

MEMO

FROM: Laura Rótolo, ACLU of Massachusetts

TO: Briefing Coordinators, Special Rapporteur on Migration visit to U.S.

DATE: April 17, 2007

RE: IMMIGRATION RAIDS IN MASSACHUSETTS

Advocates and community members have grown increasingly concerned about ICE's stepped-up strategy of arresting deportable immigrants through massive workplace and early morning actions at homes of immigrants.

ICE has recently stepped up its efforts to find and deport all deportable aliens. In a strategic planning document for an operation called "Operation Endgame," ICE has said that its goal is to deport all illegal aliens by the year 2012 – this means tracking down and expelling an estimated 12 million people. The document is no longer available on the ICE website, but is available at http://www.aclum.org/issues/ice_doc_gallery.html.

These "raids" or "sweeps" are carried out as coordinated efforts with massive law enforcement presence. In both instances, ICE arrests persons without warrants and based on the most insubstantial of evidence about illegal status. Many times, this evidence is nothing more than the result of racial profiling, where ICE will arrest anybody who "looks" like an illegal immigrant. There are substantial due process concerns in both, in addition to concerns about the lack of consideration for the affected families and communities.

ICE carries out these raids in a forceful fashion, and uses them not only as an enforcement mechanism, but to deter others from working or being in the United States illegally. ICE prides itself on this impact. A recent ICE newsletter touted that immigrants are now living in fear of these raids. "As immigration raids are becoming more common throughout the United States, immigrants are taking greater notice. When in public, illegal immigrants are sometimes on the lookout for federal agents. About the only place the immigrants feel safe these days are their homes and sometimes not even there as they may receive an unexpected knock on their door by a federal agent."

Workplace Raids

On the morning of March 6, 2007, Immigration and Customs Enforcement (ICE) raided the Michael Bianco, Inc., plant in New Bedford, Massachusetts, in one of the largest raids in recent U.S. history. ICE arrested 361 workers, mostly women, who were employed stitching armored vests and backpacks for the U.S. military. After being held and interviewed at the factory for hours, the workers were taken to a converted military base nearly 100 miles away from their home town, and within 48 hours were shipped to remote detention centers thousands of miles away, as far as Texas and Florida

Many of the workers had small children who were in daycare or school when the raids took place and found themselves without parents that evening, and ever since. Advocates know of at least 70 detained parents of minor children and estimate that at least 210 children were impacted by the raid.

Lawyers and state social service agency officials worked around the clock for the 48 hours following the raid to gain access to the detained immigrants while they were still held in Massachusetts, but were denied any meaningful access. Lawyers were granted access to the facility, but were only allowed to see a small number of the detained persons they wished to see. Social service workers have stated that they were actually denied access into the facility to determine if any of the detained persons were sole caretakers of small children who may have been left behind.

The ACLU of Massachusetts along with other groups filed a class action lawsuit on March 9 in federal court alleging constitutional and statutory violations. The suit alleged that ICE transferred the detainees out of state in bad faith with the purpose of evading jurisdiction in Massachusetts and preventing the detainees from speaking with Massachusetts lawyers. It also alleged that ICE violated the workers' rights when it took parents away from their children without adequate arrangements.

The detention centers to which most of the workers were sent are in remote areas close to the US-Mexico border and far from lawyers and other services. Days after they were transferred, advocates began to hear stories about people being coerced into signing voluntary deportation papers. Through the lawsuit, the judge allowed Massachusetts lawyers to visit the detained immigrants in Texas to ascertain whether they had indeed been coerced. This work is still ongoing.

Since this raid took place, ICE has carried out approximately one large raid per week across the country.

In-home enforcement

Another strategy of concern is the early-morning operations at immigrant homes. ICE enters a home with a warrant to arrest one or a few immigrants and then proceeds to sweep through the entire building, knocking on other doors and demanding to see immigration papers from all the inhabitants.

Recently, on Cape Cod, ICE arrested 15 immigrants in a recent raid. In one case, ICE agents showed complete disregard for the impact of the raid when they picked up the mother and father of three young boys, ages 3, 4, and 7. The children were awakened at six in the morning to find that their parents were being taken away by immigration officers.

In addition, there have been reports that ICE officials use deception to enter homes without a warrant, deny access to lawyers or a phone to call family members, and use

coercion and misinformation to convince immigrants to sign “voluntary departure” agreements.