



Update on Recent ICE Enforcement Actions Targeting Central American Families

Last month, immigration authorities confirmed that they planned a 30-day surge in arrests of Central American families and young people who have deportation orders.¹ So far, the CARA Family Detention Project² has identified more than 40 children and mothers (21 families) arrested in Immigration and Customs Enforcement (ICE) raids and other targeted enforcement actions and detained in Dilley or Karnes City, Texas.³

The vast majority of these actions took place at homes, workplaces, and on the way to school, spreading fear throughout immigrant communities across the United States. All but two of these families were arrested in just four states: North Carolina, South Carolina, Georgia and Texas—with local immigration courts that have the lowest asylum grant rates in the country.⁴

The Obama Administration claims to be targeting these vulnerable individuals for deportation because they were ordered removed after having received a full and fair opportunity to present their claims in immigration court, and having exhausted all available legal remedies and avenues of appeal.⁵ The information gathered to date about these 21 cases, however, tells a completely different story:

¹ Julia Edwards, "U.S. Plans New Wave of Immigrant Deportation Raids," *Reuters* (May 12, 2016), available at <http://www.reuters.com/article/us-usa-immigration-deportation-exclusive-idUSKCN0Y32J1>.

² The CARA Family Detention Project is a collaboration between the Catholic Legal Immigration Network (CLINIC), the American Immigration Council (Council), Refugee and Immigrant Center for Education and Legal Services (RAICES), and the American Immigration Lawyers Association (AILA), dedicated to promoting and strengthening the rights of immigrants, with a particular focus on ending family detention.

³ The Department of Homeland Security (DHS) describes these actions as "enforcement actions." See DHS Secretary Jeh Johnson, "Statement by Secretary Jeh C. Johnson on Southwest Border Security" (Mar. 9, 2016), available at <https://www.dhs.gov/news/2016/03/09/statement-secretary-jeh-c-johnson-southwest-border-security>. However, the CARA Project uses the term "raids" in this document as it more adequately describes the aggressive tactics employed by DHS in the course of these actions.

⁴ Elise Foley, "Here's Why Atlanta is One of the Worst Places to Be an Undocumented Immigrant," *The Huffington Post* (May 25, 2016), available at http://new.www.huffingtonpost.com/entry/deportation-raids-immigration-courts_us_574378d9e4b0613b512b0f37?ni20kmmv6igt4kj4i.

⁵ On May 13, 2016, ICE released a statement in response to widespread media reports of the 30-day increase in raids activity: "We stress that these operations are limited to those who were apprehended at the border after January 1, 2014, have been ordered removed by an immigration court, and have no pending appeal or pending claim for asylum or other humanitarian relief under our laws." See Zohreen Adamjee, "Central American refugees fear they'll be forced to go back home," *Fox 11* (May 13, 2016), available at <http://www.foxla.com/news/local-news/140964510-story>.

- #1:** These families were *denied* due process and a meaningful opportunity to seek asylum or other legal protection.
- #2:** Many have meritorious asylum claims that have never been heard and are extremely vulnerable to danger if they are deported.
- #3:** ICE engaged in aggressive and inappropriate conduct during the raids.

In the examples that follow, the CARA Project describes the troubling tactics used to round up and detain these families and discusses the nearly insurmountable due process obstacles that placed them at risk of removal despite very real threats to their lives in their countries of origin. These narratives demonstrate that despite promises to the contrary, the targets of these raids have not all exhausted their legal options and many have viable claims for relief in the United States.

Asylum Seekers Fleeing Targeted Violence in Central America

These cases provide forceful evidence that the families coming to the U.S. from the Northern Triangle region of Central America are fleeing extreme violence and have bona fide claims for asylum and legal protection that should be heard.

Many mothers survived horrifying gender-based violence. Representative examples of these courageous women include:

- **Natalia**⁶ fled a lifetime of abuse by an MS-13 gang member who had been terrorizing her since the age of 14;
- **Leyla** is a survivor of incestuous childhood rape;
- **Yesenia** fled repeated sexual and physical abuse by her husband;
- **Yasmin** fled abuse by her partner, who threatened her with a gun, raped her, and hit her. The police response to her complaint was to arrest him for only two hours;
- **Sara**'s partner beat, hit, and choked her in front of their 1-year-old son;
- **Cristina** escaped threats from family members of the rapist whom she helped to put in prison;
- **Ana Maria** fled a neighbor who stalked and threatened her as a result of being a single mother.

Others fled extraordinary violence and threats of violence perpetrated by transnational criminal organizations against the mothers, their family members, and their children. For example:

- **Leyla** fled Honduras after gang members shot her brother, assaulted her father with a machete, and attempted to kill her cousin;
- **Isabel** fled Honduras after gangs kidnapped and tortured her for 15 days after her brother ran away to avoid recruitment into the gang;

⁶ All names of mothers and children have been changed to pseudonyms to protect confidentiality.

- **Patricia** fled threats from MS-13 gang members who targeted her as a small business owner for extortion and threatened “consequences” for her daughter if she did not pay.

No Due Process, No Fair Day in Court for Asylum Seekers with Bona Fide Claims

These 21 cases provide a window into the ways in which our immigration system is failing mothers and children who are seeking protection in the United States. Many of the families seen by the CARA Project were denied due process because they received:

- No notice of their court hearings—in one case, the address in ICE’s file did not even have a street name and was obviously inaccurate;
- No legal counsel or bad legal advice—in fact, in 12 out of the 21 cases, the family had no legal counsel at all before they received a removal order; and/or
- No information at the border about when to go to court or how to apply for asylum.

Furthermore:

- One family was erroneously arrested and almost deported based on a removal order that was no longer valid.
- One family trying to seek asylum was wrongfully deported less than an hour before the CARA Project could file an appeal. ICE knew that lawyers were preparing the appeal, but ignored the fact that the family had been denied a meaningful opportunity to present their asylum claim in immigration court and would face significant danger if deported.
- At least five of the 21 families were ordered removed by Customs and Border Protection (CBP) officers—not by immigration judges—and were given no opportunity to present bona fide claims for asylum or other legal relief to an asylum officer or to a judge before being arrested by ICE.

Detailed Case Examples—Lack of Due Process

No Notice of Court Hearings and No Legal Counsel

Many of the 21 families seen so far by the CARA Project never received notice of their court hearings, and more than half—including an indigenous language-speaking survivor of domestic violence—never had an attorney before they were ordered removed.

Yesenia never received notice of her court hearing because the address ICE had on file for her did not even have a street name. She never had an attorney. The first time Yesenia learned that the immigration court had ordered her removed *in absentia* (in her absence) was when ICE arrested her at her home in South Carolina with her 6-year-old son Michaelo.

Yesenia fled Guatemala after suffering extensive abuse at the hands of her husband, Michaelo's father. Her husband began abusing her in 2009 after she became pregnant because he did not want children and wanted her attention for himself. The abuse worsened after Michaelo's birth, and in 2011, her husband threw a machete at Michaelo, causing permanent damage. Until she fled in 2014, Yesenia was repeatedly sexually abused and raped. She asked for a divorce, at which point her husband threatened to sell her son Michaelo. Yesenia is afraid that if she returns her husband will kidnap or otherwise harm Michaelo.

Yesenia came to the United States seeking protection in the summer of 2014 and was released from Border Patrol custody to live with her sister in South Carolina. No one asked her why she fled Guatemala or whether she was afraid to return. She was never advised of her right to seek asylum.

Yesenia has maintained the same address since that time and checked in regularly with an ICE office in South Carolina. But ICE provided an obviously inaccurate address to the immigration court, completely omitting a street name and simply listing the address as number 10, "Drive." Although Yesenia regularly reported to her ICE check-ins, ICE did not take any of these opportunities to review their own files to identify the error or investigate why she had not appeared in court. Instead, they arrested her at her home on the morning of May 20, and transported her and her son to the Dilley detention center. The CARA Project has filed a motion to reopen her case and obtain a fair day in court.

Gisela, a Q'anjob'al speaker from Guatemala, never spoke to an attorney and never received a hearing notice before she was ordered removed by an immigration judge *in absentia* (in her absence). Gisela and her son fled Guatemala after surviving abuse by her former spouse and facing death threats from a money lender and presented themselves at the border asking for asylum. The family was released from Border Patrol custody on an electronic ankle monitor. No one at the border gave Gisela a legal orientation or told her she had a right to apply for asylum. She tried to tell Border Patrol that if she was sent back to Guatemala, she would be killed, but they could not communicate with her.

Gisela cannot read or write in any language, and she understands little Spanish. She tried to find an attorney to help her, but those she contacted told her that without a court date, they could not help her. She never received a court notice in the mail. Unbeknownst to her, Gisela was ordered removed by the court *in absentia*.

Gisela appeared for her ICE check-ins regularly, but due to her difficulty communicating in Spanish and ICE's failure to use a Q'anjob'al interpreter, she appeared for her third ICE check-in on May 20 instead of March 20, and was then told to come back to the ICE office on May 23 with her son but she did not understand why. Mother and son came to the ICE office at the appropriate time—where they were promptly arrested for deportation without warning and sent to the Dilley family detention center. The ICE officers spoke to her only in Spanish, so Gisela understood very little of what was happening. She tried to tell the officers that she was still waiting for a letter telling her when to go to court. This is the first time she learned that she had a removal order against her.

At Dilley, Gisela connected with the CARA Project attorneys who made efforts to communicate with her in Q'anjob'al. After finally locating an interpreter, volunteers were just getting to the heart of the reasons she was afraid and fled Guatemala when ICE abruptly transferred the family away from counsel to the Berks family detention center in Pennsylvania. ICE was fully aware of Gisela's literacy and language challenges, and a complaint with the DHS Office for Civil Rights and Civil Liberties (CRCL) is pending.

Mayra did not receive notice of her court hearing due to her reliance on an ICE officer's representation that he would move her case from Dallas to Houston when she changed her address. She never had an attorney and could not afford the prices quoted to her.

Mayra fled Honduras with her 4-year-old son Jeremy after her partner witnessed a police officer stab a victim. Mayra came to the United States seeking safety. It took Mayra and Jeremy months to make the journey north, but they finally arrived in the United States in June, turning themselves into Border Patrol. No one asked her if she was afraid to return. Mayra never had a lawyer and never received a legal orientation explaining her rights and responsibilities after release.

She initially settled in Dallas, Texas and attended ICE check-ins there. After a few months, however, Mayra informed ICE that her sponsor was moving to Houston and that she needed to move with him because she had no other means of support for her son. The officer checked her file and affirmatively advised her that, because no hearing had been set yet for Dallas, he could change her case to Houston.

Mayra continued to attend ICE check-ins in Houston, but was never told that her court case hadn't been moved from Dallas. She never received notice of her court hearing and did not learn until later—when she appeared in court to testify at her partner's asylum hearing—that she had been ordered removed without even being present at the hearing (“*in absentia*”).

At this point, ICE put her under stringent reporting conditions, including weekly check-in appointments and an ankle monitor. When Mayra asked the contractors running the Alternative to Detention (ATD) program they assured her she was fine because she was in compliance with their program. Mayra was wholly ignorant that her exemplary compliance with a demanding ATD regimen had done nothing to fix the *in absentia* order. In fact, the first time that she learned that she had failed to correct what was wrong with her case was when she was arrested during the raid on her home on May 21. The CARA Project has filed a motion to reopen her case and obtain a fair day in court.

Wrongful Arrest of Asylum Seeker *Before* Her Court Hearing

Cristina was arrested in a raid at her home on May 21 in Houston and brought to Dilley for deportation, but was released after the CARA Project intervened and proved that ICE had erroneously arrested her *before* her immigration court hearing, on the basis of a removal order that was no longer valid.

Cristina had been raped as a child in El Salvador and bravely cooperated with law enforcement to put her rapist in prison. However, once her rapist was released, he immediately started

threatening Cristina, saying she would pay for putting him behind bars. Again, Cristina went to the police, but the police did nothing to protect her and her young child.

She fled to the United States with her 4-year-old son, Manuel, hoping to find safety. Instead, she and her son were sent to the family detention center in Dilley. After two interviews, the Asylum Office found that Cristina had a “credible fear” of persecution in her home country (that is, she passed the threshold determination for applying for asylum), and she was issued a “Notice to Appear” in immigration court so that she could file her formal asylum application and have a hearing before an immigration judge. The Notice to Appear stated that the date and time of the hearing would be set later.

Cristina and her son were released from Dilley in October 2015 and waited for the hearing date to be set, but they never received notice of any court date. On an electronic ankle monitor, Cristina checked in regularly with ICE and kept her address updated. Nevertheless, ICE came to Cristina’s home at 6:30 in the morning of May 21 and arrested mother and son and sent them back to the Dilley family detention center. It appears that the government never actually filed her Notice to Appear with the immigration court. It was only after the CARA Project uncovered the erroneous arrest that ICE realized their mistake and, after several days, released the family—again on an electronic ankle monitor.

Wrongful Deportation of Family Trying to Assert Their Asylum Claim

Marianna, a single mother with two daughters, lived in a rural Guatemalan village when her daughters were threatened with death if she could not pay extortion demands. Marianna sought police protection and assistance from the public ministry, to no avail. Feeling that the lives of her children were in danger, Marianna fled, arriving in the United States to seek protection in March 2015.

When Marianna attended her first court hearing, the immigration judge told her to apply for asylum. She hired an attorney for the second hearing, with the understanding that the attorney would assist her in presenting the claim. It was not until later that Marianna discovered that her attorney did not pursue the asylum claim and instead that she had unwittingly accepted her own deportation in April 2016.

On May 17, Marianna and her 14-year-old daughter, Philippa, were arrested by ICE at their home in Charlotte, North Carolina, at 6 am. Both were handcuffed, and transported to the Dilley detention center.⁷ At Dilley, Marianna was able to connect with attorneys from the CARA Project, who worked quickly to prepare an appeal and an emergency request to stop her deportation because Marianna had never had a chance to present her asylum claim before an immigration judge.

On the day before her deportation, despite the fact that CARA notified ICE that Marianna was a bona fide asylum seeker who had been prevented from presenting her asylum claim and that they

⁷ ICE did not provide food to Marianna and Philippa until they arrived in Dilley at 4 am the next day. Because they were arrested before they could eat breakfast, Marianna and Philippa were without food for 22 hours.

were filing an appeal—just like the CARA Project did in January 2016 for 12 families who are now protected from removal while their appeals are being decided—ICE refused to respond to multiple emails asking ICE to stop her deportation or even simply provide information regarding their intent to remove her.

Despite knowing that CARA staff were attempting to complete their work to prepare and file an appeal late in the afternoon of May 23, ICE summoned Marianna and her daughter, taking her away from volunteers, and refused to allow CARA staff to meet with her the evening of May 23, interfering with the attorney client relationship and impairing their ability to prepare necessary legal documents that might have prevented her removal. The appeal was submitted as soon as the court opened the next morning at 8:00 am on May 24. According to the information given to the court by an ICE official, however, the family had been deported at 7:30 am or 8:00 am that same morning.

Prevented from Telling Her Story in Court

A few of the mothers seen by the CARA Project were able to find legal representation before their hearing, but their attorneys failed to raise asylum claims or to properly advise their clients on the consequences of failure to appear in immigration court.

Natalia's attorney went with her to immigration court once but failed to raise any claims on her behalf or screen for asylum eligibility. Natalia had survived years of severe domestic abuse—since the age of 14—at the hands of her partner, an MS-13 gang member. She knew the police could not help her. When she and her daughter (who was 3 years old at the time) got to the border, they did not receive any legal orientation or any meaningful information about asylum.

Natalia's attorney came with her to one court hearing. Natalia recalls that the immigration judge asked her to confirm her address, but little else was directed to her, and the discussion between her attorney and the judge was mostly in English. No one asked her why she left El Salvador, whether she was afraid to return, or whether she wished to fight her deportation.

Natalia's attorney told her that the judge would deport her at her next hearing, and that she could either go back to court and be ordered removed or not show up at all, though immigration officials would be looking for her. He never asked her why she left El Salvador or if she was afraid to go back. He also did not advise her of the severe consequences for failing to appear in court. Since Natalia never received any legal orientation, she believed that this attorney knew best how to protect her and her daughter. Natalia did not go to her hearing and ended up with an order of removal *in absentia* (in her absence). The first time that Natalia was asked about her fear of returning to El Salvador, much less learned about asylum, was when she was brought to the Dilley family detention center after her arrest at her home in Charlotte, North Carolina and had the opportunity to meet with legal volunteers with the CARA Project. The CARA Project filed a motion to reopen her case and obtain a fair day in court. That motion has already been granted, and she and her daughter have since been released from detention.

Fast Track Removal Orders with No Immigration Court Hearing

Five of the families seen so far by the CARA Project were never referred to the immigration

court to consider their claims for asylum or other legal relief. Instead, ICE arrested them to execute expedited removal or reinstatement of removal orders—issued not by an immigration judge but by an enforcement officer at the border. Despite ICE’s representation that all of the targets of this operation had been ordered removed by an immigration judge,⁸ these families never were, and they had no opportunity to present their asylum claims in court.

For these families, it was only at the last minute before their deportation that, with the assistance of lawyers with the CARA Project, they finally received the asylum screening that United States law requires. All five of these families have now passed the threshold determination for applying for asylum and three have already been released, with the opportunity to present their cases to a judge instead of being returned immediately to danger. Yet CBP screening failed to identify that they were asylum seekers.

For example, **Zulema** and her 2-year-old son fled Guatemala to the United States in November 2015 to escape years of abuse, control, and rapes at the hands of her husband and the worsening threats from local gangs. At one point, she miscarried a baby when she was six months pregnant as a result of her husband’s ongoing abuse. Transnational criminal gangs also targeted Zulema’s family; her uncle was kidnapped three years ago and was never heard from again and the gangs killed her cousin.

When Zulema and her son, Mateo, reached the United States, she was never asked if she was afraid to return to Guatemala. While she was detained in Border Patrol custody, she never attended a legal orientation program and no one explained to her that she had the right to apply for asylum. Instead, she was released on an electronic ankle monitor and told to sign papers that were in English and were never explained to her. Zulema then went to live with her father in South Carolina and continued to wear her ankle monitor and check in with ICE at first every eight days, then every 15 days, and most recently only once a month. Zulema asked the ATD contractors who conducted her home visits when she would be notified of a court hearing, but that notification never came because she never had a court date—all she had was an expedited removal order signed by a border agent. At her April 2016 check-in with ICE, officials told her that she had voluntarily accepted deportation and had to leave the country on June 10, 2016. But this was not true. What she actually had was an expedited removal order. Zulema left her check-in that day without any paperwork explaining her situation. Three days after her May check-in with the ATD contractor, ICE came to her home, arrested Zulema and Mateo, and transported them to the Karnes detention center, where a lawyer was finally able to look at her case. Only then did Zulema finally receive the chance to speak to an asylum officer and explain her fear of return to Guatemala. Zulema and Mateo have since been released to pursue their asylum case in South Carolina.

⁸ On May 13, 2016, ICE released a statement in response to widespread media reports of the 30-day increase in raids activity: “We stress that these operations are limited to those who were apprehended at the border after January 1, 2014, have been ordered removed by an immigration court, and have no pending appeal or pending claim for asylum or other humanitarian relief under our laws.” See Zohreen Adamjee, “Central American refugees fear they’ll be forced to go back home,” *Fox 11* (May 13, 2016), available at <http://www.foxla.com/news/local-news/140964510-story..>

Detailed Case Examples—Enforcement Eroding Trust: Aggressive ICE Tactics in the Community

ICE employed questionable tactics during the raids and has spread fear in immigrant communities throughout the country.

Forcing Women to Change Clothes in Front of ICE Officers

In some cases, mothers reported to CARA that ICE officers refused to let them change their clothes in privacy, even forcing them to change in the presence of male ICE officers. **Mayra**, for example, reported feeling very uncomfortable after she was arrested at her home in Houston at 6:30 am with her 4-year-old son and was forced to change her clothes in the bathroom with the door open before leaving with the ICE officers. When ICE came to arrest **Beatriz** at her sister's home in Texas, an ICE officer grabbed her arm, leaving a visible bruise. She was forced to change from skirt to pants in front of a group of ICE officers. When **Sara** was arrested at her home in Houston, ICE insisted she change in a room with a female ICE officer monitoring and a male officer watching from the doorway. ICE officers pushed Sara up against the wall, and told her niece and nephew to “shut up.”

Arrests on the Way to School⁹ and Handcuffing of Children

At 7:00 am when the ICE officers came arrest Sara, she had been watching her 8-year-old son **Giovanni** get on the school bus. ICE waited until Giovanni got onto the school bus before shouting for him to get off the bus and arresting him. In Charlotte, seven ICE officers arrested **Isabel**, who was carrying her sleeping 3-year-old daughter, as she walked her niece to the bus stop.

ICE not only made arrests on the way to school, but they also used handcuffs on both mothers and children in some cases to effectuate the arrests. In Charlotte, ICE targeted 16-year-old **Liza** at 6:15 in the morning, on her way to school, handcuffing and arresting her before going to pick up her mother. Similarly, also in Charlotte, ICE arrested and handcuffed 14-year-old **Philippa** and her mother at 6:00 am at their home and transported them to Dilley.

Other Physically Abusive and Threatening Behavior During Arrest

In Huntsville, Texas, **Hilda** and her 3-year-old daughter were woken at 6:00 am by ICE officers at their door. ICE officers threatened to break down the door if she did not let them in. Her 3-year-old daughter was terrified. Similarly, **Yesenia** and her 6-year-old son Michaelo opened the

⁹ ICE's recent conduct towards mothers and children *en route* to school illustrates a problem with existing DHS policy regarding enforcement actions at sensitive locations, [the 2011 DHS Sensitive Locations](#) memo. While school buses and school bus stops are not expressly mentioned in the Sensitive Locations memo, the intent of the memo is to ensure that schools and other sensitive locations like places of worship and hospitals are not allowed to be sites of enforcement actions except in exigent circumstances. Despite repeated calls from advocates, DHS has not offered new updated language on the 2011 Memo or a Spanish translation, nor has it produced Frequently Asked Questions to help further explain the memo and its applicability.

door to their home in Greenville, South Carolina, after ICE agents threatened to take away Yesenia's son and sister who were outside the door if she did not let them inside. **Leyla** was arrested without any warning at her regular ICE check-in in Atlanta. Officers told her to ask her husband to bring her 5-year-old daughter, Madeline, to the office to be deported as well—but her husband worked far away, and there was no one else to drive the child. The officers threatened to have Madeline taken by the state. Leyla passed out from the stress. She reports that when she awoke, the officers took away her phone and her other possessions. They kept her in the local ICE office all day and did not feed her or her daughter until the family arrived in Dilley the following day.

Conclusion

The 21 cases seen so far by the CARA Project continue to illustrate the Obama Administration's misguided and harmful commitment to policies of deterrence, detention, and fear against vulnerable asylum seekers. As with the raids that occurred in January, genuine asylum seekers with legitimate protection claims were swept up in these aggressive actions. The cases profiled by the CARA Project herein document the traumatic nature of the raids as well as the lack of due process and the many hurdles asylum seekers face as they seek the opportunity to present their cases in front of an immigration judge. The federal government should guarantee legal counsel and meaningful access to justice to these Central American asylum seekers rather than pursuing aggressive enforcement strategies including family detention and raids that block vulnerable individuals from accessing protections under U.S. law and spread fear and undermine trust with immigrant communities.