



MIGRANT CENTER NEWSLETTER

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

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APPEALING ASYLUM

by Ahmed

[name changed to protect confidentiality]

My name is Ahmed. I came to the United States because my life was in danger in my country. I had to leave my mother and 4 younger brothers and 2 sisters behind. When the immigration judge told me that he believed I had been tortured but was denying me asylum I felt that the sky was falling on my head. It was the most horrible day of my life. I was very sad because my family was telling me to save my life, because I was being hurt for nothing, and my family was in danger and getting hurt because they were protecting me.

I was thinking that I was going to get asylum because my lawyer told me that he doesn't know any reason that the judge can deny me asylum. It was very sad when I thought I was going to be deported. The judge had given me CAT protection but the decision letter said that it was ordered I was going to be deported to my country [CAT is a temporary form of protection].

My lawyer told me that it would be another 2,500 to pay to appeal to him. I had already given him 2,000 and not the last 500 for my asylum case. I told him that if I

had any money I would have paid him the last 500 and that whenever I get work I will also pay you the 2500 to appeal but he told me that he couldn't wait for the money. At that time I didn't have work or social security.

After that, when I get out of detention I went to the shelter, I tried to find another help. That's when I found a free lawyer who said she would help and that's when I felt hope again for my life.

My appeal lawyer was also helping a friend from detention appeal. The other day I get sad because my friend got denied on appeal and I thought I would get the same decision because his case and my case was the same. I tried to forget everything and focus on work – I was working day and night both. I work at a chicken factory.

I didn't get a decision in my case. Sometimes I felt that my case was forgotten, that they weren't working on my case. Months went by. When my appeal lawyer told me that maybe it was because we had more judges looking at the case it was like ibuprofen, like a short relief pain killer. Any time I called my appeal lawyer I felt relief. It was helping me all the time when I called and she said maybe it is better for us because they're looking at every angle.

When I got my decision from the Board of Immigration Appeals I was on my way to work, I went to my mailbox. I saw who it was from and I quickly went to my bedroom and opened



it. I read the decision. At the end of the page it said “sustained” and “vacated”. Those two words were new for me so I tried to read an online dictionary. I didn't quite get “vacated” but I found out that “sustained” was good for me.

I tried calling my appeal lawyer but I couldn't get through and my first lawyer who replied with a text message saying “congratulation Ahmed, you win your appeal”. I cried a lot. I didn't even go to work that day. I remembered all the challenges that I had faced before and the opportunity I would have for my life. I thought I would change my life for a good situation. I thanked the judge and my lawyer who helped me win the case.

It was very hard for me when I got the decision because I was very happy. It was very different from the sadness I saw the first time I got the decision from the immigration judge, very far between those feelings, like the earth and sky, that far.

I called my mom and told her, she was also very happy and cried. All my family was happy. I explained the change I would do for my life. To learn, to go to school, to get a better job. To not think that I will be deported to my country. Before I was thinking I would be deported to my home country. It can happen any time. Now no more worrying or fear.



Separating Families is Unconstitutional

by Sara Ramey

DHS Secretary Kirstjen Nielsen was recently presented with a proposal to enact a policy of separating immigrant children from their parents as an alleged way of halting immigrant families from coming to the United States. If approved, this policy would give the stamp of approval to a horrific and unconstitutional practice that families my organization works with in Texas are already experiencing.

The Obama Administration tried something similar to deter immigrant families from coming to the U.S. In August 2014 the government began a policy of not issuing bonds to families with the stated aim of forcing them to remain in detention to discourage future immigrant families from coming to the U.S. In 2015 a federal District Court in Washington D.C. ruled the no-bond policy unconstitutional, in part for lacking any evidentiary correlation to preventing new arrivals and because it unjustifiably denied the families their liberty in order to attempt to change the behaviors of other people.

The Trump Administration is attempting to do the exact same thing, and it is also unconstitutional for similar reasons. First, our Constitution does not allow the government to punish one person solely in an attempt to alter the behavior of someone else. Second, there is absolutely no evidence that separating families will deter more families from coming. I have worked with detained families for over three years and the vast majority of them are asylum seekers fleeing persecution in their home country.



Parents do not voluntarily take their children from their home, school, friends, and family, on a long and dangerous journey through crime-ridden countries, without very good reason. Even if parents hear that the U.S. government is separating families, for many parents the most important thing is that their children are safe. In fact, one of the reasons that parents travel with their children is to protect them on the journey. As one asylum seeker explained to me, “if you have a 50 percent chance of surviving if you leave your country but you will definitely be killed if you stay, the choice to make the journey is easy.”

The Trump Administration completely fails to grasp the danger that these families are facing in their countries. The administration also fails to understand that our asylum laws exist to protect people, and that they require that those seeking

asylum have a chance to apply for protection. Forcing a parent to give up their child into the custody of the Health and Human Services [HHS] is an illegal form of coercion intended to prevent both that family and future families from accessing their right to seek asylum.

Denying access to our asylum process is also a complete betrayal of our American values. Our country was founded by people fleeing persecution and our humanitarian principles say that we should offer safe haven to those escaping repression and violence around the world. As Ronald Reagan reminded the nation in his farewell address, our democracy shines as a beacon on the hill and “guides freedom-loving people everywhere”. Let’s not let that light dim.

Separating families is also inhumane. It traumatizes children and their parents needlessly. Considering that many asylum-seeking families are fleeing traumatic events, the additional trauma of being separated compounds the already high emotional stress children and their parents are experiencing. This is especially true for children, who are easily impressionable and whose development can be negatively impacted in the long term.

Furthermore, our Constitution protects the right to family. The Supreme Court stated in *Moore v. City of East Cleveland* that “the Constitution protects the sanctity of the family precisely because the institution of the family is deeply rooted in this Nation’s history and tradition.”

In *Smith v. Organization of Foster Families* Justice Stewart elaborates, “[i]f a State were to attempt to force the breakup of a natural family, over the objections of the parents and their children... I should have little doubt that the State would have intruded impermissibly on ‘the private realm of family life which the state cannot enter.’”



In March 2017 then-DHS Secretary John F. Kelly considered splitting up families, stating that the children would be “well cared for as we deal with their parents”, as if an unknown government shelter worker can take the place of a parent in a child’s life. In fact, an HHS official told the *Washington Post* that their shelters are already at maximum capacity or “dangerously close to it”, indicating that the government does not have even a fraction of the capacity it would need to separate children into HHS facilities. In November alone, U.S. agents detained 7,018 families along the border with Mexico.

The Migrant Center for Human Rights has worked with a number of families forcibly separated by immigration. We have seen parents separated from their children, husbands separated from their wives, brothers separated from their sisters. They often are not told where their family member is being taken or what is going to happen to them. They are afraid. They struggle to get in contact and to prepare their cases without the assistance of family, who are often key witnesses, making it difficult to access their due process rights to a fair hearing of their case.

Splitting up families is unconstitutional, impractical, unnecessary, and inhumane. Let’s not be a country that accepts and institutionalizes the forced separation of families. Let’s not be responsible for causing needless human suffering. The Trump Administration should immediately end its practice of separating loved ones.

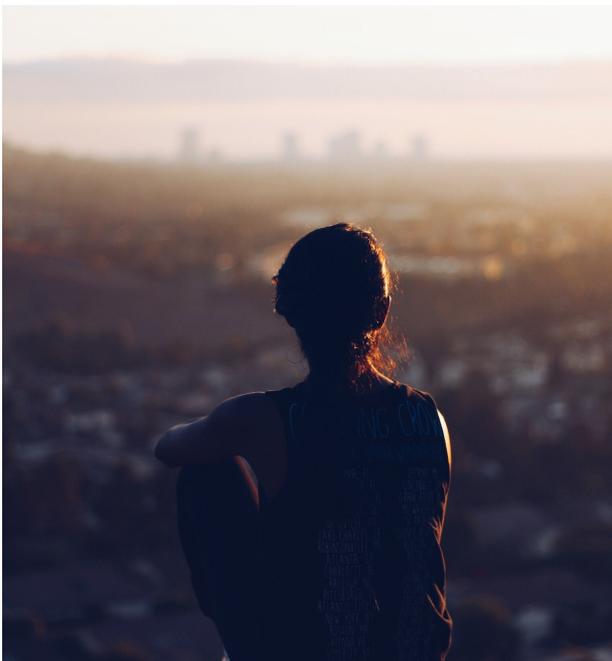
- As published in *The Hill*.

Important News

INSPECTOR GENERAL FINDS DEPLORABLE DETENTION CONDITIONS

In a December 11 report the DHS Inspector General found inhuman conditions in four out of five detention facilities – affecting more than 3000 men and women – including spoiled and moldy food, inadequate medical care, interfering with prayer times, inhumane and discriminatory treatment such as locking down a detainee for sharing coffee, misusing segregation, denial of basic hygiene such as toilet paper, soap, lotion, shampoo and toothpaste, lack of either hot or cold water in bathroom facilities, failing to use interpreters, inoperable phones, refusal to take grievance complaints, and strip searching.

Trump is seeking congressional approval for more than 51,000 detention beds this fiscal year, up from about 30,000 under President Barack Obama. The Migrant Center previously called upon members of Congress to investigate the conditions of detention at Stewart, one of the facilities chosen by the Inspector General's for the surprise inspection.



JUDGE TEMPORARILY HALTS SOMALIS' DEPORTATION

On December 19, a federal judge temporarily halted the deportation of 92 Somalis, to give them the opportunity to decide whether they want to file a motion to reopen based on changed circumstances, including the media coverage surrounding the failed deportation attempt on December 7, 2017, as well as recent increased violence by Al Shabaab, which now makes them a target for violence because they are returning from the United States.

DEPORTATION OF CAMBODIAN REFUGEES HALTED

On December 14 a court granted a Temporary Restraining Order halting the deportation of about 100 Cambodians. Most came to the U.S. as refugees fleeing the atrocities of the Khmer Rouge and are asking for a chance to request that their immigration cases be reopened. Last year the Cambodian government stopped accepting the return of refugees on human rights grounds, until the U.S. restricted the travel of Cambodian government officials.

9TH CIRCUIT RULES TRAVEL BAN 3.0 EXCESSIVE

On December 22 the 9th Circuit Court of Appeals ruled the travel ban should not be applied to people with strong U.S. ties, narrowing the district court's injunction from those "with a credible bona fide relationship with the United States". The Circuit Court put its ruling on hold until the Supreme Court renders a decision.

The ban targets people from Chad, Iran, Libya, Somalia, Syria and Yemen seeking to enter the United States. The ban has some exceptions. Certain people from each targeted country can still apply for a visa for tourism, business or education purposes, and any applicant can ask for an individual waiver.

LAWSUIT ALLEGES CORECIVIC FORCES DETAINED IMMIGRANTS TO WORK WITHOUT SUFFICIENT PAY

On December 27 private prison contractor CoreCivic was sued in federal district court for its treatment of immigrants detained at the Otay Mesa Detention Center. The complaint alleges CoreCivic "illegally enriches itself on the backs of a captive workforce". Immigrants need to work for 1.50 a day in order to buy basic necessities like soap, are threatened with solitary confinement and no visitation rights if they refuse to work, and are told they need to waive worker's compensation. The complaint alleges this is a violation of human trafficking laws, as well as state and federal employment laws. As immigration detention is considered civil detention, it is not supposed to involve any form of punishment. Similar suits have been filed in Colorado, Washington, and California [Adelanto detention center]. In the State of Washington's lawsuit against GEO, on December 6, the judge denied GEO's motion to dismiss, allowing the suit to proceed.

COMPLAINT FILED ON FAMILY SEPARATION

On December 11 several organizations filed a complaint with the DHS Office of Inspector General and Office of Civil Rights and Civil Liberties documenting an increase in cases of family separation and explaining the trauma and impact on the ability to seek legal relief caused by family separation. On December 21 the Washington Post reported that the administration is considering making this practice into official policy, on the false assumption that this punishment would discourage other families from seeking asylum in the United States.

Our Updates

TWO MEN WIN ASYLUM WITH HELP FROM MIGRANT CENTER

Two men - one from Gambia and one from the Democratic Republic of the Congo - won asylum pro se after attending evidence and court prep workshops hosting by the Migrant Center, receiving human rights evidence packets to support their cases, and meeting one-on-one with a Migrant Center lawyer to prepare for their final court hearing. In the words of one of the men, "thank you for everything".



OP-ED PUBLISHED CONDEMNING PROPOSAL TO SEPARATE FAMILIES

The Hill published an op-ed by Migrant Center Executive Director Sara Ramey responding to the Administration's proposed policy of separating children from their parents, where she explains why it is unconstitutional, inhumane, and costly. See the Policy Analysis section of this newsletter to read the op-ed. The Migrant Center works to reunify split families and assists them in preparing their cases when witnesses and evidence are located far away and are difficult to communicate with due to ICE's practice of separating families.

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: COURT PREP AND WORKSHOP FOR 5 ASYLUM SEEKERS

The Migrant Center is looking for donations to enable us to do an asylum hearing court prep workshop [500] with a group of five asylum seekers and to meet one-on-one with each of them before their final hearings this month [250 each]. We go over what will happen in court, their legal rights, common questions, tips for working with an interpreter and avoiding confusion, what the legal requirements are to prove an asylum case, and what happens after the judge's decision. We also review and answer questions about evidence, help make amendments to the asylum application, and respond to confidential questions privately.



A FEW DECEMBER NUMBERS

Individual visits conducted: 24
 Court prep workshop attendees: 6
 Human rights evidence packets given: 2

Countries: Kenya, Senegal, Gambia, Guinea, Somalia, Democratic Republic of the Congo, Niger, Mexico

RESOURCES ON FAMILY SEPARATION:

1. Story on proposed policy: https://www.washingtonpost.com/world/national-security/to-curb-illegal-border-crossings-trump-administration-weighs-new-measures-targeting-families/2017/12/21/19300dc2-e66c-11e7-9ec2-518810e7d44d_story.html?utm_term=.276e93b4f86c&wpisrc=al_news__alert-politics--alert-national&wpmk=1
2. No-bond policy district court decision: <https://www.aclu.org/legal-document/rilr-v-johnson-memorandum-opinion>, see generally <https://www.aclu.org/cases/rilr-v-johnson>
3. Emotional trauma to children: <http://www.apa.org/pi/families/resources/newsletter/2016/11/detention-deportation.aspx>
3. Supreme Court Caselaw:
Moore v. City of East Cleveland: <https://supreme.justia.com/cases/federal/us/431/494/case.html>
Smith v. Organization of Foster Families: <https://supreme.justia.com/cases/federal/us/431/816/case.html>

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