



**Americans for
Immigrant Justice**

Formerly Florida Immigrant Advocacy Center (FIAC)

BUILDING THE WALL | **A NEW WAR ON IMMIGRANTS**

April 12, 2018

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Executive Director, Americans for Immigrant Justice**

www.aijustice.org

Acknowledgements

The calls to Americans for Immigrant Justice (AI Justice) come regularly from teachers, relatives, friends, and even politicians: “Help save this amazing immigrant.” Many of the stories in this report are personal. They are our clients, and the country is better for having them. All of us would benefit greatly by allowing hard-working immigrants who call America home and are a fundamental part of the fabric of our nation to legalize their status. They are our constant source of inspiration, and this report is dedicated to them. Thanks also to our dedicated staff who work tirelessly to obtain justice for our clients and to our supporters and funders for making this report and all our work possible.

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ACRONYMS

AAP	American Academy of Pediatrics
AI Justice	Americans for Immigrant Justice
BTC	Broward Transitional Center
CAM Program	Central American Minors Program
CBP	U.S. Customs and Border Protection
DACA	Deferred Action for Childhood Arrivals
DHS	U.S. Department of Homeland Security
DOJ	U.S. Department of Justice
EOIR	Executive Office for Immigration Review
ERO	Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement
FDP	Family Defense Program
FIAC	Florida Immigrant Advocacy Center
GDP	Gross Domestic Product
HHS	U.S. Department of Health and Human Services
ICE	U.S. Immigration and Customs Enforcement
IMPAC	Immigration Partnership & Coalition
NAACP	National Association for the Advancement of Colored People
NAIJ	National Association of Immigration Judges
NIJC	National Immigrant Justice Center
NTA	Notice to Appear
OIG	Office of Inspector General of The U.S. Department of Health and Human Services
ORR	Office of Refugee Resettlement
PHI	Paraprofessional Healthcare Institute
SIJ Status	Special Immigrant Juvenile Status
TPS	Temporary Protected Status
TRAC	Transitional Records Access Clearinghouse, Syracuse University
TVPRA	William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008
UAC	Unaccompanied Alien Child/Children
USCIS	U.S. Citizenship and Immigration Services

OUR WORK AT AMERICANS FOR IMMIGRANT JUSTICE

*AI Justice was named one of 11 "excellent organizations [that] need your generous help to climb the mountain that is 2018."*¹

—The Nation, December 2017

*AI Justice was named one of 10 organizations "crucial in the fight for the rights of those most likely to be under attack under [the new administration]."*²

—Huffington Post, November 2016

In 2017, AI Justice:

- Served more than 7,000 immigrants and their family members
- Provided **Know Your Rights** presentations to 4,596 immigrants
- Provided 1,450 pro bono attorneys, judges, law enforcement officials, and social service providers with legal trainings
- Recruited 170 pro bono attorneys and 130 other volunteers

Americans for Immigrant Justice (AI Justice) is an award-winning, nationally recognized pro bono law firm that protects the basic rights of America's immigrants. In Florida and on a national level, we champion the rights of unaccompanied immigrant children, advocate for survivors of trafficking and domestic violence, serve as a watchdog over immigration detention practices, and speak for immigrant groups who have compelling claims to justice.

Many of our clients have been abused while detained and denied due process in a barely functional immigration court system that does not ensure legal representation for those who face removal. Our staff has provided free legal services to more than 120,000 vulnerable immigrants from the Caribbean, Central and South America, Africa, Europe and Asia since we opened our doors in January 1996.

AI Justice is the rare organization that works both nationwide and on the front lines of human rights in Florida. Grounded in real-world, real-people experience, AI Justice's "boots on the ground" direct services work informs our broader policy work. Our multicultural and multilingual staff work to build alliances among immigrants, government, civil, social, and faith-based communities.

In 2011, seeing hardening attitudes toward immigrants nationwide, AI Justice stepped up its advocacy for sensible immigration policies and reform. This renewed determination prompted a national agenda and a name change to Americans for Immigrant Justice from Florida Immigrant Advocacy Center (FIAC). AI Justice's advocacy includes testifying before Congress, participating in federal court litigation, informing the public about critical immigration policy, and performing media outreach.

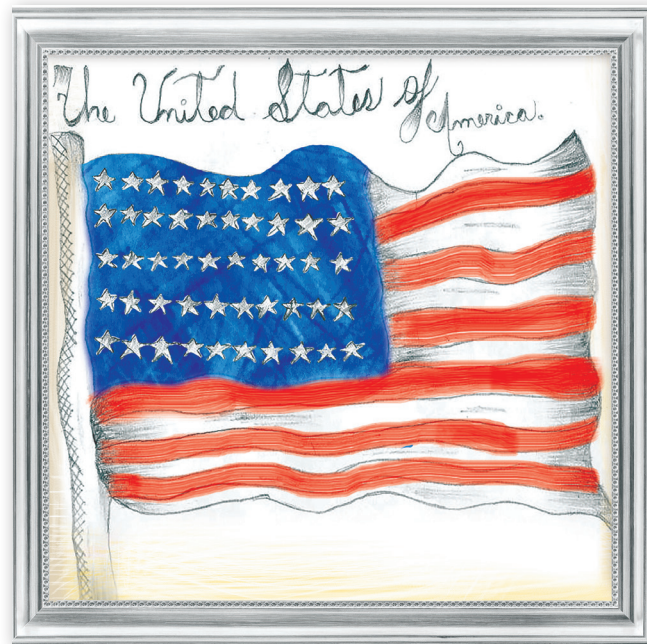
Florida is a bellwether state and a national testing ground for immigration policies. The nation's fourth largest state, Florida mirrors United States demographics but with a higher proportion of immigrants and elderly residents, a pattern that reflects what our country will become in the decades to come. AI Justice is strategically positioned to spot injustices and sound the alarm.

Following the inauguration of President Trump in January 2017 and the announcement of his anti-immigrant travel bans, AI Justice's legal team hit the ground running. Our lawyers secured the release of several terrified unaccompanied children unnecessarily detained for hours at Miami International Airport despite approval of their refugee status by our government through the now-terminated Central American Minors (CAM) refugee program. Staff also played a central role in the creation of South Florida's Immigration Response Team, training and mobilizing pro bono attorneys to assist immigrants targeted in immigration raids.

AI Justice is a non-partisan organization, with high-profile members of both parties on its Board of Directors and Honorary Board. Over the years, the need for AI Justice's advocacy and services has skyrocketed, making our mission more important than ever.

"AI Justice's work honors our values as a nation of immigrants. They have made a tremendous difference in the lives of immigrants throughout Florida and the country through their victories both large and small."

— Former United States Senator Harry Reid



Drawing by Marcela, age 13, AI Justice client

OUR MISSION

To protect and promote the basic human rights of immigrants through a unique combination of free direct services, impact litigation, policy reform, and public education at local, state, and national levels.

OUR VISION

To bring about an American society where immigrants are not subjected to abuse or injustice, are not afraid to seek help, have a fair opportunity to make their case in the system that governs them and have their contributions valued and encouraged.

"Such successes have turned [AI Justice] into a powerhouse in national advocacy for persecuted migrants too poor to hire a lawyer."

— The Miami Herald, January 2, 2006

IMMIGRATION LAWS AND POLICIES DURING THE PAST TWO DECADES

“The United States is known as the land of great opportunity and hope. We remain a global beacon of light through our principled values and our diverse citizenship. Americans for Immigrant Justice realizes that the American Dream is as important as ever, and I am glad that their efforts [have expanded] nationwide.”

—United States Congresswoman Ileana Ros-Lehtinen, (R-FL)

AI Justice opened its doors on January 2, 1996, following the April 1995 Oklahoma City bombing. The agency was founded in anticipation of anti-immigrant laws that included preventing federally funded Legal Services Organizations from assisting most immigrants unless they already had legal status. These laws rolled back immigrants’ basic rights, and in 1996, AI Justice inherited 3,000 cases that Legal Services of Greater Miami and Florida Rural Legal Services could no longer take. By early 2000, Congress was working to amend some of the harmful provisions in the 1996 laws and support for sensible immigration reform was growing.³ In September 2001, President George W. Bush and Mexican President Vicente Fox were planning a new temporary worker program and other reforms, part of an effort to build a stronger partnership.⁴

But positive change was not in the cards. On September 11, 2001, foreign-born terrorists attacked our country, and life for America’s immigrants became far more difficult. Enhanced national security laws meant to make our country safer targeted innocent asylum seekers and others seeking protection. Immigrants from the Middle East were thrown into remote detention centers with little to no contact with loved ones and subjected to secret court hearings. Tens of thousands of Middle Eastern nationals from “high-risk countries” were required to register with our government.⁵

Immigrants with no criminal history who had lived here for years, including large numbers in South Florida from Central America, the Caribbean, and Mexico, became targets of federal dragnets with code names like “Operation Endgame” in 2004⁶ and “Return to Sender” in 2006.⁷ Local police began rounding up immigrants to turn over to immigration officials, with Florida leading the charge.⁸ Not to be outdone, state and local officials worked to pass laws punishing immigrants and those who offered them shelter.

“ICE had fewer than 7,500 detention beds in 1995. Now the system is 500 percent bigger, with nearly 40,000 beds nationwide in 200 facilities that operate under three different sets of government standards.”⁹

—PRI’s *The World*, NPR,
March 15, 2018

While demand for AI Justice’s services grew considerably, there continued to be hopeful signs that Congress would make fixing our broken immigration system a priority. Both Presidents Bush and Obama pledged to do so, but to the surprise of many, President Obama became known as the “Deporter in Chief,” deporting a record 2.4 million immigrants during his tenure.¹⁰

AI Justice’s 2005 report, *Securing Our Borders: Post 9/11 Scapegoating of Immigrants*, highlighted the extent to which our post 9/11 immigration policies were misguided and counterintuitive and should not be repeated. Yet the current administration’s anti-immigrant agenda is far harsher than those of years past and without justification. Such policies undermine the basic principles upon which our country was founded and seem rooted in nativist, xenophobic views held by those fearful of changes in our country’s demographics. The damage being done is incalculable.

“Many undocumented workers have walked mile after mile, through the heat of the day and the cold of the night... Workers who seek only to earn a living end up in the shadows of American life—fearful, often abused and exploited. America is a stronger and better nation because of the hard work and the faith and entrepreneurial spirit of immigrants.”¹¹

—President George W. Bush,
January 2004

HOW TRUMP IS QUIETLY REWRITING US IMMIGRATION POLICY

By Tal Kopan, CNN

April 2, 2018

Here are some of the moves the administration made [between March 26 and March 31]:

- Attorney General Jeff Sessions quietly reopened an immigration court precedent that he could single-handedly overrule, looking at whether the government needs to pause deportation proceedings until an immigrant is done pursuing legitimate claims to stay in the US.
- President Donald Trump opted to not extend work permits and protections for approximately 840 Liberians who have been living and working in the US for at least 16 years and in some cases decades. Previous presidents had extended the permits on humanitarian grounds.
- The Commerce Department will add a question inquiring about citizenship to the 2020 Census, a move critics fear could undercount immigrant communities and thus cost diverse states and localities congressional representation and federal resources.
- Immigrations and Customs Enforcement announced it would no longer default to releasing pregnant immigrants from detention, paving the way for more pregnant women to be held in lengthy custody awaiting immigration proceedings.
- The State Department moved to formally require all applicants for visas and legal residency in the US to submit five years of social media, email and telephone history with their applications.
- The Department of Homeland Security advanced a policy that would substantially expand the types of government programs that could count against an immigrants' application to stay in the US — potentially skewing the immigration system in favor of high-income immigrants.
- The Justice Department settled a lawsuit with West Palm Beach over sanctuary city policies that clarified how much local officials can cooperate with federal immigration authorities.
- Trump is exploring whether he could build his long-promised border wall — even though Congress has rejected his request for funds and authority to do so — by using military resources to do it.
- US Citizenship and Immigration Services issued a memo that could tighten employers' abilities to secure high-skilled visas for foreign workers.

BUILDING THE WALL

Without a single brick, President Trump is doing everything he can to keep immigrants out and take away their rights to due process.

“We fear that recent changes regarding ICE detention and enforcement are the beginning of a dramatic and long-lasting shift. AI Justice staff are re-evaluating legal strategies regarding each of the thousands of cases we currently have in order to triage cases and prioritize those needing immediate assistance.”

— Michelle Ortiz, AI Justice Deputy Director

Fourteen months after taking office, President Trump is fulfilling his pledge to build a “great, beautiful wall” to keep immigrants out.¹² Even if no concrete is ever poured, the wall is effectively already being built through executive orders, procedural changes, detentions, and deportations.

Each month our government chips away at fundamental laws and policies that protect immigrants’ basic rights. Each week there are new hurdles for immigrants seeking relief and the advocates who represent them. The extent to which Trump’s directives undermine basic constitutional principles is shocking. A recent CNN piece (on p. 10 of this report) includes a laundry list of moves the administration made during just one week that further damage an already broken immigration system.

This Easter, Trump reminded us that eroding immigrants’ basic rights remains his number one priority, making inaccurate and misleading claims and using DREAMers as bargaining chips. At 9:56 a.m. he tweeted:

“Border Patrol Agents are not allowed to properly do their job at the Border because of ridiculous liberal (Democrat) laws like Catch & Release. Getting more dangerous. ‘Carvans’ coming. Republicans must go to Nuclear Option to pass tough laws NOW. NO MORE DACA DEAL!”

The new administration’s policies have upended the lives of immigrants who

have lived in this country for years, even decades. This includes 900,000 immigrants with prior removal orders who were provided work permits by the United States government through periodic check-ins with Immigration and Customs Enforcement (ICE).¹³ Another 1 million-plus immigrants who were allowed to remain here and work legally also face return to countries they may not even remember.

“What I find the most frustrating, as an attorney of 34 years, is the tremendous amount of discretion both the government and the courts have over immigrants’ lives, and the lack of transparency that breeds Constitutional deprivations. As a prosecutor, I took for granted such bedrock notions as due process and fundamental fairness and came to expect a judicial system that was mindful of those notions as well. I don’t have the same confidence in our immigration system, and that is hard to adjust to.”

— Lisa Lehner, AI Justice Senior Litigation Attorney

Among those are 300,000 Central Americans and Haitians who received Temporary Protected Status (TPS) years ago after natural disasters in their home countries¹⁴ and 800,000 young people known as DREAMers, granted work permits through the Deferred Action for Childhood Arrival (DACA) program.¹⁵

Rather than focus immigration enforcement on those who commit crimes, the new administration has made ALL undocumented immigrants targets, and the number of immigrants arrested and held in detention is skyrocketing. ICE’s Miami “area of responsibility,” which includes Florida, Puerto Rico, and the U.S. Virgin Islands, saw the greatest increase in ICE arrests, up 76 percent in 2017 over the previous year.¹⁶ Even immigrants eligible for green cards are threatened with deportation while their cases are pending.

Despite family ties and productive lives created here, immigrants are seeing their deportations expedited at the expense of due process. Arbitrary deportations have left thousands of United States citizens without mothers, fathers, husbands, wives, and siblings upon whom they depended for emotional and financial support. Sister Maureen Kelleher, a legal services attorney, noted the impact of current policies on immigrants in Immokalee, Florida:

“Government attorneys are now opposing all our motions and re-calendaring all court cases of immigrants who for years were able to move on with their lives as long as they checked in with ICE officials. One local police officer said that in his 20 years on the force he has never seen anything like he’s seen since Trump took office, and that immigrants are being picked up for minor infractions like trespassing and placed in ICE custody on a regular basis.”

“Detention work is difficult not only because the cases move at lightning speed but also because clients struggle to maintain some control over what is happening in their lives.”

— Andrea Crumrine, AI Justice
Greenberg Traurig Holly Skolnick
Equal Justice Works Fellow

The pace of the changes and the damage it is doing to the lives of our friends and neighbors has left AI Justice scrambling to devise strategies to protect the rights of our clients and other immigrants, with fewer and fewer remedies available.

Claiming the need for billions more, Trump’s FY 2018 budget sought to dramatically increase immigration enforcement and border security funding, including more than \$1.5 billion in new spending to fight “illegal” immigration for the Department of Homeland Security (DHS).¹⁷ The budget proposed a 66 percent increase in immigration detention, growing daily detention levels to more than 51,000 people, and hiring 10,000 more ICE agents and 5,000 new Customs and Border Protection (CBP) agents.¹⁸ The omnibus spending bill signed by President Trump in late March 2018 includes over \$14 billion for CBP, \$1.8 billion more than last year, and over \$7 billion for ICE, an increase of \$641 million over last year. Roughly \$370 million of the ICE increase is for “Custody Operations,” which funds ICE detention.¹⁹

The United States government already spends more than \$2 billion a year to detain immigrants in private prisons, federal detention facilities, and county jails, a system that has been criticized for decades for its inhumane treatment of people who, in most cases, have never been convicted of a crime but are nevertheless treated like criminals.²⁰

The private, for-profit prison industry houses the vast majority of these detainees and has benefitted enormously from the growing number of ICE detention beds. The remote location of most of these facilities makes it very difficult for immigrants to obtain legal representation to present their cases for asylum and other relief.

A February 2018 Supreme Court decision increases the likelihood that immigrants, including asylum seekers, will be detained during the entire course of their immigration cases. The 5-3 ruling overturned a Ninth Circuit Appeals Court decision requiring periodic bond hearings for detained immigrants.²¹

“Detentions and deportations of long-standing and law-abiding migrants [in the U.S. today] have sharply increased, tearing families apart and creating enormous hardships.”²²

— Zeid Ra’ad al-Hussein, U.N. High
Commissioner for Human Rights,
March 7, 2018

Meanwhile the president, who boasted that illegal crossings at the southern border are down by 61 percent, continues his pledge to build a massively expensive wall along Mexico’s 2,200-mile border, even though more Mexicans have returned home in recent years than have arrived, and in 2016 the United States’ undocumented population fell to its lowest level since 2003.²³ Since 2007, more unauthorized immigrants have overstayed valid visas than have entered via the Mexican border.²⁴

About 11 million immigrants live in the United States without permanent legal status, doing jobs that are critical to our economy and building American lives.²⁵ Yet many have no path to ever achieve legal residency.

The failure of Congress to enact meaningful immigration reform has left the United States with a massively complex and broken system that often fails to provide even the most basic due process protections and neglects the essential role immigrants play in a thriving economy.

LEGAL IMMIGRATION IN THE CROSSHAIRS

“[The RAISE Act] effectively reduces legal immigration to our country by half, making it far more difficult for families to reunite and ensuring that Lady Liberty no longer welcomes the poor and those who don’t already speak English or have a good job prospect.”

— Peter Baker, “Trump Supports Plan to Cut Legal Immigration by Half,”
The New York Times, August 2, 2017

Legal immigration is also at risk. Claiming the need to focus on welcoming skilled workers, Trump has championed Republican bills that pull the welcome mat out from under those whose labor is in great demand and who are essential to a thriving economy.²⁶ When the Senate was working to pass legislation to benefit DREAMers, Trump insisted that any such bill include language ending what has long been a cornerstone of our immigration laws, family reunification, which Trump calls “chain migration.”²⁷ Many DREAMers voiced concern that doing so would pit their interests against other deserving immigrants, including their own parents:

“As a DREAMer, I’m really troubled by a bill that will harm millions of other immigrants in exchange for my own protection. No matter how [Trump] wants to sugarcoat the proposal, as immigrant activists and DREAMers, we cannot support demands that put other immigrants in harm’s way.”

— Monica Lazaro, DACA recipient

Immigration authorities are even stripping Central American youths fleeing for their lives of basic protections, treating them in much the same way as they treat arriving adults. And Border Patrol agents are forwarding information coerced from children arriving alone at the border to ICE so they can target adult relatives for deportation.

The Trump administration is also turning away asylum seekers at our border, needlessly placing them in harm's way and depriving them of any opportunity to make their case for protection under our current laws. Even when immigrants in need of protection are provided an opportunity to request asylum, their cases are being rushed, giving them inadequate time to prepare.

“[Immigration Judges] hear death penalty cases in a traffic court setting.”²⁸

— Dana Marks, President Emeritus of the National Association of Immigration Judges

Exacerbating matters, immigration judges have been told to further increase already alarming caseloads, as their performance will be evaluated on the number of cases they close, among other things. Judges have complained that this will make it harder for immigrants to receive a fair review of their claims for legal status.³⁰

Visitors to the United States also face growing hurdles. Immigrants who have visited loved ones here for years, with valid tourist visas, are now being denied permission to enter. Even those who obtain approved tourist visas are at greater risk of detention once here. In August 2017, upon arrival at Miami International Airport, “Carla,” whose entire immediate family resides in Mexico and who had successfully entered and returned in 2015, was interrogated by three

different officers, detained overnight, and then transferred to Broward Transitional Center (BTC) where she languished for several weeks in jail at U.S. taxpayer expense. This happened even though she arrived here with a plane ticket to return home soon.

The Director of AI Justice’s Family Defense Program (FDP), Adonia Simpson, sums up the concerns and frustrations of immigrant advocates these days:

“The last eight months have been the most difficult of my career, and I am often left unsure of how to advise people. The community is terrified, and it is difficult to alleviate their concerns. As advocates, we are unable to provide advice and counsel with the certainty we did only months before — nothing is outside of the realm of possibility and nothing is certain. Policies are in constant flux and attorneys ride the emotional rollercoaster along with our clients.”

“The United States is unlawfully turning away some asylum seekers at official ports of entry across the southern border without referring them, as required under U.S. law and treaty commitments, to asylum protection screenings or immigration proceedings.”²⁹

— Human Rights First, Report: Crossing the Line, May 2017

“The third immigration agent asked me if I was afraid to go back to Mexico. I did not realize the severity of the question and I said my mother might be upset that I wasn’t able to deliver the presents for our dear friend, but I was never at all afraid for my life if I were to be sent back to Mexico. The agent then told me that I would need to sign papers to be considered for asylum since I said I feared returning to my home country. I again explained to the agent that I did not fear any danger at all if I returned and she said that I should still sign the asylum application paper anyways. I said just let me return home, and the CBP agent lied and told me that I would be able to leave to my home country within the same day if I signed the paper. The agent told me where to sign and so I signed since the agents had already been very intimidating and rushing the entire process.

I have been treated like a criminal since the moment I left the airport with handcuffs. When I landed in the United States I did not imagine that I was going to be confronted with such horrific treatment. If I had known, I would have abandoned my trip entirely.”

— Statement of “Carla” while detained at BTC

CAP ON REFUGEES

"They're pretty much shutting the refugee program down without having to say what they're doing. They've gotten better at using bureaucratic methods and national security arguments to achieve nefarious and unjustifiable objectives."

— Eric Schwartz, President of Refugees International, December 8, 2017

"Officials informed the Vera Institute of Justice that starting this month it will pause the nonprofit's Legal Orientation Program which last year held information sessions for 53,000 immigrants in more than a dozen states. The federal government will also evaluate Vera's 'help desk,' which offers tips to non-detained immigrants facing deportation proceedings in the Chicago, Miami, New York, Los Angeles and San Antonio courts."

— Maria Sacchetti,
The Washington Post, April 10, 2018

Refugees in dire need of protection are at greater risk than ever. Shortly after taking office, Trump used executive actions to shut down our country's refugee program and banned countless Muslims from entering our country.³¹ Following a court battle, the administration introduced a less controversial ban, and left in place a 120 day halt on refugee admissions in order to review the situation.

When the review ended in October 2017, serious restrictions remained and persons from 11 nations, 10 of them Muslim-majority countries that made up 44 percent of admissions in 2017, were barred from entering.³²

Turning their backs on those fleeing violence and abuse, officials also dramatically reduced the number of refugees admitted to the country each year, from the 110,000 cap set by President Barack Obama before he left office to 45,000 for FY 2018, the lowest number since 1980.³³ Refugees admitted will face enhanced scrutiny on top of a process that already takes years. The administration has also withdrawn the United States from the Global Compact on Migration, claiming that cooperating with other nations on global refugee issues violates the sovereignty of the United States.³⁴

RACIST POLICIES RULING THE DAY

*"The Trump administration likes to justify its multi-front crusade against immigration and immigrants as a revival of the rule of law... In fact, it is largely a resurrection of xenophobia that coincides with a spike, nearly 50 years in the making, in the number of foreign-born residents living in the United States."*³⁵

— The Washington Post
Editorial Board,
December 3, 2017

Trump repeatedly claims that most arriving immigrants are criminals. He even established a taxpayer-funded office within ICE to act as a liaison with "known victims of crimes committed by removable aliens," despite overwhelming evidence that immigrants commit far fewer crimes than native-born Americans.³⁶ Adding insult to injury, Trump pardoned former Arizona Sheriff Joe Arpaio, who repeatedly ignored a federal judge's order to stop racially profiling residents suspected of being undocumented and jailing them under harsh, inhumane conditions.³⁷ The message, which further advanced a climate encouraging racial profiling, was clear: Immigrants' basic rights do not have to be respected.

"The [Refugee] Program isn't being managed-or it's being managed to fail. What couldn't be achieved through executive orders is being achieved through administrative roadblocks or lack of will."

— Bob Carey, Former Director of ORR,
February 26, 2018



Drawing by one of
AI Justice's minor clients.

In the now infamous meeting where Trump stated he doesn't want any more immigrants from "shithole" countries like Haiti or African nations, it became clear that racism plays a critical role in this administration's immigration policies.³⁸ While Trump's remarks were incredibly painful, they were not surprising or new.

Edwidge Danticat, the Haitian-American novelist, responded, "Mr. President, so many have tried to take us out before. Eight years ago, the earth itself tried to take Haiti out. Yet the courage and obstinate resistance of Haitians remain...To borrow a slogan that many Americans of different backgrounds have been using since the beginning of this presidency, 'today we mourn, tomorrow we fight.'"³⁹

"President Trump has stoked fear of Muslims at every opportunity since the first travel ban. Foreign students in universities across America live in fear that their lawful status will not be enough. Muslim American permanent residents and even citizens have felt the increased scrutiny at our borders and airports. I have been told more than once by Muslim immigrants, 'When you feel your own government is trying to get rid of you, where do you turn?'"

— Khurram Wahid,
criminal defense attorney

Earlier this year, U.S. Citizenship and Immigration Services (USCIS) altered its mission statement, removing reference to the United States as a "nation of immigrants."⁴⁰ This sends a chilling message to immigrants at USCIS offices waiting for interviews with an officer who will make the final decision on their citizenship applications. The Washington Post reported that the administration intends to crack down on USCIS employees who appear to be "too lenient" in granting green cards or citizenship.⁴¹

"People come here because they believe that they'll be treated fairly; because their homelands, rather than being 'shitholes' are in despair. They come because, right up to Jan. 19, 2017, the United States was a welcoming nation."

— The Miami Herald Editorial Board,
January 11, 2018

Trump's anti-immigrant rhetoric has emboldened racists and xenophobes, and nationally, hate groups are on the rise. Florida ranks second in the nation with over 60 active hate groups, including four in Miami-Dade County.⁴²

Past years now seem like the good old days, as AI Justice's phones ring off the hook as never before with calls from immigrant families, including green card holders and United States citizens, fearful of being deported.⁴³

"For over six months now, the Orange County Tax Collector's office, which provides the DMV services for Orange County, has been systematically denying service to people who are lawfully allowed to have government issued state identification and driver's licenses [...] If you wanted to get any appointment at all to visit the Lee Vista and then the Downtown Orlando office, the appointment page had a notice that said they would not give any appointments to anyone who could not prove U.S. citizenship for all services. Individuals with DACA, TPS, permanent residents, refugees, people with approved asylum petitions, U-Visas, VAWA, special immigrant juvenile status, cancellation of removal, are all individuals who are lawfully allowed to work in the United States and are therefore lawfully allowed to have State government issued identification cards or driver's licenses."

— Isabel Sousa-Rodriguez,
Director of Membership and
Organizing, Florida Immigrant
Coalition (FLIC), April 2018

TRUMP'S MASSIVE DEPORTATION MACHINE

Instead of focusing on criminals, the new administration is targeting all undocumented immigrants.

"If you're in this country illegally and you committed a crime by [virtue of] being in this country, you should be uncomfortable, you should look over your shoulder. You need to be worried... No population is off the table."⁴⁴

— Thomas D. Homan, Acting Director of ICE,
House Appropriations Committee Hearing, June 2017

"BAD HOMBRES" NOT A TARGET

"When Mexico sends its people, they're not sending their best... They're sending people that have lots of problems, and they're bringing those problems with us. They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people."⁴⁵

— Donald Trump, kicking off his
Presidential Campaign, June 16, 2015

In recent months, it has become increasingly clear that President Trump is delivering on his promise to create a massive "deportation force" and turn it against those seeking refuge in our country.

While Presidents Bush and Obama focused on deporting criminals and those who posed a threat to our national security, our current administration has made ALL undocumented immigrants priorities for detention and removal. That includes immigrants who have followed instructions and faithfully done whatever our government required them to do over the years. Now ALL undocumented immigrants anywhere in the United States who arrived in the last two years may be subject to expedited, fast-track removal.⁴⁶

"Shortly after election night, it was not uncommon for children to tell us that while being held in the hieleras (iceboxes, or cold rooms in detention centers), CBP officers taunted them by saying that finally they will all be quickly deported now that Trump is president."

— Jennifer Anzardo Valdes, AI Justice's
Children's Legal Program Director

Immigrant apprehensions were up by 43 percent in 2017 compared with the same time in 2016, with the sharpest increase among those with no criminal record, not the "bad hombres."⁴⁷ Arrests of non-criminal undocumented immigrants increased by 150 percent between February and May 2017, compared with the same time a year prior.⁴⁸

In February 2017, the head of ICE Enforcement and Removal Operations (ERO) issued a memo advising his officers that they WILL — not may — arrest all undocumented immigrants they encounter.⁴⁹ ICE's acting director subsequently boasted that the number of non-criminal arrests went "from zero to 100 under a new administration."⁵⁰

In an effort to justify increased ICE raids and prove the "bad hombres" are being rounded up, former Department of Homeland Security (DHS) Secretary John Kelly ordered local ICE officials to provide "three most egregious" cases of apprehended criminals to share with the media. Local officials struggled to find such cases.⁵¹

Today, many undocumented immigrants fear going to the grocery store or to church and are even afraid to take their children to school or to the doctor's office. We have received reports of ICE agents in Hillsborough County, Florida waiting by school bus stops to question farmworker parents about their legal status when they drop off their children.

"We live in a really scary time where ... ICE is essentially operating as a propaganda machine made for the Trump administration. They specifically went out of their way to mislead the public ... and they couldn't find egregious cases."⁵²

— Greg Casar, Austin City Council
member, October 2017

Long-time residents who have been working hard, paying taxes, and have no criminal records are filling the growing number of ICE detention beds.⁵³ Even immigrants who just a few months ago appeared eligible for lawful status, including victims of

domestic violence who cooperated with law enforcement, now risk detention and deportation. By statute, only 10,000 “U” visas can be granted every year.⁵⁴ Those waiting in line for visas are now at risk of deportation and allowed to return only when their visa becomes available.

Immigrants living or working in immigrant-friendly venues are also at risk, as they were for some time under Obama, but under the new administration we can expect to see far more of these raids. In October 2017, Thomas Homan, Acting Director of ICE, pledged to quadruple workplace crackdowns, and a few months later, agents targeted 98 7-Eleven stores in 17 states, including Florida, and arrested 21 immigrants suspected of being in the country without proper documents.⁵⁵

Trump’s April 6, 2018 memo to end the so-called “Catch and Release” policy and require the indefinite detention of immigrants includes requests such as: “A detailed list of all existing facilities, including military facilities, that could be used... to detain aliens for violations of immigration law at or near the borders of the United States.”

“In recent months, we’ve seen a drastic shift in the population at the Broward Transitional Center. At the end of the Obama presidency, the detention population was composed almost exclusively of recent arrivals transferred here from the southwest border.

Now, the population is largely long-time residents of our community and they are being ripped apart from their young children and other family members.”

— Jessica Shulruff Schneider, Director of AI Justice’s Detention Program

The decision to target, imprison, and deport immigrants is an expensive one. The United States spends billions a year on immigration detention.⁵⁶ In FY 2017, immigration detainees were housed in over 200 jails throughout the country, with an average of 35,929 people detained on any one day, not including families detained at border facilities.⁵⁷ About 73 percent are detained in private prisons, principally those owned by the GEO Group (formerly Wackenhut Corporation) and CoreCivic (formerly Corrections Corporation of America), without adequate oversight.⁵⁸ County jails hold most other detainees.



Broward Transitional Center.

Sample of Immigrants Arrested and Taken to the Broward Transitional Center (BTC) during the first two weeks of June 2017:

- A.M.P.M. was driving in Cocoa Beach when she was pulled over by police who told her she had a Hispanic face and then contacted ICE.
- L.N. was on a Greyhound bus at the Fort Lauderdale bus terminal when ICE officials boarded and asked everyone for their documents.
- S.Z. was outside Miami International Airport with her fiancée, waiting for her daughter, when ICE took her daughter’s phone and called S.Z., instructing her to enter the airport to pick up her daughter. When S.Z. arrived, she was detained.
- A.M.R.R. was sitting in her parked car in Jupiter, when local police asked for her identification. After she produced her passport, ICE transported her to immigration detention.
- D.C. was looking for work at Home Depot in Oakland Park when local police approached him and asked what he was doing there. Police asked him for identification and after D.C., who is from Bosnia, produced his passport, police detained him until ICE arrived.

BORDER PATROL APPREHENSIONS ON THE RISE

"Once the CBP agent got on the bus, it seemed like he came straight for me in the back of the bus. As he walked towards where I was sitting, he did not stop to ask any other people for their identification documents. The CBP agent asked for my ID and how long I had been in the U.S. Once I answered, he told me to get off the bus, and as we started walking forward, he began to ask other select people for their ID. I think he also pulled a Chinese man off the bus."

— C.J., BTC detainee and long-term resident with a United States citizen child

Anyone near a Greyhound bus station in Florida is at great risk without proof of legal residency. CBP claims they have the authority to randomly stop and search anyone within 100 miles of a United States border, including the entire state of Florida, without a warrant.⁵⁹

In her January 2018 Miami Herald column, "In the Hunt for Undocumented Immigrants, Border Patrol Agents Hassle Citizens, Too," Fabiola Santiago describes what South Florida residents like Joshua Dobarganes, a Miami-born and raised actor, now face when traveling by Greyhound bus:

"Returning home on a long Greyhound bus ride from Jacksonville, the 31-year-old was the first passenger to get off at the West Palm Beach stop to get some fresh air – only to find Border Patrol agents waiting in the dark, guns in holsters, and accompanied by a dog. ... That it's open season on immigrants by presidential decree is no excuse for the malaise in addressing the search-and-

arrest issue with transparency, information and heart. Likewise for Motel 6, which is being sued by a civil rights group in Phoenix for discriminating against Latino customers at two locations."⁶⁰

Not surprisingly, there have been news reports of CBP racially profiling immigrant workers in South Florida and harassing homeless persons in Lake Worth, in venues offering free food.⁶¹ Complaints that the Monroe County Sheriff's Office is apprehending immigrants and calling CBP, allegedly to translate, so that CBP can turn the immigrants over to ICE are commonplace. Broward Sheriff's Office deputies have also been accused of racially profiling persons as they disembark from cruise ships.

The administration's efforts to round up immigrants are even eroding formerly sacrosanct "sensitive locations," or safe zones, such as hospitals, schools, and churches. In Texas, Oscar and Irma Sanchez were met by a CBP agent in a hospital while waiting for their son to be transferred for emergency surgery.⁶² Despite not having criminal records, Mr. and Mrs. Sanchez were arrested, placed in deportation proceedings, and guarded by ICE agents as they feared for their son's life. In October 2017, CBP apprehended a 10-year-old with cerebral palsy who was in an ambulance as she passed through a Border Patrol checkpoint north of the Texas border. She was turned over to ICE, placed in removal proceedings and detained in a local shelter for 11 days until she was released to her family.⁶³

"SANCTUARY CITIES"

"In a place that thinks of itself as the capital of Latin America, the Miami-Dade County mayor's decision last week to jump out front and heed President Trump's executive order demanding cooperation with immigration agents has set off consternation and protests."⁶⁴

— The New York Times, February 1, 2017

The administration's efforts to revive and enhance failed policies of the past include requiring local law enforcement officials to help enforce our country's immigration laws. Officials in so-called "sanctuary cities," like Miami, were told they must cooperate with ICE officials or risk losing federal funds. Miami-Dade County Mayor Carlos Gimenez, citing the fear of losing federal funding for transit and other projects, caved almost immediately and ordered county officials to jail immigrants beyond their eligibility for release so ICE could pick them up, sending shock waves through the South Florida community.⁶⁵ This was a complete shift from the 2013 resolution unanimously passed by Miami-Dade County, which refused to hold immigrants picked up in unrelated cases for an extra two days so ICE could detain them unless the federal government paid the cost and the person was wanted for a serious crime.⁶⁶

No other major city with a large immigrant population has given into these unreasonable demands. West Palm Beach officials sued the Trump administration over labelling their city a "sanctuary city," asking the judge to find that their policies already comport with federal law.⁶⁷ A settlement was reached and the Justice Department agreed that West Palm Beach was in full compliance. The city agreed to drop its lawsuit, and notified city employees that they

may share “any and all information, including information regarding citizenship and immigration status, with ICE.” In March 2018, the Trump administration sued California over state laws aiming to protect immigrants from federal directives requiring local officials to cooperate with ICE.⁶⁸

“During the past several months, all hope has gone from our people, and now our immigrant community is simply focused on surviving. The current climate has reduced life to day-to-day survival in which it is hard to think about the future.”

— Father Frank O’Loughlin, Founder of the Guatemalan-Maya Center in Lake Worth, Florida

Requiring local law enforcement to cooperate with ICE makes our communities less safe. There is already an increase in unreported crimes because, as one police chief noted, “bad guys know that many immigrants will not call the police.”⁶⁹

When immigrants have sought to report crimes, they have paid a heavy price. Just ask Irvin Gonzalez, a transgender immigrant who, after seeking domestic abuse protection in February 2017, was detained by ICE.⁷⁰ Carson Osberg, a staff attorney with AI Justice’s Lucha Program, summarized the impact of today’s immigration policies on survivors:

“The current anti-immigrant climate is pushing survivors further into the shadows, undoing more than two decades of efforts to protect and encourage victims to report abuses perpetrated against them.”

“I just couldn’t bear the burden – continuing on as a representative of the agency and charged with upholding integrity, knowing that [Trump administration] information was false.”⁷¹

— James Schwab, former U.S. Immigration and Customs Enforcement spokesman, March 2018

INNOCENT CHILDREN TRAUMATIZED

“My little brother cries every night, my sister can’t focus in school, and I cannot sleep at night. My mother is in trauma, and because she is a live organ donor, she only has one kidney, so the stress is very dangerous. She could die if [my father] is deported.”⁷²

— Letter to local jail officials, written by 14-year-old son of Syed Ahmed Jamal, a Bangladeshi professor who was placed in deportation proceedings after 30 years in the United States

Innocent children who fear the deportation of a parent or other loved ones are among the most vulnerable. Almost 6 million United States citizen children under age 18 live with an undocumented parent or family member.⁷³

Since the 2016 election, AI Justice has heard countless stories from young children fearful that when they return from school their parents will no longer be there because ICE arrested them. In December 2017, Karla Hernandez-Mats, the president of the United Teachers of Dade County, Florida, shared her concern about the impact of this administration’s immigration policies on children in our school system:

“[M]y oldest child is 8 years old, and he was born here. I was born here as well, but he talks about this with his peers. They’re talking about being deported. An 8-year-old child should not have these burdens on them. They should not have to be worried about how they’re going to get to school, what’s going to happen to [their] parents, because they can’t learn. They are constantly in this fear.”⁷⁴

The harm that the arrest of a parent causes to family members cannot be underestimated. Following the January 2018 arrest of Syed Ahmed Jamal, a chemistry professor in Kansas who arrived in the United States from Bangladesh 30 years ago, his 14-year-old son Taseen told a local reporter that ICE agents warned his mother she could be criminally charged if she tried to hug their father goodbye on their front lawn, where Jamal was arrested and handcuffed.

After his father was detained, Taseen’s 12-year-old brother told a reporter, “We were just about to drive off to school when an ICE officer came and tapped on the window. I’d heard that things like this were going around in America, but I didn’t really think it would happen to us.”⁷⁵

Jamal had a temporary work permit at the time of his arrest. A GoFundMe page, describing Jamal as a “beloved Lawrence family man, scientist and community leader,” quickly raised nearly \$75,000.⁷⁶ An immigration judge granted Jamal a temporary stay of removal, but his future in the United States remains uncertain.

“During my lengthy detention at BTC, my son and husband became lost without me. My son began acting out with his teachers and his grades plummeted. He began to believe that I was never going to return. The day I was released, we celebrated my return and we celebrated my husband, Sgt. Morris, taking his oath and becoming a U.S. citizen. That same week I went to my son’s school for a conference to address his issues.”

—“Anna,” November 27, 2017

“GOTCHA” AT ROUTINE ANNUAL CHECK-INS

“You show up. And then they’re telling you, ‘We’re detaining you today,’ or ‘We’re giving you a new report date, but expect to (be deported).’”⁷⁷

— Kalman Resnick,
Chicago immigration attorney, April 2017

The deportation dragnet is ensnaring immigrants who had been told they could stay in the United States and work legally as long as they checked in with immigration authorities once a year.⁷⁸ These immigrants, roughly one million not including DREAMers and TPS recipients, have faithfully done whatever the United States government has asked of them. Even when they aren’t detained, they are now frequently told to report back to ICE in three to six months, rather than in a year. Ironically, immigrants who have followed all United States directives and showed up for their annual ICE appointments are among the most vulnerable today.

Carlos was arrested in March 2017 when he appeared for his annual appointment, hoping to renew the work permit he’d had for 10 years. Carlos has no criminal history and his mother, an

AI Justice client, and his brother are both legal United States residents. He was deported in July 2017. Jorge Garcia, a Mexican immigrant living in Michigan, arrived in the United States when he was 10 years old and was ordered deported in November 2017 during an immigration check-in at the age of 39.⁷⁹ His wife Cindy Garcia told a CBS news reporter:

“My husband was here illegally and that was the only crime he committed at 10 years old. I am an American citizen and I understand that our borders need to be protected against terrorists, but my husband is not a terrorist. My husband is not a drug dealer. He is not a criminal.”⁸⁰

Immigrants like Carlos and Jorge represent countless others whose stories don’t see the light of day because they are detained and quickly deported. Exacerbating matters, officers often don’t understand who qualifies for legal status or humanitarian relief and who is eligible for temporary relief from detention and removal. As one Miami immigration attorney noted following the ICE check-in with her client, whose “U” visa application is pending:

“This officer, who knew nothing about what even qualified as ‘prima facie proof’ for the ‘U’ visa (for domestic violence victims), is the gatekeeper making the decisions as to when and if someone should be detained. Immigration regulations give much discretion to immigration officials, who often are ignorant of immigration law and whose decisions can have grave consequences. It is sadly consistent with how arbitrary our immigration laws and systems can be in this country.”



AI Justice staff giving “Know Your Rights” presentations.

AI Justice is now accompanying immigrants to check-ins, seeking to protect clients who are awaiting visas or in proceedings that could legalize their statuses. Immigrants without qualified attorneys during check-ins are at far greater risk of being detained and removed.

KEEPING FAMILIES TOGETHER

“They’re too busy plucking chicken feathers and cleaning rooms and picking tomatoes to be making bombs. They come here for an opportunity. We shouldn’t be demonizing them. They make America great.”⁸¹

— Mike Fernandez, Founder IMPAC Fund



AI Justice staff giving “Know Your Rights” presentations.

AI Justice regularly receives frantic calls from immigrants anxious about their families being torn apart, the fate of their United States-born children, and wondering how to keep the house they bought, their cars,

their businesses, and other property. With no right to free court-appointed counsel in immigration proceedings, more immigrants than ever are in need of competent and zealous advice and representation.

In the wake of changing policies in January 2017, AI Justice increased its outreach in the community. Our newest legal program, the Family Defense Program (FDP), provides advice and representation to families who fear being torn apart under the new administration.⁸² Presentations address the meaning of new policies, warn of *notario* (scammers) fraud, and explain how individuals can prepare for detention or deportation, including paperwork necessary in the event that United States citizen children are left behind.

This work was made possible through generous funding from the Immigration Partnership Coalition (IMPAC), a group of business and civic leaders in Florida, led by Mike Fernandez.

“Today, misinformation about immigrants and immigration law is rampant. I find myself having to remind people, inside and outside the immigration system, even the most sympathetic people, that the Constitution applies to everyone here, independent of where they were born.”

— Maite Garcia, AI Justice Children’s Legal Program Staff Attorney



Pro bono attorneys volunteer at an AI Justice legal screening clinic.

The IMPAC Fund has allowed AI Justice to serve as a lifeline to South Florida’s Immigrants. As of April 1, 2018, more than 2,800 individuals had learned about their rights with regards to law enforcement, nearly 1,200 received individual legal screenings and legal advice, and many others are receiving direct legal representation with their court cases, thanks to the help of close to 200 volunteers, including over 70 pro bono attorneys.⁸³

Several immigrants have also been informed that they are eligible for legal permanent residency through family petitions or visas based on victimization. However, immigrants in Miami can wait almost 17 months for green cards and 15 months to naturalize, according to an April 2018 article in The Miami Herald. Even clients not eligible for relief receive a valuable service knowing where they stand and being warned against scams.

“It was as if they opened the doors and said, ‘Okay, here. This is the key so that you can continue working toward your dreams.’”

— Cindy, former DACA recipient, recalling what she felt like to find out she had another avenue for immigration relief after attending an AI Justice legal screening clinic

GOODBYE TO DREAMS, GOODBYE TO AMERICAN LIVES

The end of two programs that provided work permits and allowed immigrants to remain here, sometimes for decades, has upended more than 1 million lives.

*"For those of us who know DREAMers, who love them, it's puzzling that their value is being so casually discarded."*⁸⁴

— Edwidge Danticat, "DACA, Hurricane Irma, and Young America's Dreams Deferred,"
The New Yorker, September 6, 2017

More than 1 million immigrants, many of whom have lived in the United States for decades, have seen their lives turned upside down by cancellation of the temporary programs DACA and TPS that helped them get work permits and driver's licenses, buy homes, and build careers.

More than 300,000 long-term residents who have had TPS for upwards of 20 years are living in fear of returning to countries they barely recall.⁸⁵ About 800,000 young people who benefitted from the 2012 DACA program face the same prospect.⁸⁶ DACA, which Trump ended in September 2017, allowed young people who were brought to the United States as children to work legally and, in many places including Florida, receive driver's licenses and pay in-state college tuition.

"We're seeing a growing work force shortage in direct care... It's affecting the entire industry, and it's affecting older and disabled people and their families."⁸⁷

— Robert Espinoza, Vice President of Policy for the Paraprofessional Healthcare Institute (PHI),
February 2, 2018

While DACA and TPS relief is by its nature temporary, stripping status from those who have been able to live and work here legally for decades without a reasonable alternative is mean-spirited and counterintuitive. They are our neighbors, friends, co-workers, family members, and an integral part of our economy.

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

"After deferred action it was kind of like a safety blanket. It's definitely scary to think about the future, but ... I don't want to leave. I'm American, even though I'm not on paper."

— Sofia, Florida DREAMer

In 2012, President Obama implemented DACA, providing a temporary reprieve from removal for young immigrants brought to America as children by parents who risked everything to provide their kids safety and a better future.⁸⁸

The program was life-changing. In Florida, these youths were able to get work permits and driver's licenses and were eligible for far more affordable in-state tuition at state colleges and universities.⁸⁹

"The Department of Homeland Security urges DACA recipients to use the time remaining on their work authorizations to prepare for and arrange their departure from the United States – including proactively seeking travel documentation – or to apply for other immigration benefits for which they may be eligible."⁹⁰

— DHS Notice to DACA Recipients following September 5, 2017 announcement to end DACA

Before DACA, these young people, known as DREAMers, lived in the shadows, often not even aware they were not here legally until it was time to apply for a driver's license, college, or a job. They grew up pledging allegiance to the United States.

To be eligible for DACA, applicants had to have entered the United States before 2007, have a high school diploma or GED or be enrolled in school, be born after June 15, 1981, and have little to no criminal record.⁹¹ Once granted, the status could be renewed every two years, but it did not lead to permanent residency or citizenship.

"Whatever concerns or complaints Americans may have about immigration in general, we shouldn't threaten the future of this group of young people who are here through no fault of their own, who pose no threat, who are not taking away anything from the rest of us."⁹²

— Former President Barack Obama,
on Facebook, September 5, 2017

On September 5, 2017, Attorney General Jeff Sessions announced the cancellation of the DACA program.⁹³ DREAMers were told that the program would "phase out" but their work permits would be valid until expiration. Thousands of DACA recipients would begin to lose their protections after March 5, 2018, the deadline Trump gave Congress to find a legislative solution.⁹⁴ The administration went out of its way to throw roadblocks at DACA applicants

and eliminated their ability to travel with permission under advanced parole, closing the door for many to pursue alternative paths to permanent legal status.⁹⁵ USCIS officials also marked 4,000 DACA renewal applications “late,” even though the only reason for their untimely arrival was an error by the United States postal system.⁹⁶ As of March 1, 2018 at least 20,000 immigrants who submitted their applications before Trump announced the program’s end were still waiting for approval notices.⁹⁷

In January 2018, a federal judge in California temporarily halted Trump’s directive, allowing DACA recipients to file renewal applications.⁹⁸ The judge’s order, however, did not require the government to accept new DACA applications. The Department of Justice (DOJ) appealed the decision to both the Ninth Circuit Court of Appeals and the United States Supreme Court.⁹⁹ Until the federal court weighed in, 122 DREAMers were losing their benefits every day, and more than 8,500 DREAMers had already lost benefits.¹⁰⁰

A federal judge in Brooklyn also issued a temporary injunction against Trump’s DACA directive.¹⁰¹ Meanwhile, the Supreme Court declined to review Trump’s appeal of the California court’s decision, giving the Appeals Court time to decide whether the proper process was followed before ending DACA and allowing DREAMers to continue filing renewal applications.¹⁰² With the March 5 deadline having passed without a Dream bill and Congress failing to include a path forward for DREAMers in the \$1.3 trillion spending bill, hundreds of thousands of DREAMers, including 20,000 of our country’s teachers, face uncertain futures.¹⁰³

“This decision by the administration to end DACA and shut down the dreams of young immigrants is heartbreaking, reckless, and wrong. For too long, DREAMers have been living with fear and unable to plan for their futures. DACA was necessary to provide a migratory safe harbor, and it is cruel to take away the opportunities to work and go to school currently afforded to them.”¹⁰⁴

— United States Congresswoman
Ileana Ros-Lehtinen, (R-FL),
September 5, 2017

Roughly 50,000 DREAMers call Florida home, and more DREAMers attend Miami Dade College (MDC) than any other college in the country.¹⁰⁵ The college’s president, Dr. Eduardo Padrón, refers to MDC as a “Dream Factory.”¹⁰⁶ Most DACA recipients are from mixed-status families, and about 200,000 United States-born children have parents with DACA.¹⁰⁷ The 117,000 individuals eligible for Dream relief in Florida would potentially contribute an additional \$4.1 billion annually to the state’s economy if they have college degrees and an additional \$1.2 billion even without college degrees.¹⁰⁸ Putting our nation’s DREAMers on a pathway to citizenship would add at least \$281 billion to our country’s GDP over the next 10 years.¹⁰⁹

“Congratulations to the dedicated men and women of AI Justice for their labor of love in support of immigrants in our community. Their work in promoting rights of immigrants in the United States is legendary and nationally recognized.”¹¹⁰

— Dr. Eduardo Padrón, President
of Miami Dade College

HISTORY OF DREAM ACT

“We are aware of the risk. We are risking our future because our present is unbearable.”¹¹¹

— Felipe Matos, participant
in the 1,500-mile “Trail of Dreams”
March to Washington, D.C.

The first DREAM Act was introduced in 2001, and DREAMers have been on an emotional rollercoaster since then, as numerous congressional efforts to provide them a path toward legalization have failed.¹¹²

AI Justice had the privilege of representing the four Miami Dade College students who, in the tradition of the civil rights movement, walked 1,500 miles from Miami to Washington, D.C. in 2010 to garner support for the DREAM Act and make the case for comprehensive immigration reform.¹¹³ Shortly after their journey began, these DREAMers noted on social media:

“This is the only country we have known as home...But because of our immigration status, we’ve spent our childhoods in fear and hiding, unable to achieve our full potential.”¹¹⁴

Passage of a Dream bill is not only morally right, it is just plain smart. It would stop the immense brain drain that occurs when ambitious young people are deported or blocked from achieving their full potential. Some 65,000 students graduate high school each year and face bleak prospects, regardless of their talent and potential to significantly contribute to the country they love and call home.¹¹⁵ Were their talents unleashed, these new Americans would earn, spend, and invest heavily in the United States economy.

***“Every day that another young DREAMer sits in detention costs taxpayers money. Every DREAMer who cannot find a way to attend college is a loss of U.S. investment in their public school education. Every DREAMer deported deprives us of their potential contributions to U.S. society.”*¹¹⁶**

— Unleash the DREAM:
End the Colossal Waste of
Young Immigrant Talent,
AI Justice Report, September 2010

TEMPORARY PROTECTED STATUS (TPS) IN JEOPARDY

***“Whether you vote for me or not, I really want to be your biggest champion.”*¹¹⁷**

— Donald Trump, addressing Haitians in Miami during run-up to the 2016 election

Congress created TPS in 1990 for persons who face return to countries devastated by natural disasters or political upheaval that temporarily prevents them from returning safely, or where the country is unable to handle the return of its nationals adequately.¹¹⁸

“Being a colored immigrant in society today – it’s hard but we live, we fight through it, we have a dream to make a future for ourselves and contribute to our families. When I heard about TPS being cancelled, it was heartbreaking. I felt useless, I felt like it was my fault. It was really terrible. I don’t ever want to feel like that.”

— Peterson Exais, 17 years old, who spent four days buried under the rubble following the 2010 Haitian earthquake and underwent more than a dozen surgeries at Miami Children’s Hospital

By November 2017, Salvadorans, Nicaraguans, and Haitians had been told to pack their bags and return to violence-ridden countries they hadn’t lived in for years.¹¹⁹ Hondurans are expecting similar news. Although the United States has declared El Salvador and Guatemala safe places to which immigrants can return, thousands of Salvadorans and Guatemalans continue to flee deadly gang violence. Similarly, despite serious concerns about continued instability in Haiti and its ability to absorb repatriations, DHS found that country conditions there had sufficiently improved.

The first lawsuit challenging the termination of Haitian TPS was filed in January of 2018 in Baltimore,¹²⁰ and a similar suit on behalf of Salvadorans and Haitians was filed in Boston the following month,¹²¹ claiming that the administration’s decision to end TPS was racially motivated. A third suit filed in San Francisco on behalf of TPS holders and U.S. citizen children argues that the narrower interpretation of law adopted by the administration to end TPS is unconstitutional and discriminating.¹²² A fourth suit filed in New York challenged the decision to end Haitian TPS.¹²³ Ira Kurzban, one of the attorneys in the case, told reporters, “Make no mistake, Trump’s decision to terminate Haitian TPS is motivated by his repellent bias towards Haitians and other people of color.”¹²⁴

“It’s fear and it’s stress. Most people fear all law enforcement now. Our sense of freedom has been stripped away.”

— Farrah Larrieux, TPS recipient

TPS BY THE NUMBERS

***“While the Chamber appreciates that the TPS program is intended to be temporary, the reality is these individuals have now lived and worked in communities across this nation for in some cases nearly two decades now. ... the loss of employment authorization for these populations would adversely impact several key industries where TPS recipients make up a significant amount of the workforce [including] construction, food processing, hospitality, and home healthcare services.”*¹²⁵**

— United States Chamber of Commerce,
October 2017

TPS was granted to Hondurans and Nicaraguans in 1999, following Hurricane Mitch.¹²⁶ Salvadorans were granted TPS in 2001, after a series of devastating earthquakes.¹²⁷ Following the 2010 Haitian earthquake, TPS was granted to Haitians already in the United States.¹²⁸ For nearly 20 years, TPS for eligible Salvadorans, Nicaraguans, and Hondurans has been generally extended every 18 months. TPS for Haitians was also routinely extended.

TPS has benefitted 195,000 Salvadorans, 57,000 Hondurans, 46,000 Haitians, and 2,550 Nicaraguans who have made their lives here, starting businesses, paying taxes, and building a better future for their families.¹²⁹ TPS recipients are employed at rates ranging from 69.2 to 83.5 percent.¹³⁰ Their contributions will only continue to grow, as they are collectively raising families that include nearly 275,000 United States-born children.¹³¹

Florida is home to roughly 50,000 TPS recipients, including 3,100 Salvadorans, 21,900 Haitians and 6,400 Hondurans.¹³² Almost 19,000 United States-born children in Florida have Haitian parents with this status, 4,200 have Salvadoran parents with TPS and 5,100 have Honduran parents with TPS.¹³³ Florida's economy benefits enormously from these immigrants who work in construction, at airports, as taxi drivers, and in the hotel, restaurant, and health care industries. Florida could lose upwards of two billion dollars annually as a result of the end of TPS for Haitians, Hondurans, and Salvadorans.¹³⁴

An analysis by the Center for American Progress concluded that if Salvadoran, Honduran and Haitian workers with TPS were removed from the labor force, the United States would lose \$164 billion in gross domestic product (GDP) over the next decade.¹³⁵ Additionally, deporting TPS holders would cost employers \$967 million in turnover costs.¹³⁶

“Partnering with Americans for Immigrant Justice was beneficial not only for our employees but also the community we serve. There is so much need and questions regarding immigration, such as TPS, in which our employees are in the program or have families or friends in the program. AI Justice staff were highly professional, informative, and helpful and it really added value to our community to have them here.”

— Yemisi Oloruntola-Coates,
System Director of Diversity and
Patient Care Civil Rights at Lee
Health in Fort Myers, Florida



AI Justice attorneys, Lisa Lehner and Adonia Simpson, serving as legal observers with those fasting in protest after the cancellation of DACA and Salvadoran, Nicaraguan, and Haitian TPS.

CHILDREN IN SEARCH OF SAFETY

Central American children fleeing for their lives are being denied basic protections and deprived of a meaningful opportunity to fight their removal.

“Since the election, we are constantly developing new strategies to continue to fight for vulnerable children whose fundamental due process rights are being stripped away by the Trump administration, putting these children in harm’s way and possibly sending them home to their death.”

—Jennifer Anzardo Valdes, AI Justice’s Children’s Legal Program Director

OUR WORK WITH UNACCOMPANIED CHILDREN

“Every time I meet with a minor I feel proud that I am able to answer their questions, explain the system and give them some sense of relief and stability. It is as if I am removing a small portion of the tremendous burden that has been placed on their shoulders, and telling them that they are not alone in this fight — we are in this together.”

—Thais De La Cuba, AI Justice Children’s Legal Program Staff Attorney

Thousands of children arrive alone in the United States each year, most crossing the border from Mexico as they flee uncontrolled violence in Honduras, Guatemala, and El Salvador. The number of young people under 18 arriving at the Southwest border without parents or guardians began increasing in FY 2013, peaking at more than 69,000 in FY 2014.¹³⁷ Those numbers fell to 40,000 in 2015 and rose again to 60,000 in 2016 and dropped to 41,435 in FY 2017.¹³⁸

“El Salvador, Guatemala and Honduras have among the highest homicide rates in the world. Boys are forced to join gangs; girls are forced to sleep with gangsters. The proof children are fleeing real danger: 73% of unaccompanied minors who go to immigration court with a lawyer win the right to stay here legally.”¹³⁹

—Sonia Nazario, “These are Children, Not Bad Hombres,” *The New York Times*, February 25, 2017

Once U.S. officials determine that an arriving child is an unaccompanied minor, they are transferred to the custody of the Department of Health and Human Services Office of Refugee Resettlement (ORR).¹⁴⁰ ORR is in charge of finding a safe place for the child, in the least restrictive setting, while their immigration case is pending.

For more than two decades, AI Justice has been privileged to provide free legal services to children who arrive alone, in search of safety and a better life. We are the only agency authorized by the federal government to meet with children in our local shelters, advise them of their rights, and determine their eligibility for legal status.¹⁴¹ In the past year alone, AI Justice staff screened roughly 2,700 children’s cases to determine their eligibility for legal status in addition to advising thousands of children about their basic rights and representing many of them in immigration and state court.

While children arriving at our border seeking asylum are entitled to due process and their day in court, the cards are stacked against them. Rather than finding the protection they seek, children encounter a legal system that is complex, bewildering, and frightening. They desperately need an attorney to navigate the convoluted worlds of immigration courts, state juvenile and family courts, and the federal asylum office. Yet, they are not entitled to a free lawyer, even though they are up against experienced DHS lawyers who argue for their

deportation. Hanging in the balance is whether a child will have a shot at the American Dream or be sent home to face violence, persecution, or death.

In February 2017, former DHS Secretary John Kelly issued harsh directives opening the door for the expedited removal of children hoping to find refuge in America, making it easier to deport them using limited court proceedings.¹⁴² Representing children is also increasingly challenging as our child clients are routinely given only two weeks to prepare for their asylum interview, which does not allow enough time for our attorneys to build trust with the child or to collect essential evidence supporting their claims.

On Feb. 11, 2016, United States Senator Harry Reid introduced the Fair Day in Court for Kids Act, which would require the federal government to appoint lawyers for unaccompanied children awaiting deportation hearings, but the bill did not gain much support.¹⁴³ The bill was amended and reintroduced in 2017 but still lacked sufficient support.¹⁴⁴ Two lawsuits challenging our government’s failure to provide lawyers to children facing deportation are pending.¹⁴⁵



Drawing by one of AI Justice’s minor clients.

WHY CHILDREN FLEE

"People don't keep in mind that in other countries we don't have the same opportunities. Kids don't go to school—kids get stolen, they get thrown into gangs, they get molested, they die in the streets when they refuse to do what gang members want you to do. And it's different here [in the U.S.]...we came here for a better future."

— Marisol, 17, El Salvador

A 2014 report by the United Nations High Commissioner for Refugees found that almost 60 percent of unaccompanied children they surveyed had potential claims for relief from deportation, including cases for political asylum or protection as victims of human trafficking.¹⁴⁶ A Marshall Project report from July 30, 2017, *Fearful of Court, Asylum Seekers are Banished in Absentia*, described children and adults telling stories of "being extorted at gunpoint, raped, kidnapped, and their families killed."¹⁴⁷ Today, more than three years later, their asylum cases are finally being heard in court.

"Without a doubt, one of the happiest days of my legal career was the day I provided my client with her green card. She was so excited knowing that she did not have to fear being sent back to her country and would have the opportunity to continue to live and study in the U.S. surrounded by those who love and care for her. As I left the courthouse, I thought, today was a great day to be an attorney."

— Patricia Mendez, AI Justice Children's Legal Program Staff Attorney

Attorney General Jeff Sessions has wrongly accused arriving children of being members of the notorious MS-13 gang and taking advantage of the unaccompanied minors program, sending their members here as "wolves in sheep clothing."¹⁴⁸ In his State of the Union address in January 2018, Trump made a point of making the same false claim.¹⁴⁹ This allegation is offensive and unjustified as most children have migrated to the United States in order to save their lives. Sessions has also erroneously blamed DACA, temporary relief for DREAMers, for encouraging Central American children to migrate here, and has made clear his administration will expedite the deportations of youth once they turn 18.¹⁵⁰

"Gangs recruit like a company searching for more employees in order to distribute more product."

— "Felipe," 16-year-old unaccompanied minor, August 2014

In 2014, following the surge of arriving children, the Obama administration said that children would have an opportunity to apply for refugee status or parole in their home countries through the Central American Minors (CAM) Refugee Program, a deeply flawed program.¹⁵¹ To apply, children needed to have a parent with legal status in the United States: only 1,400 children of the 13,000 who applied for relief were able to enter the United States.¹⁵²

On August 26, 2017 it was announced that the CAM Refugee Program would end, despite the fact that 2,700 children had already been granted parole.¹⁵³ Their parole was revoked once the program was terminated, before they could travel to the United States, and these children remain in danger.¹⁵⁴ The CAM Refugee Program stopped accepting new applications in November 2017,

and USCIS ceased interviewing new CAM cases at the end of January 2018.¹⁵⁵

CHILDREN USED AS "BAIT" TO APPREHEND FAMILY MEMBERS

"Children who come fleeing rampant violence find themselves detained for long periods because undocumented family members willing to receive them are suddenly being picked up by immigration. Children cry because they feel like criminals when the only reason they are detained is because they are here seeking refuge."

— Angeliki Bouliakis Andronis, AI Justice Children's Legal Program Senior Attorney

Most troubling, innocent children arriving alone at our border are being asked about the legal status of relatives waiting to take them in, and this information is being turned over to ICE officials.¹⁵⁶ These children are placed in the terrible position of having to provide information that could harm their parents or other loved ones or risk angering immigration officials. The children's sponsors, generally parents, face not only detention and deportation but criminal charges as "smugglers" if they helped facilitate the child's journey in any way.¹⁵⁷

"I'm a mother, a worker, and a churchgoer. I'm not a criminal. I know God will judge me in heaven. It doesn't matter whether or not I have papers there."

— "Sara," mother of unaccompanied minor

In June 2017, ICE began targeting the children's parents and other relatives, showing up at their homes to question them and detaining those with removal orders.¹⁵⁸ On August 31, 2017 Jonathan Fried, Executive Director of the nonprofit WeCount! in Homestead, Florida, reported what had taken place earlier that morning:

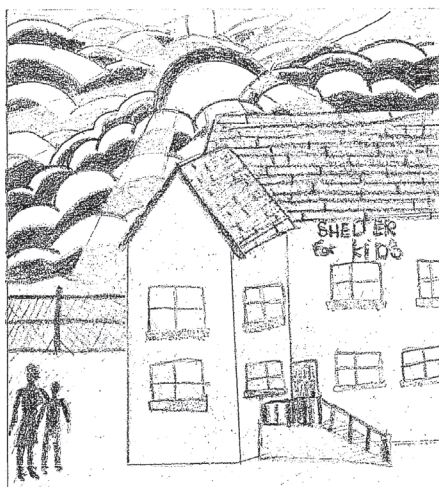
"Around 5 a.m. Homeland Security investigators came to the house of a WeCount! member who was granted asylum and is a legal permanent resident. He came into the country a few years ago as an unaccompanied minor, was granted asylum and now is the sponsor of his little brother. The agent knocked on the door and then called him on his phone saying they would remain there all day if he didn't open the door, that he must cooperate with law enforcement. Once in, they questioned him about who paid for his little brother to come here and told him they are investigating all minors and sponsors."

Detaining and deporting parents and other sponsors leaves children who have already experienced trauma without family support and facing prolonged detention as they go through critical legal proceedings. In August 2017, AI Justice joined 376 national, state, and local organizations urging then-Acting DHS Secretary Elaine Duke to cease ICE's "surge initiative," which targets immigrant youth and their sponsors.¹⁵⁹

AI Justice, along with several other immigrant rights organizations, also filed a formal complaint with DHS on behalf of more than 400 people who were detained during an ICE "surge initiative" in the summer of 2017. The complaint calls attention to ICE officers using information coerced from young immigrants by CBP agents at the border to target parents and other family members who came forward to sponsor them.¹⁶⁰ This new ICE practice has been implemented retroactively, targeting family members of children who arrived some time ago.

"DHS has weaponized children's longing for safety and their families' desire to protect them. In its ongoing efforts to break up families, DHS officials have threatened children, misled their caregivers, and denied them fundamental constitutional protections. This deliberate and systematic campaign to use children as bait to ensnare their parents and relatives punishes children for seeking refuge with their families and punishes their families for offering them protection."¹⁶¹

— Diane Eikenberry, Associate Director of Policy for National Immigrant Justice Center (NIJC), December 6, 2017



Drawing by one of AI Justice's minor clients.

DE-DESIGNATION OF UNACCOMPANIED ALIEN CHILD (UAC) STATUS

"[The Executive Office for Immigration Review (EOIR) memo] is significantly less favorable to children ... [as] prior guidance on engaging in child-friendly practices is weakened."¹⁶²

— Catholic Legal Immigration Network, December 2017

Children designated as "unaccompanied alien children" have long had important legal protections, including being able to present their asylum cases in a non-adversarial interview with an asylum officer rather than in an adversarial proceeding before a judge in immigration court.

For years, vulnerable children arriving alone at our border were designated as unaccompanied minors at the time of apprehension and maintained that designation throughout their legal proceedings, even if they turned 18 during the process. Last year, staff began seeing unaccompanied children transferred to adult detention on their 18th birthdays, rather than being released to their families while their cases were pending. AI Justice quickly began prioritizing these cases, successfully preventing children from being transferred to adult detention. The National Immigrant Justice Center (NIJC) has filed a lawsuit challenging the manner in which ICE detains children who "age out" of ORR custody and fails to provide them with meaningful alternatives to detention.¹⁶³

The Trump administration had called for the removal of all UAC protections once a child is released from ORR custody to a sponsor.¹⁶⁴ The Executive Office for Immigration Review (EOIR) also made changes to its guidance on juvenile immigration court cases, removing certain protections reserved for children in order to treat them more like adults.¹⁶⁵ Judges will now be required to use the same standards of judgement they use for adults when evaluating a child's testimony, omitting any leniency that was formerly granted to children in regard to their ability to tell their own story.

The proposed Asylum Reform and Border Protection Act of 2017 (H.R. 391) further limits children's access to asylum protection.¹⁶⁶ Some of the most troublesome provisions include:

- Changing the UAC definition so that the child cannot have any aunt, uncle, grandparent, cousin, or sibling over 18 years of age available to provide care.
- Prohibiting unaccompanied children from applying for asylum if they can be safely removed to a third country.
- Allowing Health and Human Services (HHS), which is responsible for the care of the child, and DHS, which works to deport the child, to share information.
- Limiting Special Immigrant Juvenile (SIJ) Status protection for a child who has been abused, abandoned, or neglected if the child can be reunified with a parent.

IMMIGRATION AND STATE COURTS

"We face opposition and systemic obstacles at every corner. In immigration court, the government is opposing any motion regardless of the circumstance. In Florida state courts, I often feel as though the judges have turned a blind eye to the best interest of an entire population of children simply because they were not born here."

— Miami immigration attorney

In recent months, staff noticed that court cases for children seeking asylum without attorneys were being fast-tracked. Exacerbating matters, a number of notices are not being properly served on children, a practice that AI Justice and other advocates constantly challenge. However, children without attorneys remain vulnerable. During initial appearances before the judge, only Spanish and English are spoken, and only the basics are translated to the child in Spanish. Children speaking indigenous languages are at even more of a disadvantage than their Spanish-speaking counterparts. Immigration judges have also asked children inappropriate questions about household members' legal status and other questions that belong in child welfare court.

Children in need of our country's protection are now far less likely to win their cases, despite the fact that conditions back home have worsened. Only 11 percent of Central American families who arrived since the 2014 "surge" were granted asylum as of January 2017.¹⁶⁷ In Miami, between October 2016, and September 2017, only 350 of the 2,434 children's asylum cases were granted.¹⁶⁸ In 2016, there was a 27 percent grant rate for similar Miami cases.¹⁶⁹ According to Syracuse

University's TRAC report, the odds of winning asylum are five times higher with representation. Without representation, only one out of every ten win asylum protection. Asylum representation rates have fallen as denial rates increased.¹⁷⁰

In 2008, the Trafficking Victims Protection Reauthorization Act (TVPA) expanded eligibility for SIJ Status to include children that the state court finds cannot be reunified with one or both parents due to abuse, abandonment, or neglect.¹⁷¹ A child who is granted SIJ Status has a path to permanent residency, though the increase in applications has created such a backlog that many young people are in legal limbo for years waiting for a visa to become available.¹⁷²

Children in South Florida facing judges in state juvenile or family court are generally far less likely to get a favorable decision than in other parts of the country.¹⁷³ Many of the judges here don't believe they should hear these cases since they are immigration matters, and are very reluctant to grant relief. Some judges have even refused to hear evidence in the children's cases. The Florida Supreme Court has ruled that trial courts are required to make individualized factual findings and should not summarily deny relief simply because the child is alone seeking an immigration benefit.¹⁷⁴

A story in The Nation documented the uphill battle facing immigrant children in South Florida state courts, noting:

*"It is nearly impossible for undocumented minors in Florida who have been 'abused, abandoned, or neglected' to apply for the green cards that they are legally entitled to."*¹⁷⁵

Asylum seekers and others needing protection from abuse at home are being turned away without a chance to present their cases.

“Trump says we don’t have to let you in. You can’t just show up here.”¹⁷⁶

— CBP agent at Hidalgo port of entry to asylum seekers, Human Rights First, May 2017

Immigrants seeking political asylum are entitled to due process under both United States and international laws. Yet today countless asylum seekers who have been persecuted in their home countries as well as survivors of human trafficking and other grave abuses are being turned away without any opportunity to make their case.

Numerous reports indicate that the United States and Mexico have collaborated on the use of an appointment system based in Tijuana, Mexico. According to Human Rights First, asylum seekers without an appointment, which Mexican officials have allegedly refused to provide, are being turned away by CBP officials.¹⁷⁷ Border officials have told asylum seekers that the United States is no longer accepting claims to asylum, claiming they reached their “daily quota” or that Trump has ended the granting of asylum.¹⁷⁸ Those turned away by CBP face continued risk of persecution and violence upon return.¹⁷⁹

Although advocates have long complained about detention conditions and the separation of families at the border, the problem is greater now because CBP agents are more emboldened to mistreat arriving families and children. In a rush to hire new CBP agents, the Trump administration has lowered hiring standards, no longer requiring applicants to even pass a polygraph test. James Tomsheck, a former Assistant Commissioner for Internal Affairs at CBP, complained that “[Such actions] leave the agency vulnerable to corrupt or compromised agents.”¹⁸⁰

Immigrants fortunate enough to get an interview with a CBP officer and given an opportunity to express a fear of return face an uphill battle. During an April 2016 visit inside CBP holding stations on the border, the director of AI Justice’s Detention Program witnessed the extent of the problems facing asylum-seekers during this initial stage of their detention, where attorneys are generally denied access:

“What was glaringly absent [in the *hieleras*] was any kind of confidential space where an asylum seeker could feel safe to disclose a fear of return, victimization along the journey or any other sensitive information. Moreover, the chaotic, hurried and often brusque manner in which Customs and Border Protection (CBP) works provides little emotional or psychological support for those in need of protection. Sadly, the current infrastructure of CBP processing centers is woefully insufficient to address the humanitarian crisis at our border.”

Children are also being forcibly separated from their parents at the Southwest border, a practice DHS is expected to soon formalize.¹⁸¹ Last January, DHS Secretary Kirstjen Nielsen told United States Senate members that our government is separating children from parents in order to “discourage parents” from seeking protection here.¹⁸² Traumatizing families hoping to seek safety under current United States laws is reprehensible, and as the American Medical Association recently noted, causes children

like “Pedro” “unnecessary distress, depression, and anxiety.”¹⁸³

Pedro, an 8-year-old indigenous child from Guatemala who does not speak Spanish, was forcibly separated from his father in August 2017.

Upon arrival at the border, Pedro witnessed several immigration officers throwing his father to the ground and assaulting him. When Pedro screamed at the officers to stop, he was ripped away from his father without explanation. Pedro cries when recalling the incident and still has no idea where his father is. His AI Justice attorney has searched for the father on the detainee locator but has been unable to find him.

The Office of Immigration Statistics recently noted that 55 to 85 percent of attempted crossings are unsuccessful, an increase from 35 to 70 percent from between 2007 and 2017.¹⁸⁴ Despite continued reports of CBP misconduct at the border, the agency has made little progress in its efforts to improve accountability.¹⁸⁵

The past two decades have seen unprecedented levels of spending on border security. While a decade ago the vast majority of persons apprehended at the border were Mexican, most persons arriving at our border today are fleeing uncontrolled violence in Central America.¹⁸⁶ Mexico is experiencing a sharp increase in asylum requests from Central America.¹⁸⁷

***"You can feel the racism with some of these guys [CBP officers]. They say stuff like 'These illegals should go back to their own countries.' There's real hatred there."*¹⁸⁸**

— Former CBP agent to
The New Yorker, February 2017

THE HIELERAS (ICEBOXES)

***"Immigrant and refugee children should be treated with dignity and respect, and not placed in settings that fail to meet basic standards for children's physical and mental health or expose them to additional risk, fear and trauma."*¹⁸⁹**

— American Academy of Pediatrics
Policy Statement, January 6, 2017

Upon arrival at the border, immigrants are transferred to detention centers, including facilities the detainees and even CBP officers call *hieleras*, or iceboxes, because they are so cold. Detainees report that their fingers and toes turn blue and their lips chap and split due to the cold. Blankets are not provided. These crowded cells have no mattresses, beds or chairs, and there is a single sink and toilet in plain view. Detainees are not given even the most basic supplies, like toothbrushes, soap, combs or ample sanitary napkins, and are unable to shower or change clothing.

The only water available is in a single thermos, filled with bleach-like water, burning the throats of those who drink it. Sleeping on the cold floor is even more difficult because bright overhead lights are left on 24/7.¹⁹⁰

"It's time to act. We are going to be guarding our border with our military. That's a big step... The threat is real."

— Kirstjen Nielsen DHS Secretary,
regarding the President's decision
to send National Guard Troops
to the border, April 4, 2018

Woman changing a child's diaper on top of mylar sheets on concrete floor, in trash-strewn cell.



Photos ordered released by a federal judge show conditions in the *hieleras*.
Photos posted on BuzzFeed on August 18, 2016.

"AI Justice supported me in my federal case against the U.S. government for the abuses I suffered in detention centers on the Texas border, which I came to know as 'hieleras' (iceboxes). I thank all those who make it possible for AI Justice to safeguard the rights of the helpless."

— Alba, El Salvador

AI Justice's child clients who arrive alone at the border are initially held in the *hieleras*, in conditions that clearly fail to meet their basic needs. The American Academy of Pediatrics (AAP) recently published a policy statement in response to concerns about conditions to which immigrant children are exposed at the border,¹⁹¹ conditions described by an AI Justice child client:

"I spent my time in the first *hielera* trying to sleep on the floor between bouts of extreme hunger. It was almost impossible to sleep because the floor was so hard and the room was so cold. There were no clocks in the room and the lights were always on. I felt like I was in jail.... Everyone was too scared to ask the officers to turn down the air to a reasonable

temperature because we didn't know if they would get angry and punish us in other ways. Any time I moved, I felt like they would punish us for no reason... As we were taken out of the cell again, an officer began to make fun of us and said 'Quiere que les tome la foto para subirla a Facebook? Les enseño a sus amigos y familia como están ustedes ahorita para que no vengan aquí a los Estados Unidos.' [Want me to take a picture of you all and upload it to Facebook? I'll show your friends and family how you are right now so that they don't come to the United States.] I was in shackles and felt really ashamed."

— "Sara," 14-year-old from Honduras

AI Justice has been sounding the alarm bell about these CBP "holding stations" for years. In our 2013 report, *The Hieleras: A Report on Human & Civil Rights Abuses Committed by U.S. Customs and Border Protection*, we gave voice to vulnerable women and children seeking protection here whose basic rights were violated while in CBP custody.¹⁹² In the past few years, AI Justice won landmark lawsuits in federal court, challenging conditions in *hieleras* and the treatment of immigrants held there.¹⁹³

“CRIMINALIZATION” OF IMMIGRANTS

Tens of thousands of immigrants are locked up in private prisons, county jails, and federal detention centers, trapped in a system that treats civil detainees as criminals and has been the subject of numerous complaints of abuse and human rights violations.

*“We identified problems that undermine the protection of detainees’ rights, their humane treatment, and the provision of a safe and healthy environment ... In violation of standards, all detainees entering one facility were strip searched. Available language services were not always used to facilitate communication with detainees ... Staff did not always treat detainees respectfully and professionally, and some facilities may have misused segregation. Finally, we observed potentially unsafe and unhealthy detention conditions. Detainees ... reported long waits for provision of medical care, poor conditions in bathrooms and insufficient hygiene supplies. OIG inspectors also observed expired, moldy, and spoiled foods in the kitchen in four facilities.”*¹⁹⁴

— DHS Office of Inspector General (OIG) report, December, 2017

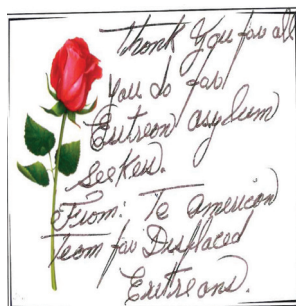
AI Justice was one of the first organizations to recognize the danger posed by the integration of our criminal and immigration enforcement systems (crimmigration) and we developed a robust detention representation program when few other organizations were doing this work.¹⁹⁵

Since the Oklahoma City bombing in 1995, we have seen immigrants in civil detention treated like hardened criminals. Given the current exploding detention population, concerns are justifiably heightened. The enormous increase in the arrest and detention of longtime residents has swelled the number of detainees and changed the population of South Florida’s detention facilities.¹⁹⁶ Detainees include asylum seekers, pregnant women, families with young children, visitors stopped at airports, immigrants caught at the Mexican border, and long-term residents facing removal.

Conditions in immigration detention facilities are often inhumane, prompting lawsuits that have successfully challenged the harsh treatment of persons detained for civil violations.¹⁹⁷ Problems include overcrowding, inadequate medical care, appalling living conditions, lack of access to attorneys, frequent transfers to remote facilities, physical and mental abuse, and indifference

to human suffering. Reforms announced under President Obama failed to result in any significant improvements, and the Trump administration has made clear that they don’t intend to work on improving conditions, on the contrary.¹⁹⁸

In their report, *Unlocking Human Dignity*, the United States Conference of Catholic Bishops and the Center for Migration Studies note that detainee lives “are governed by standards designed for criminal defendants. Detention brands immigrants as criminals in the public’s eye and contributes to the sense that they deserve to be treated as such.”¹⁹⁹



A note of gratitude from the America Team for Displaced Eritreans, a non-profit organization, to AI Justice staff who assisted Eritreans detained at Broward Transitional Center (BTC).

In recent months, Detention Program staff have assisted a Venezuelan human rights attorney, a Salvadoran victim of egregious domestic violence, a Cameroonian political

asylum seeker, a gay Honduran man, an Eritrean refugee seeking to reverse an immigration judge’s negative decision, a Honduran human rights attorney fleeing persecution and gang violence, and dozens of Somali asylum seekers who suffered abuse by United States immigration officials during a failed deportation flight.

“It used to take no more than 15 minutes to enter BTC’s front door and visit with loved ones. Now it takes about one hour, sometimes longer. BTC is now packed with local undocumented workers who have been swept up in ‘raids’ ordered by the president. Families and friends must arrive the moment the center opens; otherwise they risk having only a few minutes before visitation hours end. I have been told that visitors have been turned away because the room could not hold any more people. Can you imagine the pain of a family who might have driven for hours, only to be told on arrival that they cannot visit their loved one?”

— Christine Ho, Founder, Friends of Broward Detainees (a volunteer group providing companionship and support to detainees), July, 2017

ROUTINE HANDCUFFING AND SHACKLING OF DETAINEES

“On the plane, many people were asking for their medicine, especially the diabetics and others with chronic conditions. Because there were no pads or sanitary products, I was left covered in blood, like a newborn baby. I left a stain on my seat. They would not let one of my hands out so that I could change my pad.”

— “*Lourdes*,” Venezuelan detainee evacuated from BTC as Hurricane Irma approached

Even though immigration detainees are in civil, not criminal, custody they are routinely handcuffed and shackled at the waists and ankles during transfers between detention facilities, evacuation flights before a storm, routine medical visits, and deportation flights. In our recent report *“They Left Us with Marks” The Routine Handcuffing and Shackling of Immigrants in ICE Detention*, we detail the adverse impact of this cruel and unnecessary policy on detainees incarcerated by ICE in South Florida. Pregnant women must also endure this shackling, a violation of ICE’s own policy.²⁰⁰

While a 2016 ICE directive said that “absent extraordinary circumstances or the requirement of mandatory detention, pregnant women will generally not be detained by ICE,” a recent policy directs ICE officers to treat pregnant detainees like any other detainee, which the administration claims will “better align with the president’s [January 2017] executive order.” The order called for a massive increase in the detention and deportation of immigrants. According to ICE data, since this policy change in December 2017, ICE has detained 506 pregnant women. The American Medical Association refers to the

practice of handcuffing and shackling incarcerated pregnant women serving criminal sentences as “barbaric” and “medically hazardous,” citing the very real health risks handcuffs and shackles can cause the mother and her fetus.²⁰¹

“When I asked about how the guards would be able to uncuff us all in case of emergency one responded to me saying, ‘We have it handled. We are heavily trained.’ Another flight attendant told us to shut up. Another officer called a Latina woman a ‘hot potato.’ On the plane I said, ‘Don’t we have any rights?’ The officer responded to me, ‘You have the civil rights to shut up’... This was the worst experience of my life. I was so scared. When you ask where you are going or what is happening and you are told to shut up over and over, you just give up.”

— “*Bruna*,” pregnant detainee on flight from Miami to Georgia following Hurricane Irma evacuation, September 2017

In December 2017, AI Justice, along with the Immigration Clinic at the University of Miami School of Law, James H. Binger Center for New Americans at the University of Minnesota Law School, and Legal Aid Service of Broward County, filed a class-action suit on behalf of 92 Somali asylum seekers who were handcuffed and shackled at the wrist, waist and legs for 48 hours on a plane in a failed attempt to deport them. Like many Somalis in the class, Khadar Ibrahim, who fled Somalia decades ago after witnessing the violent murder of his immediate family members, says he was abused both on the flight and at Glades County Detention Center where he remains since the failed deportation.

He told attorneys he was thrown to the ground headfirst when standing up to use the plane’s bathroom, and at Glades suffered further physical abuse at the hands of the guards and was denied adequate medical care. The judge in the case ruled that petitioners cannot be deported until they have the opportunity to pursue motions to reopen their asylum cases, citing increased targeting of westernized Somalis in Somalia.²⁰²

In reflecting on the Somali case, Rebecca Merton, coordinator for Community Initiatives for Visiting Immigrants in Confinement (CIVIC), noted, “Under the Trump administration, it’s like they really don’t care that their brutality is being put on full display. It seems at times they want the reports to come out to instill fear in immigrant communities.”²⁰³ She, like many, believes that “abusive conditions eventually wear down the will of detainees to stay and fight their deportation orders in court.”²⁰⁴

THE “BED QUOTA” AND THE ROLE OF PRIVATE PRISONS

“GEO has a captive population of vulnerable immigrants who cannot advocate for themselves and this corporation is profiting on that.”²⁰⁵

— Attorney General Bob Ferguson, Washington State, September 2017

In 2009, Congress appropriated funds to maintain a minimum of 34,000 immigration beds daily.²⁰⁶ No other law enforcement agency is subject to a statutory quota on the number of individuals to hold, with good reason. Not surprisingly, the Congressional bed mandate created an environment in which detention expanded and flourished. While bed mandate language was removed from Congress’ budget language in 2017, this victory rang hollow with

an additional 33,000 beds added under the Trump administration in 2017. CBP plans to expand its own detention space by 12,500 beds.²⁰⁷

The vast majority of ICE detainees are held in private prisons including those run by CoreCivic and The GEO Group.²⁰⁸ Stock in these companies, whose business models depend upon profits for stakeholders, has been soaring since 9/11, and they have actively lobbied to keep the bed mandate and other harmful practices in place.²⁰⁹ GEO and CoreCivic donated hundreds of thousands of dollars to Trump's campaign,²¹⁰ and stock gains in these two private prison operations have doubled since the election.²¹¹ In October 2017, GEO held its annual leadership conference at Trump's Doral golf resort.²¹²

“GEO Group and CoreCivic... had revenues [in 2017] of \$2.3 billion and \$1.8 billion. The Chief Executive at GEO made \$9.6 million in 2017.”

— *The New York Times*, April 10, 2018



CoreCivic Processing Center in Laredo, Texas.

Meanwhile, ICE has been looking for new private prison space to house 4,000 more detainees in Chicago, Detroit, St. Paul, Salt Lake City, and southern Texas.²¹³

Detention in Numbers (FY 2017)

Cost per day **\$134 for adult detention**

Cost per day **\$319 for family detention**

Number of facilities **205**

Percent of people held in facilities operated by private companies **More than 73 percent**

Number of deaths since 2003 **179**

— *Detention Watch Network*

Over the years, reports of inhumane conditions in these facilities have led to harsh rebukes not only by immigrant and human rights organizations, including AI Justice, but by federal courts. In September 2017, Washington state's attorney general sued GEO for not paying its immigrant detainee workers, who make \$1 a day, the minimum wage.²¹⁴ A recent ruling in an earlier case related to unjust enrichment and forced labor claims could benefit upwards of 60,000 former and current Aurora Detention Center detainees.²¹⁵

The substandard care at these private prisons has also led to numerous immigrant deaths.²¹⁶ In 2017, the Federal Bureau of Prisons ended its contracts with GEO and CoreCivic after the Inspector General found that these private prison companies failed in all areas under inspection; at least two of the closed federal prisons now hold ICE detainees.²¹⁷

“I have never been arrested in the twelve years I have lived in the United States until now. This year, police stopped me when I was driving. The first thing the police officer said to me was, ‘You don’t have a license, do you?’ The officer did not tell me why he stopped me. I think it is because I am Latin or Hispanic. There is a lot of discrimination in Lake Worth, Florida. I paid the bond. After I paid the bond, ICE was waiting for me inside the jail.”

— *Guatemalan BTC Detainee*,
March 2018

The cumbersome immigration court system is severely overtaxed, hearing “death penalty cases in a traffic court setting.”²¹⁸ Countless immigrants must navigate the complex system without attorneys.

“The ability to obtain a lawyer and the opportunity to meaningfully defend him or herself against deportation is determined primarily by nationality and whether or not he or she is detained... More than 80 percent of currently detained individuals are not represented.”²¹⁹

— Syracuse University’s TRAC report October 20, 2017

AI Justice is among the few Florida-based legal services organizations providing pro bono legal representation to immigrants facing removal, and the demand overwhelms available resources.

Immigration law is frequently compared to our tax code – it’s complicated, outdated, and confusing at best. There is no right to government-funded legal representation in immigration court and children, survivors of human trafficking, and those with serious mental health issues are often forced to navigate our immigration system alone.

Meanwhile, unscrupulous *notarios* are flourishing, making false promises to desperate immigrants fighting deportation and often putting them in harm’s way. You can find these scammers on every block in South Florida. They have storefronts that advertise doing everything from taxes to immigration forms to travel.

As the number of detained immigrants reaches new heights, the need for pro bono lawyers is greater than ever. According to Syracuse University’s TRAC, asylum seekers with attorneys are generally five times more likely to win their cases.²²⁰ Detainees with lawyers are nearly 20 times more likely to prevail in their cases than detainees who represent themselves and those with lawyers are almost seven times more likely to be released from detention.²²¹ Immigrants are frequently detained in remote facilities, where phone calls are

expensive, there is limited attorney visitation space, and obtaining legal representation is a serious challenge.²²²

IMMIGRATION COURT BACKLOGS AND GROWING NUMBER OF DEPORTATION ORDERS

“Tying numerical case completions to the evaluation of the individual judges’ performance evaluation specifically interferes with judicial independence and clearly will put Immigration Judges in a position where they could feel forced to violate their legal duty to fairly and impartially decide cases in a way that complies with due process.”²²³

— Judge A. Ashley Tabaddor, National Association of Immigration Judges (NAIJ), November 1, 2017

In the early months of the Trump administration, the DOJ worked to expedite deportations at the border. More than 100 judges were removed from their regular posts, including 13 Miami judges, and sent to “surge courts” in detention facilities at the border.²²⁴

More than 22,000 immigration court hearings nationwide were delayed, adding to the already alarming backlog of cases.²²⁵ By June 2017, immigration court backlogs had grown to nearly 600,000 cases, up from around 500,000 the previous

year.²²⁶ In Miami, court backlogs grew from about 25,000 to more than 31,000 between late 2016 and July 2017.²²⁷ The average wait time for a hearing is now 1.5 years.²²⁸ A former Miami immigration judge said he thinks the growing backlog of cases is “moving towards implosion.”²²⁹

“The United States detains hundreds of thousands of noncitizens each year in a sprawling web of immigration prisons around the country. Many immigrants have been here for years and have strong family and community ties while others have arrived more recently, fleeing persecution in their home countries.

A substantial number of noncitizens are eligible for release on bond or their own recognizance, and many have compelling cases for relief. Yet without lawyers, they are significantly less likely to succeed in petitions for bond or to prevail on the merits of their claims, instead languishing in detention or being deported to face an uncertain fate and possibly death.”

— The Southern Poverty Law Center, April 4, 2018

Given the expedited nature of immigration court cases these days, it's not surprising that we're seeing an alarming number of removal orders. As of August 2017, 90 percent of "surge cases" thus far had resulted in removal rulings.²³⁰ Between February and July 31, 2017, the number of deportation orders increased by almost 28 percent over the previous year.²³¹

In October 2017, the Trump administration struck at the heart of the system immigrants rely on for justice, announcing its intention to impose "Numeric Performance Standards" on immigration judges who are not part of an independent judiciary but employees of the Justice Department.²³² Alarmed at the extent to which the administration was working to usurp its authority and concerned that performance standards would restrict immigrants' abilities to fully present their cases, the National Association of Immigration Judges (NAIJ) fought back without success.

Judges were told that to receive a satisfactory evaluation, they must complete 700 cases annually and fewer than 15 percent of their decisions can be remanded by the Board of Immigration Appeals (BIA) or Federal Appeals Courts. This is in addition to other ridiculously unfair metrics. Quantity, not quality, is the new order of the day, forcing judges to increase already overwhelming caseloads that often involve life-and-death decisions.

Rushing cases also affords immigrants little time to find lawyers and fight their removal and increases the likelihood that immigrants deserving protection under our laws will be denied due process.²³³

Immigration Judge's Performance Matrix Beginning October 1, 2018

Satisfactory performance:

Case Completions: 700 cases per year.

and

Remand Rate (including BIA and Circuit Courts): less than 15%.

and

The immigration judge meets at least half of the following Benchmarks that are applicable to the judge's work during the rating period, as long as the judge's performance in each Benchmark is above the "Unsatisfactory" performance level.

Benchmarks:

- In 85% of non-status detained removal cases, no more than three days elapse from merits hearing to immigration judge case completion.
- In 85% of non-status, non-detained removal cases, no more than 10 days elapse from merits hearing to immigration judge case completion, unless completion is prohibited by statute (e.g. a cap on grants of relief) or completion is delayed due to a need for completion of background checks
- In 85% of motions matters, no more than 20 days elapse from immigration judge receipt of the motion to adjudication of the motion.
- In 90% of custody redetermination cases, case is completed on the initial scheduled custody redetermination hearing date unless DHS does not produce the alien on the hearing date.
- In 95% of all cases, individual merits hearing is completed on the initial scheduled hearing date, unless, if applicable, DHS does not produce the alien on the hearing date.
- In 100% of credible fear and reasonable fear reviews, case is completed on the initial hearing date unless DHS does not produce the alien on the hearing date.

— American Immigration Lawyers Association (AILA) Doc. No. 18040301, March 30, 2018

ASYLUM PROTECTIONS AT RISK

*"Without a lawyer, the chances for an asylum seeker to prevail in court here [in the Carolinas] are close to zero. ... The likelihood that immigrants will show up for hearings increases exponentially when they have lawyers."*²³⁴

— Julia Preston, "Fearful of Court, Asylum Seekers are Banished in Absentia," *The Marshall Project*, July 30, 2017

Upon arrival here, immigrants seeking asylum have the right to due process under both our laws and international laws. Yet many are in effect denied this right because they cannot afford

an attorney and the asylum process is technical and complex. Even when they have attorneys, they face serious challenges.

In March 2018, a Miami federal court judge found that ICE had failed to allow detainees in Florida's Glades County Jail to engage in "reasonable, confidential and privileged in-person contact visits and telephone calls with their attorneys,"²³⁵ and ordered ICE to quickly remedy this situation.

While under President Obama newly arrived asylum seekers too often faced prolonged detention, the current White House's laundry list of "to dos," released on October 8, 2017 would deprive many more of our country's most vulnerable immigrants of a fair opportunity to present

their cases.²³⁶ In February 2018, the Trump administration announced that in order to address asylum backlogs, cases of newly arriving asylum seekers will be fast-tracked, and those without valid claims will be quickly removed, significantly reducing the likelihood that an asylum seeker can gather the evidence needed to win their case.²³⁷

The pending Asylum Refugee and Border Protection Act of 2017 would do even more damage, needlessly putting innocent lives at risk.²³⁸ Meanwhile, Attorney General Jeff Sessions appears to be seeking to severely limit asylum relief for survivors of domestic violence and possibly remove protections for other vulnerable immigrants entitled to protection under our laws.²³⁹

On August 14, 2017, in a 23-page report to the United Nations Human Rights Council, a U.N. human rights panel urged our government to end the detention of asylum seekers and other immigrants, finding the practice has “grown exponentially,” violates international law and is often “punitive, unreasonably long, unnecessary and costly.”²⁴⁰

When asylum seekers don’t show up for their hearings, it is generally because they fear that ICE agents are waiting at the courthouse to detain them, or they believe their cases will be unsuccessful if they don’t have lawyers. Julia Preston, journalist for The Marshall Project, interviewed “lawyers[...]discouraging immigrants from hiring them because the fee is high and the chances of winning are extremely low.”²⁴¹ At the end of January 2018, ICE formalized a policy permitting deportation officials to enter local, state and federal courthouses to arrest immigrants, something they had already been doing over the past year, which has further discouraged asylum seekers from showing up for court hearings.²⁴²

There are wide disparities in asylum decisions on very similar cases, depending on the judge and where in the country the case is being heard. For example, data collected between 2011 and 2016 by Syracuse University’s TRAC found that Miami and Orlando, ranked second and fourth, 64 and 61 percent respectively, in median asylum denial rates out of twelve major United States cities.²⁴³ New York had the lowest denial rates, at 14 percent.²⁴⁴

WITHHOLDING OF REMOVAL

Even immigrants granted withholding relief by an immigration judge are at risk. Judges in these cases must find that there is a “clear probability” the immigrant seeking relief would be persecuted if deported, but now these persons are being told to find a third country to take them in, even if they can only secure temporary tourist visas.

Ironically, the burden of proof for withholding relief is higher than for asylum, and those seeking protection frequently don’t understand the difference. Government attorneys have told immigration judges that they won’t appeal the case if the judge grants withholding rather than asylum relief, making it more likely that immigrants deserving of asylum are denied the protection they clearly deserve.

In June 2017, a Miami immigration attorney representing an immigrant granted withholding posted an e-mail following an interview with an immigration officer in Miramar, expressing her frustration with the process:

“They say they want receipt of evidence of applications you filed to live elsewhere [and] are giving 3-6 months to see what efforts you have done. ... I asked, so until every other country in the world declines you won’t leave [my client] alone, including the Federal States of Micronesia? [The officer] said well then we will evaluate what to do. I went to the immigration office with 3 emails I sent to the consulates of Dubai, France, and Italy.

They wanted receipts of applications pending showing real efforts to leave are being actively pursued, gave my client three months to come back, and put a notation in the file that he can travel all over the U.S. to go to consulates or embassies. Letters or emails are not enough. I told my client in front of the officer to take selfies and small videos while at embassies for different countries.”



Drawing by one of AI Justice's minor clients.

Most Americans support sensible immigration reform. AI Justice will continue to work toward that goal.

"[It] is an obligation of every patriotic American, if he or she sees that the values of our country are being violated, to remain standing, remain in dissent, remain speaking, remain protectors of one another."

— Constitutional Rights Advocate Khizr Khan, AI Justice's Annual Awards Dinner, February 2017

Since day one of his Presidency, Trump has been working to dismantle the current order, and immigration was his defining issue right out of the gate. However, working to appease anti-immigrant zealots is an agenda designed to fail. Unauthorized immigration is at its lowest level since 1972, with more Mexicans leaving our country in recent years than arriving at our border.²⁴⁵ A decade ago, nearly 9 in 10 people apprehended at the border were Mexican; today 40 percent are from the three most violent countries in Central America: El Salvador, Honduras, and Guatemala.²⁴⁶

Most immigrants who want to obtain legal residency don't have the necessary family or employment relationships and can't qualify for refugee or asylum status. Even those who apply from their home countries and have done everything possible to emigrate legally typically face significant backlogs. For example, married children of United States citizens from Mexico whose visas have been approved are waiting more than 20 years for a visa to become available.²⁴⁷

Immigrants who have lived in this country for years or even decades, building lives and businesses based on United States policies that allowed them to do so, are now facing a forced return to countries they may not even remember.

Long-term residents without proper documentation are deciding to self-deport, fearing the humiliation of being handcuffed, detained, and having to say goodbye to loved ones from behind bars.²⁴⁸ Meanwhile, the number of citizenship applications

has surged, increasing wait times in places like Miami, where it can take a year or longer to have a naturalization application processed.²⁴⁹

Few places in our great country have been shaped by immigrants the way South Florida has. In Miami-Dade County, there are four areas where at least 80 percent of students are from immigrant-led homes.²⁵⁰ We are a shining example of how immigrants enhance our communities, create opportunities for others, and improve the lives of millions. Immigrants, through their hard work and love of this country, have forever changed the South Florida landscape, creating what many have noted is a vibrant center of innovation, art and commerce fueled by the immigrant spirit.

"It is important that local officials consider the subsequent loss of state and local tax contributions from undocumented immigrants when deciding whether to advance the Trump administration's mass deportation efforts... You have to have a broader perspective."²⁵¹

— Florida International University
Professor Ali Bustamante,
February 2017

Rather than fixing what Republicans and Democrats have long recognized is a failing immigration system that is taxed to the breaking point, this administration has fractured it further. Yet members of both political parties understand the impact this is having on the ability of employers to fill crucial jobs, and the serious economic cost to our country's GDP.

The critical role undocumented immigrant workers play in the agricultural industry alone cannot be underestimated. Labor shortages on farms cost growers \$3.1 billion in fresh produce sales annually.²⁵²

In 2013, a bipartisan comprehensive immigration reform bill that passed the Senate was not taken to the House floor for a vote, despite what many believed was sufficient support for passage. According to the Institute on Taxation and Economic Policy, had the Senate bill granting legal status to our country's 11 million undocumented immigrants passed, it would have increased state and local tax contributions by \$2.18 billion a year.²⁵³ According to 2013 United States Census data, undocumented immigrants collectively pay \$11.64 billion in state and local taxes each year.²⁵⁴

Recent polls, both local and national, make clear that most Americans support fair, reasonable comprehensive immigration reform.²⁵⁵ An April 2017 South Florida poll demonstrated that both Democrats and Republicans overwhelmingly oppose the immigration crackdown.²⁵⁶

No matter the challenges, our staff will continue to defend the basic human rights of men, women and children caught in a system that too often treats them as hardened criminals. We will continue working closely with our Democratic and Republican friends in Congress for passage of fair, sensible immigration reform that brings hardworking immigrants out of the shadows, ensures America's prosperity, and honors our immigrant heritage.

¹Katha Pollit, “Keep the Fight Against Trump Alive With a Generous Donation This Holiday Season,” *The Nation*, December 21, 2017, <https://www.thenation.com/article/keep-the-fight-against-trump-alive-with-a-generous-donation-this-holiday-season/>.

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³While bipartisan efforts to achieve a comprehensive immigration reform package began again in earnest by 2004, led by Senators Kennedy (D-MA) and McCain (R-AZ), along with Congressmen Gutierrez (D-IL) and Flake (R-AZ), continued anti-immigration sentiment in Congress led to passage of a House bill in 2006 that would have made simply being in the country unlawfully a crime. See: Mary Giovagnoli, “Overhauling Immigration Law: A Brief History and Basic Principles of Reform,” *American Immigration Council*, February 14, 2013, <https://www.americanimmigrationcouncil.org/research/overhauling-immigration-law-brief-history-and-basic-principles-reform>.

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⁹Robin Urevich, “Investigation finds ICE detention center cuts corners and skirted federal detention rules,” *NPR*, March 15, 2018, <http://wesa.fm/post/investigation-finds-ice-detention-center-cuts-corners-and-skirted-federal-detention-rules#stream/0>.

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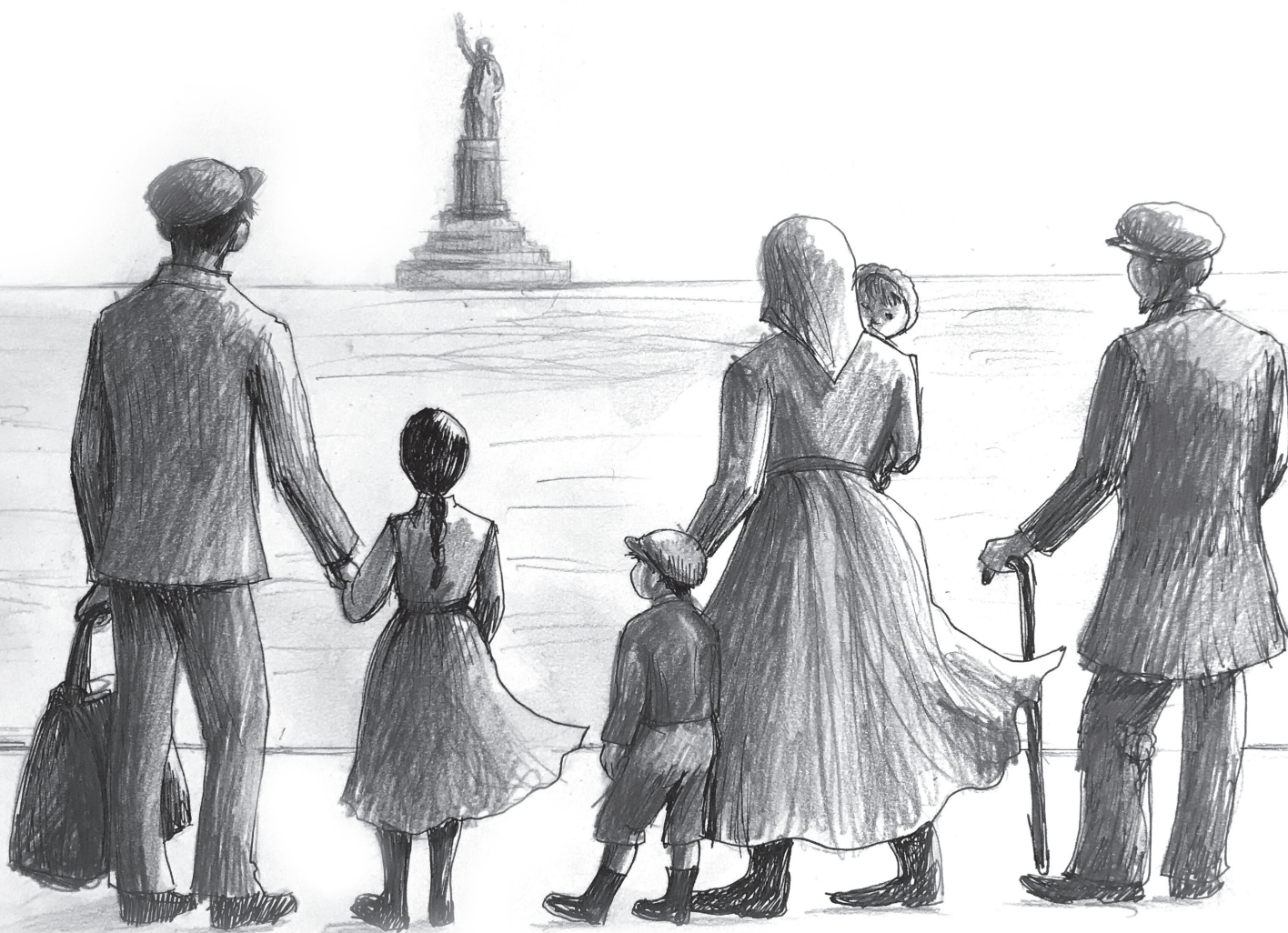
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"I am broken, but I am not defeated. There's a saying that says, 'They tried to bury us, but they didn't know that we were seeds.' And we will rise through this."

— Gaby Pacheco,
Program Director of TheDream.US
and 2010 "Trail of Dreams" Walker



Protecting and promoting the basic human rights of immigrants.

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