immigration laws
- After September 11, 2001 the government imposed new regulations targeting specific ethnic groups
- What next? Congress is considering big changes that will make the system worse
Who is at Risk for Detention & Deportation?

• Any non-citizen is potentially deportable.

• There are certain high risk categories of deportation.
Undocumented

- Entered without inspection (i.e. cross the border)
- Visa overstays
- "Absconders" - people with old deportation orders

Notes:
- Work permit does not mean person is in status!
- Pending application does not mean person is in status!
- Undocumented people are deportable whether or not they have a conviction – but any criminal arrest or conviction makes discovery by DHS more likely.
Absconders: Very high risk

• Some people do not know they have deportation/removal orders and are considered absconders (in abstentia orders, no notice of decision).

• Deportation can happen quickly and with no chance to reopen that old case.

• ICE Fugitive Teams are rapidly expanding.
People in Status: LPRs, Asylees, Refugees, People on Valid Visas

- Can be detained and deported

- Most often, this is due to a criminal conviction
  - Even if minor without jail time
  - Even if sentence complete long ago

- Trends – raids coordinated with parole and probation departments
## Trigger Sites for Immigration Detention & Deportation

- Workplaces
- Homes
- Borders (airports, land borders, seaports)
- On the street (including day laborer pickup sites)
- Upon application to DHS (citizenship, adjustment of status, renew green card)
- Through Criminal Justice System
  - Local police and traffic stops (NCIC, local enforcement)
  - Jail or prison
  - Probation or parole
**DEPORTATION SYSTEM: RAIDS TO DEPORTATION**

**ICE Raids and Sweeps**
- Right to remain silent
- Access to counsel/union (no free lawyer)
- Initial ICE interrogation and detention
- Treatment of detainees
- Some ICE trigger sites: factories, day laborer sites, apartments, homes, streets
- Workplace: warrant or employer consent
- ICE may coordinate with local police, parole or probation officers
- Note: Traffic and police stops can also trigger ICE action. See Criminal Justice map.

**ICE Deportation**
- Notice to Appear - 48 hours?
- Assigned deportation officer
- Stipulated orders or voluntary departure
- Consulate help
- Old deportation orders
- ICE and law enforcement decides: deportation process and/or criminal prosecution

**Detention**
- Facilities: federal, local/county, private
- Transfers
- Bond by ICE?
- Jail staff vs. ICE officers
- Abuse and detention

**Deportation**
If immigrant has a final administrative order of deportation/removal, and no stay of deportation, ICE may deport him/her. Consulate usually issues travel documents first.

**Immigration Courts**
- NO FREE LAWYER
  - Bond Hearing
    - Sets bond (if eligible)
  - Master Calendar
    - Decides deportability, relief eligibility
    - May order release/removal
  - Individual Hearing
    - Reviews relief applications
    - Orders release/removal

  To appeal this Court's decision: BIA must receive appeal within 30 days!

**Federal Courts**
- District Court: Challenging Detention (habeas)
- Court of Appeals: Reviews BIA's deportation decision

**Board of Immigration Appeals (BIA)**
- No free lawyer
- To appeal BIA decision: federal Court of Appeals must receive appeal within 30 days!

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Created by Families for Freedom, National Immigration Project of the NLG, NYS/DA Immigrant Defense Project, and Detention Watch Network (March 2007)
ICE Raids: The Picture

- Difficult in identifying who is arresting: Police or ICE
  - Depends on Trigger Site

- ICE and the lack of transparency

- During the raid, the separation of perceived citizens and noncitizens
  - Race as a factor is ok
“Rule of Thumb” Rights

**Police**

- Right to remain silent
  (** in some states and counties, you might be arrested for not giving your name)**

- Don’t say anything about your immigration history, where you were born

- Don’t sign anything

**ICE**

- Right to remain silent
  *(balanced by requirements to provide your immigration docs and names to ICE officer)*

- Don’t talk about immigration history
  *(penalty for not doing so)*

- Don’t sign anything
“Rule of Thumb” Rights (Cont’d)

• Anything you say can and will be used against you to:
  – Prosecute you (doc fraud, use of false SS#)
  – Deport you
  – Detain you

• If you don’t know what to say, say the magic word:

  Lawyer! I want to speak to my lawyer!
The Map: ICE Raids and Sweeps

**What happens?**
- Demands for immigration history
- Separate people of color/people with accents
- Take immigration documents and identification, fingerprinted, shackled, maybe threatened

**What to do?**
- For Individuals: Invoke your rights.
- For civil rights violations:
  - Names of officers, actions, and time of abuse.
  - Tell family member/community or write it down.
ICE Raids - What can Communities do?

• Call the immigration deportation office to get info on **transfers** (the Special Agent-in-Charge or Field Office Director)

• Set up a hotline

• Compile attorney list (specialize in detention and deportation defense)

• Set up safety plan/resources for families

• Demand ICE to exercise prosecutorial discretion *(see ARM packet)*

• Call local elected officials and members of Congress – demand inquiry/ask them to call ICE
ICE Deportation Office

• What happens here?
  – Notice to Appear
  – Give up hearing (stipulated orders) and old deportation order
  – Immigration officers make legal decisions about your case and may mislead about your eligibility for relief
  – TRANSFER decisions
  – Detention decision (bond)
  – Decision to refer you for Criminal prosecution or keep you in immigration process
At the Immigration Deportation Office

- Tell Individuals to…
  (See “I am in Detention..What are my Rights?)

  - Obtain NTA

  - Obtain complete immigration and criminal history.

  - Get lawyer and ask them to block transfer.

  - Right to call consulate.

  - Ask for bond
Immigration Deportation Office: 
Communities Can

- Get the right information you need from a short call - intake system
- Find and track detainees
- Provide information to family members (logistics of detention, document) *(See kit)*
- Mail info to detainees
- Organize and find lawyers experienced in deportation defense
- Advocate for release from detention (help with bond).

- Collaborate with consulate – they can help pressure ICE.
- Explore litigation – civil rights violations and detainee abuse.
- Contact Congress members and local elected officials for investigation.
- Stop transfers (strategies)
- Demand that ICE drop deportation cases (prosecutorial discretion)
- Support document collection
Criminal Court

• **What can happen?**
  – Forced to take plea that make you more deportable, 48 hour rule
  – Tell individual to make sure that criminal attorney is informed about immigration consequences of crime before pleading guilty. Seek immigration counsel and help.

• **Community**
  – Push immigration to drop detainer or not to transfer to far away facility after criminal case. Pack court hearing. If charges are trumped up, do press work or write letters of support.
Detention

• What can happen?
  – Detainee abuse and neglect – health, access to lawyer, no legal materials, legal mail, family). Transfer. High bond amounts.

• What to do?
  – **Communities**: Visit the detention center. Keep up pressure on preventing transfer. Push for bond hearings and push ICE to release individuals. Put money into jail account, fundraise for families.
Immigration Courts

• **What happens here?**
  – Immigration Judge can force you to proceed without attorney, force you to admit to all of your charges. Mislead you about appeals and access to relief. Videoconferencing.

• **What to tell individuals**
  – Ask for adjournments (more time) to find lawyer and get proper documents.
  – Deny charges on the NTA and always reserve right to appeal.
  – Refer to “I am in detention, what are my rights?”
Community Groups

- Help individuals collect documents.
- Write letters of support.
- Testify on behalf of individuals.
- Pack hearings.
- Take notes at hearings (for future advocacy)
- Encourage ICE to exercise prosecutorial discretion.
How Have Communities Responded?

- Held local and national *press conferences*
- *Organized* rallies and protests against the raids
- *Monitored* and documenting abuses in the raids
- Worked with *local legal groups* to develop and execute legal strategies
- Created *networks of attorneys* (local private and non-profit) to ready to represent detained immigrants
- Provided legal, economic, and other *support to detainees and families* affected by the raids
- Worked with local *elected officials* to pass city resolutions condemning the raids - sanctuary resolutions
How Have Communities Responded? (Cont’d)

- Put *pressure on ICE* to release immigrants from detention
- Engaged *members of Congress*, consular and local officials to advocate on behalf of the community
- Held *community forums* with trainings, consultations, and referrals
- *Trained* community advocates to work with detainees and family members
- Established *list serves* and organized community forums with local advocates to coordinate and share information and strategies
RAIDS TO DEPORTATION: POLICY MAP
(including selected proposals from last Congressional session)

ICE Raids and Sweeps

- Proposals increase ICE collaboration with local police, turn police into immigration agents and allow local governments to detain immigrants without charges.
- Local proposals use laws (e.g., trespassing, housing codes) to target immigrants at day labor sites, workplaces & homes.
- Good-intentioned sanctuary ordinances have loopholes for local police to turn immigrants into ICE when suspected of illegal acts.
- Proposals would require stricter verification of workers' status, stricter penalties for hiring undocumented workers, and additional money for worksite enforcement.
- Communities are building worker centers to create safe spaces for day laborers and pushing for greater protection of day labor sites.

What happens to my family?

- CCPA explicitly allows judges to consider a deportation's effect on U.S. citizen kids before ordering parents' deportation.

ICE Deportation Office

- No proposals force ICE to exercise prosecutorial discretion.
- Proposals would expand expedited and administrative removal, allowing low-level agents to order deportation.

Detention

- Proposals increase detention space and authorized mandatory and indefinite detention.
- "Reservation guaranteed" means more detentions and more transfers.
- Proposed regulations and legislation would make detention standards enforceable (ICE blocking).

Deportation

- More deportation to countries where immigrants face torture.
- DHS/courts still don't allow deportees to reenter U.S. to reunite with families or to reopen cases after courts find government action to deport unlawful.

Criminal Prosecution

- Proposals would increase criminal penalties for immigrants (document fraud, unlawful presence, illegal entry).
- State proposals would require advisal of immigration consequences.

Immigration Courts/BIA

- Proposals would expand crimes that make people deportable and unable to get green cards - reduces who would benefit from legalization programs.
- Proposals would expand expedited removal (deportation w/o hearing).
- No legislation to fix access to counsel.
- CCPA and other proposed waivers may give judges more power to consider circumstances, families, etc.

Federal Courts

Proposed legislation would:
- Eliminate habeas to challenge detention.
- Further restrict federal review of deportation decisions and make it more difficult to stop deportation during an appeal - more immigrants would be deported due to government mistakes.
How Can We Fight Back?

- End mandatory and unjust detention and support fair alternatives to detention.
- Require conditions of detention that are humane and respectful, not punitive.
- Stop forcing judges to deport U.S. residents without considering the circumstances.
- End unfair extreme punishment for minor offenses.
- Stop automatic imprisonment without cause and deportation without due process.
- Uphold the U.S. Supreme Court decision against indefinite detention of immigrants.
- Protect due process in immigration proceedings and make sure real judicial review is available.
How Can We Get Involved?

- Detention Watch Network Sign-on Letter
- Rights Working Group: Liberty and Justice for All Campaign
- Families for Freedom Child Citizen Protection Act
- FIRM Campaigns Against Local Anti-immigrant Ordinances
Wrap Up

• Deportation 101 Training
  – Sign up at www.detentionwatchnetwork.org

• Other Ideas

• Send in your comments, online
  – On the web: www.detentionwatchnetwork.org
  – Via e-mail: raids@detentionwatchnetwork.org.
THANK YOU!

DETENTION WATCH NETWORK.ORG