



MIGRANT CENTER NEWSLETTER

The latest news and updates from the Migrant Center for Human Rights

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How Immigration Separated Our Family

by Carla, Stephanie, and Johana

CARLA When my children and I arrived at the bridge in Reynosa where they ask for visas it was the afternoon. An immigration officer came up to us and asked us what we wanted. We told him that we wanted help because in our country we are threatened.

He said to wait in line and show your ID's when you get to the officer. When it was our turn, the officer asked for our information and then they took us to a large room where there were a lot of people. They left us there all night.

Around 5am they took us to a small room and called us one by one to take fingerprints, photos and declarations. Then they took us to a room with mattresses. After a few hours they woke us up and took us back to the same room we had slept in the first night.

After a little while they called our names, except the name of my oldest daughter Johana, who was 18 years old at the time. When they called our names I didn't know they were going to separate us.

JOHANA

I didn't know that they were going to separate us. There was not time to say goodbye. I was there afraid. They took me to a large room to sleep. There was no light in the room so I didn't know what time of day it was. I think it was around 4am when they called my name but I hadn't been able to sleep well so I was really tired and didn't hear them right away. Immigration took about 10 of us to a room and then to another detention place.

An official asked me, what will you do if I deport you now... I told him that they might kill me in my country and if that happens the will fault will be yours. He told me, you're smart, as if I'd prepared my answer. No, I told him, it's the reality.

They didn't give me any explication of what was happening with my family, if they were ok. I was afraid to ask. There were several ladies with me who were crying because they had been separated from their children. They were saying they couldn't be without their children.

When we arrived at the detention place immigration registered us, asking us our names, age and birthdays. They gave us food but I didn't eat it because it was spoiled and smelled bad. The bathrooms didn't have any separation so other people could see you. I was there a day and a night. I was always afraid; I didn't know if they were going to

**CARLA**

They took us in a van to the perrera [dog kennel in Spanish]. I was scared when I didn't see Johana there. I became afraid. The guards yell at people there so I was afraid to talk, to ask about my daughter. They didn't pay attention to anyone. Then they took my younger daughter Stephanie and separated her from me, putting her in another cell with young girls ages 12-17.

STEPHANIE When I was separated from my mom they didn't tell me why. They only told me I could see her only when there was visit time. I didn't know anyone. I could see my mom through the bars way down in another cell. After about three hours they gave us 8 minutes to see each other.

It was really cold at night. They didn't give me any blanket, only an aluminum sheet. I couldn't sleep but one of the guards came by and hit the bars to tell us all to go to sleep. In the morning a guard came in and kicked us to wake us up.

CARLA

Stephanie and I were reunited the next day when we were taken to another detention center by bus with a lot of people. When I was at the detention center I thought we would find Johana. I was looking all over for her. Then an officer told me that this detention center was only for families and that she was with adults. She said I should be patient and wait. But I didn't just stay like that; I kept asking.

A woman worker came by and I asked her to do me the favor to look for my daughter. I was afraid that she had been deported. The worker told me that Johana was there at a different detention center but she didn't know if she was still there.

JOHANA One lady said that she would help me write a letter to ask where my mom and sister were. When the response came back it said there was no explanation and that they didn't know where my family was. When I heard this I became more afraid. I began to cry. How could they not know where they were if they are the ones that took them...

Immigration said we had to change places. They took me to a detention center outside Houston and searched us. I asked one of the lady workers how to find out where out my family was. I told her that immigration separated us and that I wanted to know where they were. She said they didn't give that type of information.

They gave me pants so wide I had to walk around holding them up. At 3.30am they divided us into rooms. I had just closed my eyes when they woke us up to go get our IDs. One officer gave me a phone card and I asked her who am I going to call with this... She said I could call my mom and I said to her then give me her number. She said to just take the card.

I don't know if it was because of the fear or from the cold but the doctor told me I had a bad heart and if I slept I might not wake up. It made me afraid. To this day I remember this.

I wrote another letter to ask where my family was and I was told that their case was "in process" but I wasn't told if they were ok or where they were.

ON THE GROUND

The Migrant Center is currently assisting a husband who's been separated from his detained wife, a boyfriend who's been separated from his released pregnant girlfriend, and a brother who's been separated from his two detained sisters.



CARLA I didn't find a solution to finding my daughter so I asked myself what I could do to find her. The people at the detention said they couldn't help but I kept asking. I wanted to know if she was eating and if she was well.

There was a man I think may have been a lawyer but I'm not sure. I went up to him and asked him how to find my daughter. I told him that we have the same case and I don't know anything about her. He told me to write a letter to her to tell her that we were well but she never got it. When I didn't hear back I wrote a second letter. She never got either letter. I put them in the box immigration told me to. These letters didn't have an address on them as I didn't know her address.

When I saw that Johana didn't respond I went back to the same person, and he went to look where she was on the internet. He told me to come back the next day to get the answer so he could confirm her location. I told him again that I needed to find my daughter, that we had the same case. He said he needed to see if we really had the same case. I told him yes and I don't want them to deport her. He said he would let me know when he had an answer.

The next day I went to look for him and he said we could call her and to come back the next day to find out about the hour. When I went back he said he would call me around 1pm in the afternoon.

JOHANA

After some days they said I had a call and it was my mom. When I heard her voice I relaxed; I finally was able to hear something from them.

After that an official came to find me and said I needed to go to courtroom 1. I thought they were going to deport me. Then they said that my deportation officer was coming and I thought for sure I was going to be deported. I didn't know what a deportation officer was. I was shaking from fear. And I was thinking that I will be deported and I won't know anything about where my family is.

The deportation officer asked me for the telephone number of my family. I told him that I didn't have the number, that only my mom has it. He said you're leaving. I asked him to where. He said here in San Antonio. He told me to get my things ready because I had my release at 3pm. I got my things ready and waited but I they didn't call me until 6pm. On my way out the doctor gave me some pills for my depression.

CARLA When I heard Johana's voice on the phone I asked her first about whether she was eating and if she had a bed. I was happy when she said yes. She is older but I was worried.

We left the detention center on a Wednesday and they brought Johana to the house we were staying at on Thursday. We all cried when we saw each other again. I had thought that I had lost my daughter.

POLICY POSITION

The Migrant Center believes families should not be separated, alternatives to detention need to be regularly used, and, if separated, families should be promptly informed as to the whereabouts and contact information for their loved ones.

Important News

9TH CIRCUIT FINDS THAT INDIVIDUALS CANNOT BE DETAINED SOLELY BECAUSE THEY ARE POOR

In *Hernandez v. Sessions* the federal Court of Appeals for the 9th Circuit stated that ICE and Immigration Judges must consider ability to pay in setting bond amounts, as well as suitability for non-monetary alternatives to detention. The 9th Circuit upheld the district court's preliminary injunction on due process grounds, stating that "[s]ince the government's purpose in conditioning release on the posting of a bond in a certain amount is to 'provide enough incentive' for released detainees to appear in the future, we cannot understand why it would ever refuse to consider financial circumstances... the government risks detention that accomplishes 'little more than punishing a person for his poverty.'"

ON THE GROUND

The Migrant Center is currently witnessing many asylum seekers who are eligible for parole being told they can only be released upon payment of an additional parole bond, which has varied in amount between 3,000 and 15,000 and usually ranges between 5,000 and 7,500. Several asylum seekers we work with have been unable to post bond. Several have considered contracting with a private bond company which lends money at an exorbitant rate. In all cases detention has been prolonged.

SUPREME COURT UPHOLDS ACCOUNTABILITY OF PRIVATE PRISON COMPANY WARDENS IN CHARGE OF IMMIGRATION DETENTION

On October 10, the Supreme Court declined to consider reversing the February 2017 decision of the Court of Appeals for the 2nd Circuit upholding the July 2016 decision of a federal district judge ruling that the government must release documents related to contracts with private prison companies and their detention practices. The court ruled that private prison companies do not have standing to prevent the release of government documents and are accountable to the public under the Freedom of Information Act (FOIA) when they hold contracts with the government.

TRAVEL BAN 3.0 HALTED IN PART TEMPORARILY

On October 17 a federal judge in Hawaii blocked the section of Trump's latest travel ban – decreed by Presidential Proclamation on September 24 – that imposed entry restrictions on nationals of six Muslim-majority countries [restrictions on Venezuelan and North Korean nationals are not part of this lawsuit]. On October 24 the government appealed to the 9th Circuit. On October 17 a federal judge in Maryland granted a preliminary injunction preventing the ban from entering into force with regards to the six Muslim-majority countries [except where no bona fide relationship exists with a person or entity in the United States]. On October 20 the government appealed to the 4th Circuit. A lawsuit was also filed in New York to get government documents related to the Administration's execution of the travel bans.



ADMINISTRATION STOPS FAMILY REUNIFICATION FOR REFUGEES FROM 11 COUNTRIES

On Tuesday October 24 the Administration stated that it is halting admissions of all refugee family members from the 11 countries until further screening procedures can be implemented, despite the current requirement that all adult male refugees from these countries undergo the higher-level security screening known as Security Advisory Opinions. Citizens of the 11 countries comprised 44 percent of the nearly 54,000 refugees admitted into the United States in the 2017 fiscal year. The countries are -- Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, South Sudan, Sudan, Syria and Yemen, as well as Palestinians who lived in those countries.

COURT ORDERS FEDS TO LET DETAINED 17-YEAR-OLD GET ABORTION

17-year-old Jane Doe wanted to get an abortion but the Office of Refugee Resettlement, in charge of detained minors, had issued a policy earlier in the year that minors detained in shelters cannot get abortions or schedule medical appointments without written approval of the director. The ACLU sued on Jane Doe's behalf. In a complete misunderstanding of reality and the law, the Department of Justice responded saying that the government was not infringing on the girl's rights because she could drop her asylum claim and be deported and then seek an abortion. "We're not putting an obstacle in her path," Catherine H. Dorsey, the government lawyer told the court, "we're declining to facilitate an abortion." On October 20, 2017 the federal district court ruled that if the government did not make arrangements to release her by the end of the month, the government would need to allow her to get an abortion. On the ACLU's petition, the case was reheard by the full court who, in recognition that women and girls have the right to control their bodies and make health care decisions, ordered that the government allow her to seek an abortion.



Our Updates

MIGRANT CENTER JOINS COMMUNITY SIGN-ONS FOR ROSA MARIA AND OTHERS

The Migrant Center added its voice to community demands for the release of Rosa Maria, a 10-year old with cerebral palsy detained after receiving treatment at the Driscoll Children's Hospital in Corpus Christi. Rosa Maria was followed to the hospital by Customs and Border Patrol when they discovered she was undocumented while passing through a checkpoint. She was brought to the US by her parents when she was three months old so that she would have access to good medical care. On Friday November 3 she was released and returned to her family. She had been separated for 11 days. The letter also asks for administrative closure of her removal case. The Migrant Center believes ICE should go further and terminate her removal case. Immigration should not interfere in the medical treatment of anyone.

Separately, the Migrant Center has signed onto demands for a fair Dream Act and renewal of Haitian TPS.

A FEW NUMBERS

Individual visits conducted Oct: 93
Total people assisted Oct: 49
Know-Your-Rights handouts given: 20 plus
Workshop on gathering evidence: 12
Workshop on preparing for asylum court: 7

Countries: Nigeria, Senegal, Ethiopia,
Gambia, Togo, Guinea, Ghana, Somalia,
Niger, Guatemala, Mexico, Democratic
Republic of the Congo

MIGRANT CENTER HELPS ASYLUM SEEKER WITH MEDICAL NEEDS GET RELEASED FROM DETENTION

Amadou was diagnosed with syncope. He fainted twice while in detention, always felt dizzy, and often had to walk with his hand along the wall or sit down to steady himself. Other detainees would see him shake and offer to carry his food tray. He was released after paying a parole bond. On Monday October 25th he arrived at his family's home in New Jersey.



LAUNCH EVENT FUN FOR ALL

Thank you to all those who were able to come out and join us for our launch party on October 19. We enjoyed traditional Eritrean food, heard personal stories from two former asylum seekers held in detention, and were treated to music from around the world, including a live conjunto performance. Thank you to all the organizers and in-kind donors who made this event possible. Here are a few photos we'd like to share.



ICE Parole Decisions Should be Subject to Judicial Review

by Sara Ramey

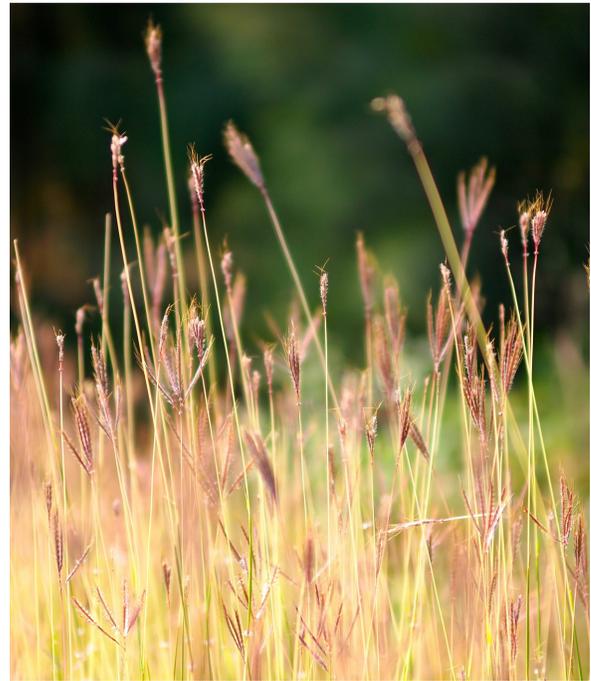
On October 3, 2017 the Supreme Court heard oral arguments in *Jennings v. Rodriguez*, a case which addresses, among other things, whether asylum seekers who come to a port of entry and ask for protection have the right to a bond hearing if they've been detained for longer than six months.

Currently, only people who cross the border illegally or who are picked up inside the United States are given bond hearings. Those who present themselves to Customs and Border Patrol – those who are trying their best to follow our laws – do not have the same right. These “arriving aliens” can only request their release with Immigration and Customs Enforcement (ICE) and have no right to judicial review of that decision.

This system is flawed. ICE decisions are unfortunately shrouded in secrecy and sometimes arbitrary. For example, I have seen disparate decisions in identical cases of asylum seekers from the same country with the same form of identity document. Furthermore, there is often no explanation provided as to why a release request is denied.

This lack of transparency in government operations, paired with the lack of judicial review, means that there is no accountability to the public, much less to the asylum seekers who struggle to understand why they need to be locked up as if they were criminals.

Jennings v. Rodriguez attempts to solve situations of prolonged detention. But, as Justice Alito asked, why does an asylum seeker need to wait six months to get judicial review of their detention? Why indeed.



The 5th and 14th Amendments to the U.S. Constitution state that no person should be deprived of liberty “without due process of law”.

ICE itself, in a 2009 Memorandum that is still active in law if not in practice, recognized that it is in the public interest to parole asylum seekers after they prove to an asylum officer that they have a significant possibility of winning their cases.

ICE is supposed to deny release only when there is: lack of identity evidence, flight risk, danger to the community, or lack of a stable place to live upon release. ICE has discretion in making its decisions. This is as it should be: ICE officers should be able to take into consideration unique circumstances and factors in individual cases.

However, there should also be fairness in the adjudication of cases. ICE has a risk classification assessment but, in 2015, the Department of Homeland Security, Office

of the Inspector General, found that the assessment is “not effective in determining which aliens to release or under what conditions.” This assessment should be promptly revised and all standards should be clearly written and communicated to the asylum seekers and the public [not just a general checklist].

A first step to fixing the problem is for ICE to explain its decision, and not by simply checking a box on a standard form, but by providing a meaningful explanation of why in that particular asylum seeker’s case, they are denying release. It is a foundation of our democracy that all human beings have the right to understand the charges against us and to challenge those charges.

ICE could also make the process more transparent by allowing asylum seekers to appeal the decision to a supervisor, and inform them of the process. ICE officers’ decisions are reviewed by a supervisor but this is not the same as the right to appeal. Asylum seekers can also request redetermination from the same deportation officer, but without a clear understanding of the reasons for the denial, this is difficult to do with any success.

The problem is that, without transparency in the decision-making process, there is no way to know if ICE is doing its job well or not. Sometimes they are and sometimes they aren’t.

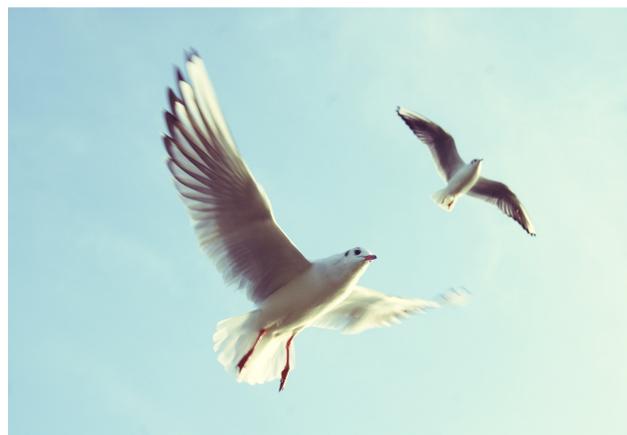
Since President Trump issued his Executive Order in January, release requests have seen higher rates of denial. In other words, asylum seekers are being denied their liberty not because anything about them requires them to be kept in detention – at taxpayer’s expense – but because of the political vagaries of our times. In places where ICE is releasing asylum seekers, like the South Texas Detention Center where the Migrant Center works, ICE is conditioning release on the posting of a bond, without considering the asylum seekers’ ability to pay, thereby effectively denying release to indigent asylum seekers.

As the United Nations Working Group on Arbitrary Detention stated in their report of July 2017 “such detention is to be a measure of last resort, necessary and proportionate and be not punitive in nature, and that alternatives to detention are to be sought whenever possible.” The report goes on to state that “individuals held in immigration detention shall be brought promptly before a judicial authority empowered to order their release or to vary the conditions of release.”

Jennings v. Rodriguez is a step in the right direction. However, it doesn’t go far enough. Waiting six months for a bond hearing is unnecessary, costly for the public, and harmful to the asylum seeker. Being detained often retraumatizes people who just escaped persecution and makes it more difficult to gather evidence, find a lawyer, and otherwise prepare their case. Is this the introduction to America that we want to give?

There is no need to wait for the decision in *Jennings v. Rodriguez*, which will likely be decided in June 2018. Congress can fix this statutory discrepancy now and grant judicial review of parole decisions to arriving alien asylum seekers who have passed credible or reasonable fear interviews. Without judicial review there are no checks and balances, a crucial component of our democracy.

To learn more, please see the last page of this newsletter.



JOIN US IN OUR WORK SUPPORTING DETAINED ASYLUM SEEKERS

The Migrant Center for Human Rights depends on donations from people like you. Please consider making a contribution to support detained asylum seekers today. Visit www.migrantcenter.org.

CASE APPEAL: YOUNG MAN FLEEING FORCED MARRIAGE

Mr. Diallo is a young man from Guinea who is fleeing an arranged marriage. According to the customary norms of his ethnic group, his elders -- in this case his uncle -- are allowed to arrange marriages. However, Mr. Diallo had met and fallen in love with a different young lady. In an effort to force him to fall in line and obey his elders, his uncle sent several men to attack him. His girlfriend faced similar problems and likewise fled Guinea. She traveled with him to the United States and is currently detained in Taylor, Texas. The Migrant Center is looking for funding to provide legal representation to Mr. Diallo at his asylum hearing in December. As he states: 'To have an attorney at the final court is very important because an attorney can defend things I can't. I don't know the law here.'

RESOURCES ON PAROLE AND RELATED TOPICS:

Jennings v. Rodriguez:

1. https://www.supremecourt.gov/oral_arguments/argument_transcripts/2017/15-1204_m6hn.pdf
2. <https://www.aclu.org/cases/jennings-v-rodriguez>

Hernandez v. Sessions:

1. https://www.aclu.org/sites/default/files/field_document/2017_10_17_hernandez_advisory_final_for_pdf.pdf
2. <https://www.aclu.org/cases/hernandez-v-sessions>

Parole Memorandum:

1. https://www.ice.gov/doclib/dro/pdf/11002.1-hd-parole_of_arriving_alien_found_credible_fear.pdf

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