

National Hispanic Leadership Agenda

May 13, 2016

The Honorable Barack H. Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Re: Dangerous and Inhumane ICE Enforcement Actions Targeting Central American Refugee Families

Dear President Obama:

We write on behalf of the National Hispanic Leadership Agenda (NHLA), a coalition of 40 leading national Latino civil rights and advocacy organizations, **to condemn and call for an immediate cessation of raids on Central American refugee families being conducted and planned nationwide by U.S. Immigration and Customs Enforcement (ICE)**. Beginning in January 2016, your Administration has engaged in aggressive and harmful enforcement actions against mothers and children. Recent news reports indicate that ICE will not only continue efforts to deport families, but will extend operations to those who arrived as unaccompanied minors.¹

Despite the fact that these families are fleeing violent conditions in their home countries and should be recognized as refugees, your Administration has chosen to criminalize and target these vulnerable individuals. By failing to address this issue as the serious humanitarian crisis that it is, your Administration is instead dangerously stoking fear in communities across the country. These operations have a deep and disturbing chilling effect in the day-to-day lives of immigrant families, making them vulnerable to crimes and exploitation. Furthermore, these inhumane enforcement activities do nothing to deter those fleeing for their lives from making the perilous trip north to seek safe haven.

NHLA is outraged by reported plans to continue the deportation of mothers and children to some of the most dangerous nations in the world. It is particularly troubling given the reports that immigrants have been deported to their deaths as a result of the violence that they sought to flee.² It is clear that those from Mexico and Central America continue to experience a widespread bias in our immigration system, and your Administration is deepening the disadvantages placed before them by repeatedly erecting barriers to fair and humane treatment and legal representation.

From the use of “rocket docket” to quickly remove minors crossing the border in 2014,³ to the detention of refugee mothers and children—including infants—in prison-like conditions,⁴ the policies of the U.S. government have been to treat asylum seekers from our southern border as criminals. Moreover, ICE has prevented these families from accessing adequate legal representation, which is often the determinative factor in whether an immigrant is able to successfully assert his or her valid claim for relief.⁵

When an immigration judge goes on record stating that a 3-year-old child is capable of learning immigration law for the purposes of self-representation, the public must ask whether your Administration is providing

MEMBER ORGANIZATIONS

Alianza Americas
American G.I. Forum
ASPIRA Association
Avance Inc.
Casa de Esperanza: National Latin@ Network
Congressional Hispanic Caucus Institute
Cuban American National Council
Farmworker Justice
Hispanic Association of Colleges & Universities
Hispanic Federation
Hispanic National Bar Association
Inter-University Program for Latino Research
Labor Council for Latin American Advancement
Latino Justice PRLDEF
League of United Latin American Citizens
MANA, A National Latina Organization
Mexican American Legal Defense and Educational Fund
National Association of Hispanic Federal Executives
National Association of Hispanic Publications
NALEO Educational Fund
National Association of Latino Independent Producers
National Conference of Puerto Rican Women, Inc.
National Council of La Raza
National Hispana Leadership Institute
National Hispanic Caucus of State Legislators
National Hispanic Council on Aging
National Hispanic Environmental Council
National Hispanic Foundation for the Arts
National Hispanic Media Coalition
National Hispanic Medical Association
National Institute for Latino Policy
National Latina Institute for Reproductive Health
National Puerto Rican Coalition
Presente.org
SER Jobs for Progress National
Southwest Voter Registration Education Project
United States Hispanic Chamber of Commerce
United States Hispanic Leadership Institute
United States-Mexico Chamber of Commerce
U.S.- Mexico Foundation

¹ Julia Edwards, *Exclusive: U.S. Plans New Wave of Immigrant Deportation Raids*, REUTERS, May 12, 2016, <http://www.reuters.com/article/us-exclusive-idUSKCN0Y32J1>.

² Sibylla Brodzinsky and Ed Pilkington, *US Government Deporting Central American Migrants to Their Deaths*, THE GUARDIAN, Oct. 12, 2016, <http://www.theguardian.com/us-news/2015/oct/12/obama-immigration-deportations-central-america>.

³ Jennifer Chan, *Rocket Dockets Leave Due Process in the Dust*, NATIONAL IMMIGRANT JUSTICE CENTER (Aug. 11, 2014), https://www.immigrantjustice.org/staff/blog/rocket-dockets-leave-due-process-dust#.Vo1cW_krKJk.

⁴ See, Wil S. Hylton, *The Shame of America's Family Detention Camps*, N.Y. TIMES, Feb. 4, 2015, <http://www.nytimes.com/2015/02/08/magazine/the-shame-of-americas-family-detention-camps.html>.

⁵ See, TRANSACTION RECORDS ACCESS CLEARINGHOUSE, *Representation for Unaccompanied Children in Immigration Court* (Nov. 25, 2014), <http://trac.syr.edu/immigration/reports/371/>; NORTHERN CALIFORNIA COLLABORATIVE FOR IMMIGRANT JUSTICE, *Access to Justice for Immigrant Families and Communities* (Oct. 2014), <https://media.law.stanford.edu/organizations/clinics/immigrant-rights-clinic/11-4-14-Access-to-Justice-Rep>

due process and fair application of the law.⁶ The fact that legal services providers have been able to halt the deportations of some of those apprehended in these ICE enforcement surges shows that the enforcement actions lack any legitimate basis in fair adjudication.⁷

NHLA opposes in the strongest possible terms any raids on immigrant families who pose no threat to national security or public safety. Your Administration has acknowledged that the overwhelming majority of Central Americans who have entered our borders, primarily women and children, face a credible fear of persecution or violence, yet you now resort to large-scale raids prioritizing the deportation of these refugees.⁸ This is an unnecessarily harsh, ineffective, and misguided approach. It also demonstrates this Administration's unequal treatment of refugees from Central America, in dramatic and troubling contrast to your appropriate and welcome championing of refugees from the Middle East.

On November 20, 2014, Secretary Johnson announced a policy to designate those individuals with a removal order issued after January 1, 2014 as a priority for deportation.⁹ This directive unfairly targets Latinos, who comprise a large percentage of those seeking to enter the U.S. along the southern border, particularly given the increased number of refugees who are arriving to the U.S. seeking protection from violence in Central America. The emphasis of the recent raids has been largely focused on Central Americans, and this unequal treatment of Latino refugees only capitalizes on the systemic barriers this particular population has faced in accessing legal counsel. You and Secretary Johnson have the authority to modify these priorities, and there is no statutory basis—or congressional mandate—to prioritize the removal of families fleeing persecution and violence. Your Administration's efforts to increase in-country processing for Central American refugees in the region does little to mitigate the lasting and devastating damage that these ICE raids are causing.

We call on the Administration to stop these raids on families, to halt the deportation of Central American refugees, and to ensure that all asylum seekers receive access to legal counsel and are well informed of their legal rights, including the right to appeal an adverse decision. The enforcement actions are creating shockwaves of fear and distrust during a political season that has been fraught with racist and xenophobic rhetoric. To continue these aggressive tactics is to stain your Administration's legacy with the dark mark of mass deportations and human rights violations, rather than highlighting the advances that you and others have worked so hard to achieve for immigrant families.

Instead of using your executive authority to deport refugee families, your Administration should grant migrants from El Salvador, Guatemala, and Honduras Temporary Protected Status based on pervasive gang violence and the deteriorating conditions they face. The ever-increasing violence that is driving individuals to flee the Northern Triangle represents "extraordinary and temporary conditions" that prevent the safe return of immigrants to these countries.

We request the opportunity to meet with you directly to further discuss this issue. Please contact NHLA through Andrea Senteno, of MALDEF, at asenteno@maldef.org, or Laura Esquivel, of the Hispanic Federation, at lesquivel@hispanicfederation.org, with any questions regarding this letter. Thank you for your time and consideration.

Sincerely,



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NHLA Vice Chair & Immigration
Committee Co-Chair



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NHLA Immigration Committee
Co-Chair

Cc:

Valerie Jarret, Senior Advisor to the President
Cecilia Munoz, Assistant to the President and Director of Domestic Policy Council

⁶ Jerry Markon, *Can a 3-Year Old Represent Herself in Immigration Court? This Judge Thinks So*, WASHINGTON POST, March 5, 2016, https://www.washingtonpost.com/world/national-security/can-a-3-year-old-represent-herself-in-immigration-court-this-judge-thinks-so/2016/03/03/5be59a32-db25-11e5-925f-1d10062cc82d_story.html.

⁷ Josh Gerstein, *Lawyers: Panel Halts Some Family Deportations*, POLITICO, Jan. 6, 2016, <http://www.politico.com/blogs/under-the-radar/2016/01/panel-halts-some-family-deportations-217414>.

⁸ U.S. CITIZENSHIP AND IMMIGRATION SERVICES ASYLUM DIVISION, FAMILY FACILITIES REASONABLE FEAR (2015), <http://www.uscis.gov/sites/default/files/USCIS/Outreach/PED-CF-RF-family-facilities-FY2015Q2.pdf>.

⁹ DEPARTMENT OF HOMELAND SECURITY, POLICIES FOR THE APPREHENSION, DETENTION, AND REMOVAL OF UNDOCUMENTED IMMIGRANTS (2014), https://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf.

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