

The Immigration Blog

Cutting Edge Immigration Issues

Wednesday, March 31, 2010

Immigration Detention Gone Rogue

Just when you thought it couldn't get much worse.

Now we are told that ICE agents grab mentally ill immigrants right from mental hospitals, ship them off to a Texas detention center without word to family or counsel, and deport them. Could ICE's behavior be any more horrific?

The latest ICE outrage against immigrants has been released in a study conducted by Texas Appleseed, a public interest law center, and Akin Gump, a corporate law firm, and documents ICE's mistreatment of mentally ill immigrants at every stage of the deportation process. <http://nyti.ms/atZYsB>.

The report is just the latest in a stream of countless stories of neglect, abuse, and deaths of detainees in ICE detention. Some tales fit neatly into the annals of the world's most oppressive regimes, including the plight of Boubacar Bah, who, after mysteriously suffering a skull fracture, was handcuffed by ICE officials while writhing in agony in his own vomit on the floor of a New Jersey detention center, then locked-up in an isolation cell for 13 hours without medical treatment and, finally, transported to a hospital in a coma where he later died, (See Secret Horror Stories: ICE Officials Hid The Truth About Immigrant Deaths In Detention <http://bit.ly/4tdHDt>).

Several months ago homeland security secretary Janet Napolitano and ICE assistant secretary John Morton announced a review of the ICE detention operations with the stated goal of creating a "truly civil" detention system. But in light of the continuing reports of deaths, abuse, neglect, cover-ups, and other corruption, it is beyond dispute that the ICE detention system is a national

About Me



David Leopold

Immigration lawyer, president-elect of the American Immigration Lawyers Association (AILA), director of the immigration curriculum at the Case Western Reserve University School of Law, adjunct professor of immigration law at the Cleveland-Marshall School of Law and co-owner of a Soft Coated Wheaton Terrier named Louis

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disgrace. DHS should not tolerate even a single case of abuse or neglect of a person in ICE detention. The poor treatment of the mentally ill should also be viewed in light of the recent March 27 Washington Post article revealing dissension at top levels of ICE management. Napolitano and Morton are now suffering from a credibility gap. They must demonstrate clear and forceful leadership if they want to succeed in implementing the priorities and reforms they announced months ago on enforcement. All Americans are entitled to be secure in the knowledge that individuals detained by ICE will be treated humanely, and in accordance with applicable detention standards.

Posted by David Leopold at [9:13 AM](#) [0 comments](#) 

Monday, March 29, 2010

Immigration Enforcement By The Numbers

I'm going to stop using the word "shocked" to describe my reaction to ICE's dirty secrets. Frankly, it is tough to be surprised by the antics of an agency which administers a draconian a detention system in which 107 immigrant detainees have perished since 2003. But I must admit I am taken aback by the latest news emanating from the bowels of ICE in the form of memoranda which have been released by the Washington Post and the Center for Investigative Reporting. <http://bit.ly/bjcy4c>. According



to the memos, ICE, in an effort to stem a recent drop in the number of deportations, has set detention and removal quotas for its agents in an effort to remove as many people as possible without regard to the stated enforcement priorities of the Obama Administration which allocates scarce resources toward the removal of dangerous criminal aliens and drug traffickers.

The memoranda released by the Washington Post yesterday, which include one dated February 22 by James M. Chaparro, head of ICE detention and removal operations, instruct the field that while the agency was on target to meet its stated goal of deporting 150,000 criminal aliens, greater efforts should be made to meet ICE's overall deportation goal of 400,000 Individuals – which includes criminal and non-criminal aliens. Chapparo tells agents to reach the goal by increasing detention bed space and upping removal numbers. His underlying message to ICE rank and file? Our mission is not to protect America from those who would do us harm. Rather, it's a numbers game; remove everyone who may technically fit the bill so that ICE can reach its bureaucratic target. Another memo from early January by Supervisory Detention

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and Deportation Officer Clinton Folsom states that any ICE agent who can show he or she has "processed" 60 cases a month will earn an "excellent rating" regardless of whether the cases involve battered women and unaccompanied minors or dangerous drug dealers.

The embarrassing release of the Chaparro memo signals disagreement at the upper echelons of ICE leadership about the reforms Secretary Napolitano and Assistant Secretary Morton announced last fall. As the director of all ICE detention and removal operations, Chaparro is not simply someone who follows policy but a high level official who sets policy. The fact that his memo was sent more than a month ago without any apparent corrective action by Morton or Napolitano further undermines ICE and DHS's credibility and capability to implement reforms announced in the fall. A Washington Post article should not be the impetus for ensuring Chaparro and other ICE officials are on the same page as Morton and Napolitano.

DHS should take immediate steps to clarify ICE's position by 1) publicly repudiating Chaparro's memorandum and reaffirming the overhaul of ICE detention policy Napolitano and Morton announced last fall including the stated goal of re-tooling enforcement to focus on those who are dangerous and ensuring the detention system is safe and humane; 2) denouncing the use of a quota system to require ICE officers to arrest and deport greater numbers of undocumented immigrants or for the purpose of filling detention bed space; and 3) ensuring that the national policy is followed by all ICE personnel both in the ranks and leadership.

ICE's March 27 public statement does not adequately resolve these deep internal inconsistencies in ICE's detention and deportation policies. If Napolitano and Morton are serious about reforming the detention and enforcement system, they must take immediate action to prevent further dissension in the ranks and be more transparent with the American public. After all, the detention and deportation of human beings is not just a numbers game. It profoundly affects the lives of individuals and families and can only be tolerated in the context of the rule of law coupled with humane enforcement objectives.

Posted by David Leopold at [1:38 PM](#) [0 comments](#) 

Monday, March 22, 2010

Is Immigration Reform Next?

"We pushed back on the undue influence of special interests," President Obama said. "We didn't give in to mistrust or to cynicism or to fear. Instead, we proved that we are still a people capable of doing big things."

The President was talking



about the historic healthcare overhaul that passed the House 219-212 last night and is now headed to his desk for signature. Let's hope his statement foreshadows what



he will say about immigration reform in the months to come. The healthcare battle demonstrated the fight for immigration reform will be tough. But we knew that. Now, at least, we know that an immigration overhaul is possible.

It was more than symbolic that Sunday's immigration reform rally in Washington, which according to reports was tens of thousands strong, was overshadowed by the drama that played out in the Congress over the healthcare bill. But now that healthcare reform has become a reality, it is time for the Administration and Congress to get to the hard work of overhauling our badly broken immigration system. The dysfunctional immigration system is a cancer that whittles away at the very fabric of our cherished democratic values every day it allowed to continue to fester. Each outstanding scientist, innovative business investor, and energetic professional who is turned away from our country because of inadequate visa numbers or restrictionist agency enforcement weakens America's competitive edge; its ability to compete in a global economy that demands transnational employment. Each immigrant locked up due to draconian mandatory detention laws, without so much the right to see a judge, demonstrates that the rights of all Americans are threatened by bad immigration laws. Each undocumented child denied a higher education or a chance to serve our country is evidence that the broken immigration system has transformed the American Dream into a nightmare for some of America's most promising children.

Senators Graham and Schumer began to put pen to paper last week by laying out a four pillared framework for immigration reform: ending illegal employment through biometric Social Security cards, enhancing border and interior enforcement, managing the flow of future immigration to correspond to economic realities, and creating a tough but fair path toward legalization for the 11 million people currently in the U.S. without authorization. While I have serious questions about a couple of the proposals—the biometric Social Security card raises important privacy concerns for example—I am encouraged that with the passage of healthcare immigration reform will now move to the front burner. Hopefully, Senators Graham and Schumer (and President Obama) took a few minutes Sunday morning to read Tom Friedman's excellent piece in the *New York Times* about a dinner he attended last week for the finalists of the 2010 Intel Science Talent Search, which, through a national contest, identifies and honors the top math and science high school students in America. <http://nyti.ms/aCHxIj>. As Friedman writes, most finalists were from immigrant families:

Indeed, if you need any more convincing about the virtues of immigration, just come to the Intel science finals. I am a pro-immigration fanatic. I think keeping a constant flow of legal immigrants into our country — whether they wear blue collars or lab coats — is the key to keeping us ahead of China. Because when you mix all of these energetic, high-

aspiring people with a democratic system and free markets, magic happens. If we hope to keep that magic, we need immigration reform that guarantees that we will always attract and retain, in an orderly fashion, the world's first-round aspirational and intellectual draft choices.

This isn't complicated. In today's wired world, the most important economic competition is no longer between countries or companies. The most important economic competition is actually between you and your own imagination. Because what your kids imagine, they can now act on farther, faster, cheaper than ever before — as individuals. Today, just about everything is becoming a commodity, except imagination, except the ability to spark new ideas.

If I just have the spark of an idea now, I can get a designer in Taiwan to design it. I can get a factory in China to produce a prototype. I can get a factory in Vietnam to mass manufacture it. I can use Amazon.com to handle fulfillment. I can use freelancer.com to find someone to do my logo and manage by backroom. And I can do all this at incredibly low prices. The one thing that is not a commodity and never will be is that spark of an idea. And this Intel dinner was all about our best sparklers.

Before the dinner started, each contestant stood by a storyboard explaining their specific project. Namrata Anand, a 17-year-old from the Harker School in California, patiently explained to me her research, which used spectral analysis and other data to expose information about the chemical enrichment history of "Andromeda Galaxy." I did not understand a word she said, but I sure caught the gleam in her eye.

My favorite chat, though, was with Amanda Alonzo, a 30-year-old biology teacher at Lynbrook High School in San Jose, Calif. She had taught two of the finalists. When I asked her the secret, she said it was the resources provided by her school, extremely "supportive parents" and a grant from Intel that let her spend part of each day inspiring and preparing students to enter this contest. Then she told me this: Local San Jose realtors are running ads in newspapers in China and India telling potential immigrants to "buy a home" in her Lynbrook school district because it produced "two Intel science winners."

Seriously, ESPN or MTV should broadcast the Intel finals live. All of the 40 finalist are introduced, with little stories about their lives and aspirations. Then the winners of the nine best projects are announced. And finally, with great drama, the overall winner of the \$100,000 award for the best project of the 40 is identified. This year it was Erika Alden DeBenedictis of New Mexico for developing a software navigation system that would enable spacecraft to more efficiently "travel through the solar system." After her name was called, she was swarmed by her fellow competitor-geeks.

Gotta say, it was the most inspiring evening I've had in D.C. in 20 years. It left me thinking, "If we can just get a few things right — immigration, education standards, bandwidth, fiscal policy — maybe we'll be O.K." It left me feeling that maybe Alice Wei Zhao of North High School in Sheboygan, Wis., chosen by her fellow finalists to be their spokeswoman, was right when she told the audience: "Don't sweat about the problems our generation will have to deal with. Believe me, our future is in good hands."

As long as we don't shut our doors.

Posted by David Leopold at [3:15 AM](#) [0 comments](#) 

Sunday, March 14, 2010

Time for Obama and Congress To Get To Work on Immigration Reform

Last week's news that Senators Schumer and Graham met with President Obama about immigration reform would have been a whole lot better if they had all



committed themselves to actually rolling up their sleeves and getting to the hard work of introducing a bill, rather than just talking about one.

True, the President reaffirmed his "unwavering" commitment to comprehensive immigration reform. But he didn't actually commit the Administration to doing anything about it at this time. Rather, Obama's carefully worded statement made clear that he will not likely do anything about the broken immigration system until it is politically feasible. As it stands now Congress is embroiled in a nasty partisan fight over health care reform, and not likely to be receptive to an immigration overhaul as the November election nears. As the President's sagging poll numbers show, he has already spent a tremendous amount of political capital trying to get health care passed, and, as the *New York Times* pointed out Saturday in its editorial, his depleted account may not have enough capital left to support fixing the dysfunctional immigration system which burdens the nation. <http://nyti.ms/bgVv9b>

So, is CIR off the table this year? Well, not exactly. It could still happen if the American people demand it—meaning Congress could still move on CIR if it is in their political self interest to do so. That's where the President's statement was interesting. Referring to his meetings on Thursday he said, "I also heard from a diverse group of grassroots leaders from around the country about the growing coalition that is working to build momentum for this critical

issue. I am optimistic that their efforts will contribute to a favorable climate moving forward." In other words, an overhaul of the broken immigration system could happen if there is an organized grass roots effort which translates into votes. And, thankfully, that may be happening across the nation. Next week, on Sunday March 21, thousands are expected to demand immigration reform at a rally in Washington. Hopefully, it will be the beginning of the "momentum" which the politicians, including President Obama, need to get moving on immigration reform. Obama's political calculus must include the millions of Latino voters who came out so heavily for him in 2008. It is critical that the coalition of business, labor, religious organizations and others work toward building and maintaining the "momentum" beyond March 21. This country cannot continue to tolerate an immigration system that prevents American businesses from competing globally, exploits and criminalizes undocumented workers, and permits the deaths of 107 immigrant detainees in ICE custody since 2003.

Some say we should back away from a comprehensive solution toward a more targeted or piecemeal approach. The argument is that if we can't get Congress to pass CIR then we would be better off supporting individual provisions that may have a better chance of passage standing alone. In my view, this is ill advised and short sighted. If the justification for abandoning support for CIR in favor of targeted immigration legislation is because the political climate in Washington will not support a comprehensive fix, it should be remembered that piecemeal legislation attracts the same amount of venom from the anti-immigrant restrictionists as does a full immigration reform package. Remember when the Senate tried to pass the Dream Act? If there is going to be a nasty fight for immigration reform, it might as well be for a comprehensive bill.

Others, including myself, worry that any immigration reform, especially one that includes a pathway to citizenship for the undocumented, will exact a very high price with the inclusion of heavy handed enforcement provisions. Most recently, it is rumored that Senators Schumer and Graham are considering including a requirement that all Americans carry a biometric social security card to prove their ability to work lawfully in the U.S. AILA has rightfully expressed serious privacy concerns over such a proposal. And there have been rumors of other, more onerous, proposals. But all this talk is hypothetical until Schumer and Graham set pen to paper and offer a bill that we can read, digest, and analyze.

I think the low moment of last week's immigration meeting was Senator Graham's partisan message that immigration "could come to a halt for the year if health care reconciliation goes forward." It is patently unfair to the American people, particularly business and families, to hold immigration reform hostage to health care. The American people sent these officials to Washington to get something done, not to create obstacles to fashioning a forward focused immigration policy designed to keep America competitive into the 21st Century.

As President Obama said last week when campaigning for health care reform, "the time to talk is over".

Posted by David Leopold at [10:44 AM](#) [0 comments](#) 

Friday, January 22, 2010

If You're Not Outraged By ICE Detention Policies, You're Not Paying Attention



Buried in the local news section of the *New York Times* on Wednesday was yet another disturbing report about the treatment of immigrant detainees by US Immigration and Customs Enforcement.

<http://bit.ly/5df4fp>

Detainees at the Varick Street Detention Center

in Lower Manhattan reportedly went on a hunger strike to protest ICE detention policies and practices. A Jamaican detainee alleged that "all hell broke" loose after about 100 detainees refused to go to the mess hall on Tuesday morning and gave ICE officers flyers declaring they were on a hunger strike protesting detention policies and practices. According to the *Times*, one detainee claimed a SWAT team used pepper spray and 'beat up' some detainees, took many to segregation cells as punishment and transferred about 17 to immigration jails in other states. The 20 detainees remaining in his dorm were threatened with similar treatment if they continued the hunger strike. Other detainees reported they had seen immigration agents in riot gear dragging detainees from the far side of the jail while other detainees were taken to the segregation unit. Most detainees who reported the incident would not give their names for fear of retaliation.

It may not seem surprising that prisoners would protest the conditions of their confinement. But ICE detention is particularly suspect and each and every allegation of abuse must be taken as if true until ICE proves otherwise. This latest report comes on the heels of a major article that ran in the *Times* on Sunday, January 9, 2010 that exposed a detention system riddled with abuse, neglect, death, and corruption which immigration authorities have schemed to keep secret. Over the past two years there have been no less than 20 alarming articles about abuse and death in ICE detention including,

Officials Hid Truth of Immigrant Deaths in Jail, January 9, 2010

<http://bit.ly/5b6sTY>

Officials Say Detainee Fatalities Were Missed, August 17, 2009

<http://bit.ly/40x9fD>

Immigrant Detainee Dies, and a Life Is Buried, Too, April 2,

2009 "<http://bit.ly/2ld48H>

Ill and in Pain, Detainee Dies in U.S. Hands, August 12, 2008

<http://bit.ly/4Elc0h>

Few Details on Immigrants Who Died in Custody, May 5, 2008

<http://bit.ly/7iffNx>

A more complete catalog can be found at <http://bit.ly/8JBA1w>. And this list doesn't include Congressional testimony and other independent reports detailing horrific detention conditions. As the *Times* stated in its January 19 editorial <http://bit.ly/5WR6jE>,

Americans have long known that the government has been running secretive immigration prisons into which detainees have frequently disappeared, their grave illnesses and injuries untreated, their fates undisclosed until well after early and unnecessary deaths.

What we did not know, until a recent article in *The Times* by Nina Bernstein, was how strenuously the government has tried to cover up those failings — keeping relatives and lawyers in the dark, deflecting blame, fighting rigorous quality standards, outside oversight and transparency. These deficiencies endure today.

It is nothing less than horrifying that the terms "disappear", "secret", and "death" can be used to describe ICE detention. When will the Obama Administration act to protect the basic human rights of immigrant detainees? How many more will have to die before someone in government is outraged enough to start paying attention?

Posted by David Leopold at [3:54 AM](#) [0 comments](#) 

Monday, January 18, 2010

DHS Prepares Detention Center For Haitian Refugees



While the US government is valiantly leading the effort to bring disaster relief to the people of Haiti, back in the U.S. the Department of Homeland Security is quietly preparing for

the possibility of an influx of unwelcome Haitian refugees by creating space at South Florida's main detention center. The *Los Angeles Times* reports today that between 250 and 400 immigration detainees are being moved out to clear space for any Haitians who manage to reach U.S. shores. DHS also states that Guantanamo Bay could be used to house temporarily house Haitian immigrants. <http://bit.ly/5V7kQa>

Not that there are any Haitians sailing toward the US at the

moment, or that a grand influx of Haitian refugees is expected any time soon. No, the DHS just wants to prepare the prison cells in case the Haitians arrive.

Sometimes I wonder if the bureaucrats who run DHS have any clue about what goes on outside their drab government edifices. Have they seen the news reports out of Haiti this past week? Do they not understand that most Haitians are simply trying to find enough food, water, and medical help to make it through the night, let alone planning to ferry themselves across a very dangerous stretch of the Caribbean Ocean to reach South Florida?

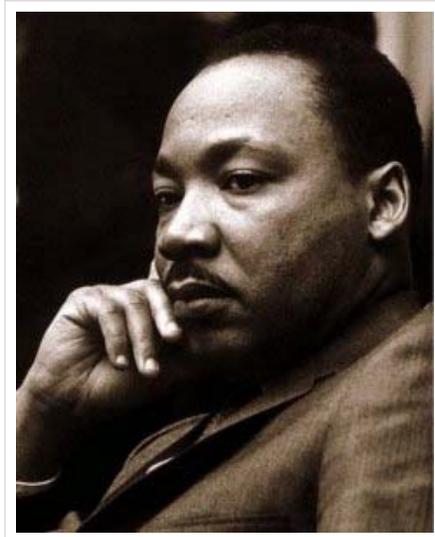
And, assuming that some Haitians did make it here, what is the point of detaining them? Why not simply give them the Temporary Protected Status granted to their fellow Haitians who were in the US when the earthquake struck? Of course, there are those who will argue that if we don't lock up new Haitian arrivals we'll only encourage their brethren to follow. And there may be some truth to that. But given the horrific situation in Haiti, it's difficult to imagine that detention will serve as a deterrent. It would make more sense to give Haitian refugees TPS so they can remain free, and work to build the resources they will need to return to their homeland once the situation permits.

Posted by David Leopold at [5:55 PM](#) [0 comments](#) 

Labels: [Detention](#), [Haitian Refugees](#)

Sunday, January 17, 2010

Martin Luther King's Birthday



This week marks the 81st birthday of the Rev. Dr. Martin Luther King, Jr. His heroic struggle for civil rights, a battle for which he paid with his life, is an inspiration to all Americans. While there has been progress since the 60s, there remains much work to be done.

Last week, USCIS director Alejandro Mayorkas, speaking at the first naturalization ceremony timed to honor the slain civil rights leader, reminded

the nation that the legacy of Dr. King and the civil rights movement of the 60s is America's promise of a dream to all who are able to come here. "When we greet new citizens into the United States we speak of the open opportunities that our country presents to everyone around the world who qualifies for the benefits our agency administers...Martin Luther King helped define those hopes and opportunities for everyone."

I applaud Director Mayorkas for his words and for honoring Dr. King's memory with citizenship ceremonies around the country. But

it is also important to remember those who cannot get here or who are here but cannot enjoy America's promise—the victims of persecution and torture who seek refuge in America but have been refused admission; the business entrepreneurs, scientists, artists, and others who long to contribute to America's economy, social fabric, and culture but are subject to a bureaucratic "culture of no" as well as absurd visa quotas and interminable backlogs; the husbands, wives, fathers, mothers, sons, daughters, brothers and sisters who dream of reuniting with their loved ones and have played by the rules only to find themselves at the wrong end of a broken immigration system. And, of course, we must hold in our hearts all those who are in the U.S., but are detained or live in fear of arrest, deportation, and separation from their families because America offers them no pathway to citizenship.

I would encourage everyone to take time this week to read (or reread) Dr. King's "Letter from a Birmingham jail" <http://bit.ly/fRSs>. It is an open letter written on April 16, 1963, by Dr. King from the city jail in Birmingham, Alabama, where he was confined after being arrested for his part in a planned non-violent protest against racial segregation by Birmingham's city government and downtown retailers. His eloquent words apply with equal force to all struggles for human rights, including today's fight for immigration reform.

Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. Never again can we afford to live with the narrow, provincial "outside agitator" idea. Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds.

* * *

How does one determine whether a law is just or unjust? A just law is a man made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust.

Posted by David Leopold at [11:52 AM](#) [0 comments](#) 

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