



... Just Democracy

Preparing Communities and Child Welfare Professionals Ahead of a Workplace Raid

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Purpose of Session

- Learn about what happens during an ICE workplace raid.
- Learn about all the legal needs that arise after a raid.
- Hear real-world examples from the 2018 Tennessee raid and the 2019 Mississippi raid.
- Understand what steps you can take now to be ready if there is a workplace raid in your community.

Immigration 101: Some things you should know

- Department of Homeland Security is made up of 3 agencies:
 - U.S. Citizenship and Immigration Services (USCIS): grants benefits and visas.
 - U.S. Immigration and Customs Enforcement (ICE): apprehension, detention, and removal.
 - U.S. Customs and Border Protection (CBP): apprehension at the border, designate children as unaccompanied alien children (UAC).
 - There is no INS. INS was replaced with DHS in 2003.

Immigration 101: Some things you should know, cont'd.

- U.S. Health and Human Services, Office of Refugee Resettlement (ORR): ORR is tasked with the care and custody of UACs.
- Children who migrate alone (UACs) and children who migrate with their parents are covered by protections in the *Flores v. Reno* consent decree.
- ICE:
 - Enforcement and Removal Operations (ERO): Arrest undocumented immigrants in the interior, run immigration detention centers (including family detention centers), carry-out deportation raids. Note: These are civil arrests using warrants that do not meet 4th Amendment, U.S. Const.
 - Homeland Security Investigations (HSI): Carry out workplace raids. Also, use civil arrests using warrants that do not meet 4th Amendment, U.S. Const.
 - How can I find a person in immigration detention?
 - ICE Detainee Locator, <https://locator.ice.gov/odls/#/index>: Need Alien Number (A#), Country of Birth OR First and Last Name, Country of Birth, and Date of Birth.
- ERO has a parental rights directive, <https://www.ice.gov/parental-interest>.
- HSI has guidelines on humanitarian concerns but did not follow these guidelines in 2019 MS raid.

Immigration 101: Some things you should know, cont'd.

- What about immigration court?
- Immigration Court is under the U.S. Department of Justice and is commonly referred to as the Executive Office for Immigration Review (EOIR).
- Immigration Judges are Administrative Law Judges.
- There is no right to counsel. You have to get your own lawyer (non-profit organizations or private immigration bar).
- Where a person lives may not be where a person not be where that person is detained or where their immigration court hearing is held. Example: A person may be apprehended in South Dakota (SD), detained in a federal prison in SD that has a contract with ICE in SD, but immigration court is in Fort Snelling, MN.
- How can I find information about a person's immigration case?
 - <https://www.justice.gov/eoir/contact-eoir>: Call 1-800-898-7180 to find out a person's court hearing date and court location, and case status. You need the person's Alien Number (A#) to be able to access this information.

Recent Workplace Raids: Not all raids look alike

- Raids can look very different in size and worksite:
 - Hotel: Days Inn in Colchester, VT, 14 ICE arrests (Jan. 2018)
 - Meatpacking plant: 1 plant Bean Station, TN, 97 HSI arrests of these, 10 fed. Indictments (April 2018)
 - Garden Nursery: Garden and Nursery Center in 2 locations in OH, 114 HSI arrests (Jun. 2018)
 - Poultry processing plant: 7 plants in 7 different locations in MS, 680 HSI arrests, over 119 fed. indictments (Aug. 2019)
 - Restaurant: Indian restaurant in DC, 9 HSI arrests (July 2019)
 - Supermarket: Super Mercado Jalisco in Atlanta, GA area, 3 HSI arrests (Dec. 2019)

Sources: George Franco, *Federal Agents Raid Super Mercado Jalisco Stores in Metro Atlanta*, Dec. 12, 2019, <https://www.fox5atlanta.com/news/federal-agents-raid-super-mercado-jalisco-stores-in-metro-atlanta>; South Asian Americans Leading Together (SAALT), Action Alert, ICE Raids Indian Restaurant in DC, July 8, 2019, <https://saalt.org/action-alert-ice-raids-indian-restaurant-in-dc/>; Liam Elder Conners, *14 Undocumented Workers Arrested by ICE at Colchester Hotel*, Jan. 22, 2018, <https://www.vpr.org/post/14-undocumented-workers-arrested-ice-colchester-hotel#stream/0>. We learned about this incident from an organizer who is part of the AMOR Network in Rhode Island. The workers who were apprehended by ICE were from Rhode Island; Maria Sacchetti, *ICE raids meatpacking plant in rural Tennessee; 97 Immigrants Arrested*, April 6, 2018, https://www.washingtonpost.com/local/immigration/ice-raids-meatpacking-plant-in-rural-tennessee-more-than-95-immigrants-arrested/2018/04/06/4955a79a-39a6-11e8-8fd2-49fe3c675a89_story.html and Press Release from US Attorney's Office Eastern District of Tennessee, April 6, 2019, <https://www.justice.gov/usao-edtn/pr/statement-press>; Press Release, U.S. Attorney's Office of Southern District of Mississippi, Aug. 7, 2019, <https://www.justice.gov/usao-sdms/pr/largest-single-state-worksite-enforcement-action-nation-s-history-conducted-ice-and-doj>; CNN, *ICE Arrests 114 at Ohio Garden Center in Mass Raid*, <https://www.cnn.com/2018/06/06/us/ice-undocumented-immigrants-arrests-garden-ohio/index.html>, Jun. 7. 2018

Legal and Humanitarian Needs

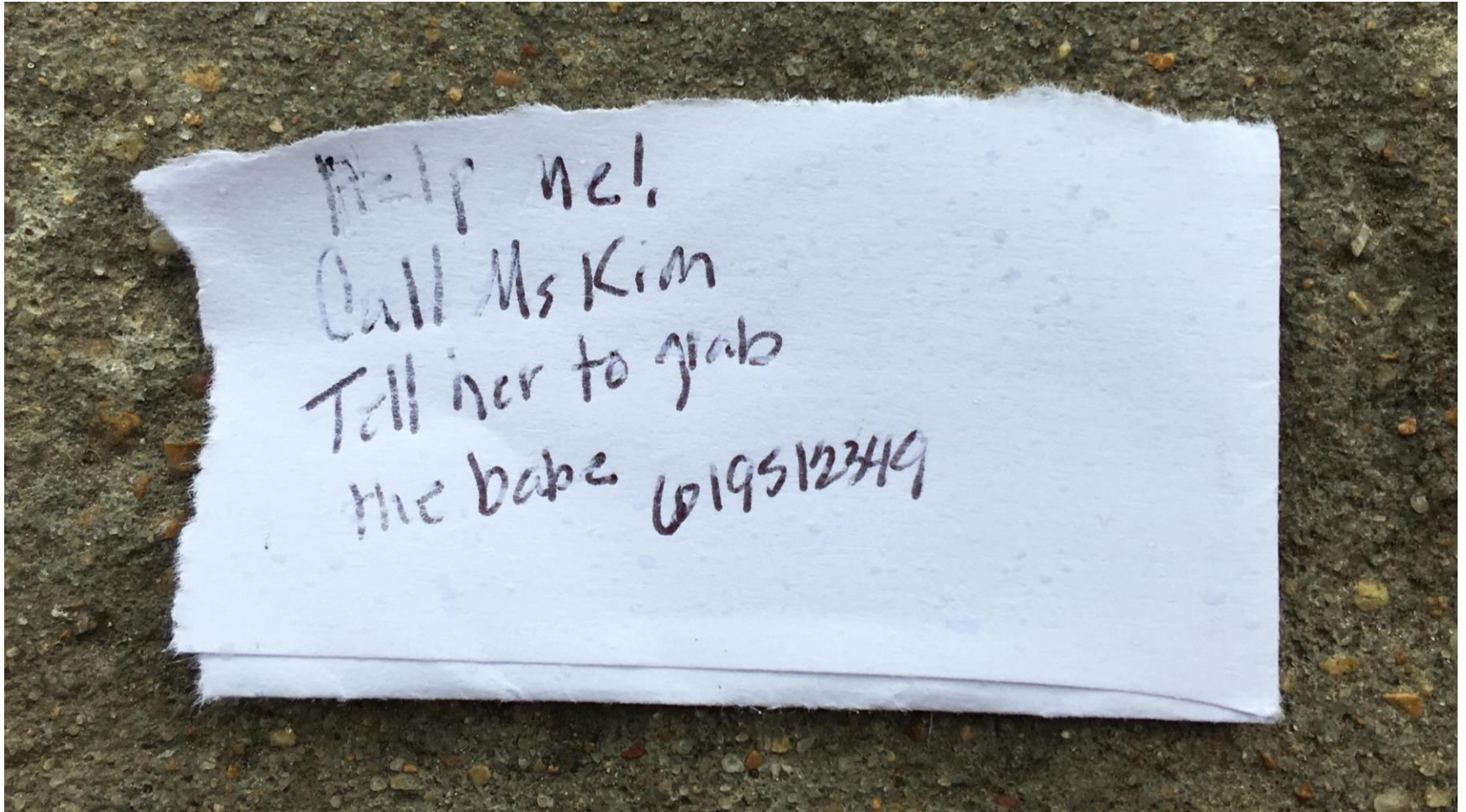
- In first 24 hours: Does the community know who to turn to? Is there a trusted immigration community organization? What is the faith community where the community has been connected to?
- Spiritual Needs
- Language Access: Not everyone speaks Spanish. Many immigrants from Guatemala speak an Indigenous Language such as Ixil, Mam, Akateco, or Q'anjob'al as their first language.
- Immigration Representation
 - Short-term and Long-term
 - No right to counsel
- Federal Criminal Defense: Those prosecuted will be appointed a Federal Public Defender
- Civil Legal Needs:
 - Dependency
 - Family Law
 - Powers of Attorney
 - Landlord/Tenant
- Humanitarian Needs: food, clothing, utilities
- Mental Health

Raids and Impact on Children and Families: Stories from Being on the Ground

- April 2018 Tennessee raid
- August 2019 Mississippi raid
 - MS Center for Justice One Year Anniversary Report

Link to MS Center for Justice report, <https://mscenterforjustice.org/wp-content/uploads/2020/08/Updated-raids-advocacy-report.docx.pdf>

Ground Zero 2019: Mississippi



Child Welfare Considerations in Immigration Matters

- SIJS – Special Immigrant Juvenile Status
- Guardianships
- Parent Interests/Visitation

Recommendations: What You Can Now

- Create a raids response infrastructure now.
- Designate a staff member to become the in-house expert on this issue.
- Connect with your local immigration community organization now.
- Find out how local law enforcement is currently collaborating with ICE, <https://www.ice.gov/287g>
- Connect with immigration pro bono organizations, the family law bar, nearby law school clinics.
- Start working on “Know Your Rights” presentations about family law for communities so parents know what rights they have. Also, think about developmentally appropriate presentations for children.
- Advocates: Work to create “safety-plans” so there are designated responsible adults who can care for children.

Resources

- Tennessee Immigrant and Refugee Rights Coalition (TIRRC): Toolkit for Responding to Mass Worksite Immigration Raids (May 2019),
<https://www.tnimmigrant.org/news/worksite-raid-response-toolkit>
- Center for Law and Social Policy: The Day That ICE Came: How Worksite Raids Are Once Again Harming Children and Families (July 2020),
<https://www.clasp.org/publications/report/brief/day-ice-came-how-worksite-raids-are-once-again-harming-children-and>
- Women’s Refugee Commission:
 - <https://www.womensrefugeecommission.org/research-resources/resources-for-families-facing-deportation-separation/>
 - <https://www.womensrefugeecommission.org/blog/new-ice-directive-helps-families-caught-between-the-immigration-and-child-welfare-systems/>

Resources, cont'd

- ICE Parental Rights Directive, <https://www.ice.gov/parental-interest>
- ICE Detainee Locator, <https://locator.ice.gov/odls/#/index>
- Detention Watch Network, <https://www.detentionwatchnetwork.org>
- Young Center for Immigrant Children's Rights, <https://www.theyoungcenter.org/>
- Kids in Need of Defense, <https://supportkind.org/>
- Immigration Advocates Network, <https://www.immigrationadvocates.org/>

Questions?

- If you have additional questions, please email me at LJimenez@advancementproject.org.