

DEPORTATION DEFENSE

A GUIDE

for Members of Congress and other Elected Officials



**national
IMMIGRATION
project**
of the National Lawyers Guild

UWD
United We Dream

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IMMIGRANT LEGAL
RESOURCE CENTER

PICO National Network
Unlocking the Power of People

NDLON NATIONAL DAY LABORER
ORGANIZING NETWORK

DEPORTATION DEFENSE: A Guide for Members of Congress and Other Elected Officials

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Credits & Acknowledgements

Author:

Carolina Canizales, United We Dream Network

Co-authors:

Amanda Gutierrez, United We Dream Network

Paromita Shah, National Immigration Project of the National Lawyers Guild

Tania Unzueta, National Day Laborer Organizing Network

Richard Morales, PICO National Network

Editors:

Aidin Castillo, Immigrant Legal Resource Center

Lena Graber, Immigrant Legal Resource Center

Jessica Karp, National Day Laborer Organizing Network

Rosa Saavedra Vanacore, National Immigration Project of the National Lawyers Guild

Design, Layout & Illustrations:

Jassiel Perez, United We Dream Network

Contributors:

Cristina Jimenez, United We Dream Network

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Introduction

This manual is designed to inform members of Congress and other elected officials about the role that they can play in stopping the deportation of their constituents and other community members. This manual provides a step-by-step process on how to successfully intervene in these situations. Members of Congress and other elected officials have successfully advocated for individuals in removal proceedings for years and continue to employ this process to help immigrant communities even today. We hope that this will also be a useful resource for community advocates and people in deportation proceedings seeking support from their elected officials.



Disclaimer

This toolkit is meant to provide introductory information on deportation defense work and how elected officials can support these campaigns. It is not meant to provide or act as legal advice. Intervention from a congressional office does not affect in any way legal proceedings in immigration court; on the contrary, congressional intervention is meant to highlight an agency's failure to apply current policies or practices in a constituent's case and to highlight the constituent's contributions to his or her community.

About the Organizations

United We Dream Network (UWD) is the largest immigrant youth-led organization in the nation, a powerful non-partisan network made up of 52 affiliate organizations in 25 states. We organize and advocate for the dignity and fair treatment of immigrant youth and families, regardless of immigration status. UWD's current priorities are to stop deportations and advocate for policy changes that would provide full equality for the immigrant community in the U.S. In 2011, UWD initiated the Education Not Deportation (END) program, which focuses on organizing and advocating against deportations on a case-by-case basis. The work of this program has prevented over 500 deportations nationwide.

The National Immigration Project is a national nonprofit that provides legal assistance and technical support to immigrant communities, legal practitioners, and advocates working to advance the rights of non-citizens. We seek to promote justice and equality of treatment in all areas of immigration law, the criminal justice system, and social policies related to immigration. For over forty years, the National Immigration Project has served as a progressive source of advocacy-oriented legal support on issues critical to immigrant rights. The National Immigration Project works to protect the rights of the most disenfranchised and vulnerable populations, including women who are victims of domestic violence, people with HIV/AIDS, children, and non-citizen criminal offenders. We develop cutting-edge strategies to respond to unlawful enforcement against immigrants. We work both independently and collaboratively with immigration advocacy organizations throughout the U.S. in order to educate and strengthen the capacity of immigration professionals while promoting public policy change through direct advocacy. Our work is built upon a foundation of committed members, whose support and contributions are integral to the success of the National Immigration Project.

National Day Laborer Organizing Network (NDLON) improves the lives of day laborers in the United States. To this end, NDLON works to unify and strengthen its member organizations to be more strategic and effective in their efforts to develop leadership, mobilize, and organize day laborers in order to protect and expand their civil, labor and human rights. NDLON fosters safer more humane environments for day laborers, both men and women, to earn a living, contribute to society, and integrate into the community. As part of the *Not One More Deportation* campaign, NDLON works to stop deportations by advocating for policy changes nationally and statewide, as well as through case-by-case deportation defense.

PICO National Network is the largest grassroots, faith-based organizing network in the United States. PICO works with 1,000 religious congregations in more than 200 cities and towns through its 60 local and state federations. Many of the leader members of PICO and its congregations are undocumented or have mixed-status families. In June 2013 PICO National Network began the *Detention and Deportation Prevention Program*. The objective of the program is to support federation member groups in identifying cases of people who are in detention or at risk of deportation, around which local federations and PICO as a national network can work through organizing principles to prevent their detention and deportation.

Immigrant Legal Resource Center (ILRC) Founded in 1979, the Immigrant Legal Resource Center (ILRC) is a national resource center that provides training, consultations, publications and advocacy support to individuals and groups assisting low-income persons with immigration matters. The ILRC works with a broad array of individuals, agencies, and institutions including immigration attorneys and advocates, criminal defense attorneys, civil rights advocates, social workers, law enforcement, judges, and local and state elected officials. The ILRC writes some of the only legal treatises on immigration law in the country and wrote the only legalization legal guide after IRCA in the late 1980's.

Acronyms & Abbreviations

245(i)	Provision of the Legal Immigration Family Equity Act (LIFE Act) (8 U.S.C. § 1255(i))
AFOD	Assistant Field Office Director
A-Number	Alien Number
BIA	Board of Immigration Appeals
CBP	Customs and Border Protection
DACA	Deferred Action for Childhood Arrivals
DUI	Driving Under the Influence
DHS	Department of Homeland Security
ERO	Enforcement Removal Officer/Enforcement Removal Operations
END	Education Not Deportation
FOD	Field Office Director
FOIA	Freedom of Information Act
FY	Fiscal Year
HQ	Headquarters
ICE	Immigration and Customs Enforcement
IGSA	Intergovernmental Services Agreement
INS	Immigration and Naturalization Services
LPR	Lawful Permanent Resident
NTA	Notice to Appear
TRAC	Transactional Records Access Clearinghouse
TPS	Temporary Protected Status
USCIS	United States Citizenship and Immigration Services

Definitions & Statistics

Who can be deported?

Anyone who is not a citizen of the United States can be deported.¹ There are three main groups that are at high risk of deportation: (1) non-citizens with permanent or temporary status with a past arrest or conviction, (2) non-citizens with an old deportation order (which include individuals who overstay a voluntary departure), and (3) undocumented immigrants.

Immigrants with status who can be deported due to a past conviction include: (1) legal permanent residents (LPRs), also known as Green Card holders; (2) asylees and refugees; and (3) people who have been granted any temporary relief such as Temporary Protected Status (TPS), Deferred Action for Childhood Arrivals (DACA), or Parole. People who have applied to adjust their status to obtain permanent residence, or people on tourist, student, work, or other types of visas can also be deported.

The types of convictions that can lead to deportation are very broad and specific to each case. Some convictions result in no jail time, and occasionally, a deportation order is issued as an unofficial form of punishment, usually after immigrants finish their sentence.

Undocumented immigrants are particularly at high risk of deportation. Undocumented immigrants can be deported with or without a conviction. Undocumented immigrants include people who entered the US without inspection; people with previous deportation orders; and people who overstayed their visas.



¹ This does not include non-citizen nationals—individuals born in American Samoa and Swains Island—who, similarly to citizens, cannot be deported. Given how few non-citizen nationals there are, however, non-nationals are referred to simply as non-citizens.

ICE Priorities

In order to understand how prosecutorial discretion operates, we focus on information provided by five memoranda and documents from the Department of Homeland Security (DHS), which guide how prosecutorial discretion should be exercised:

Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention and Removal of Aliens; written by John Morton, former ICE Director in 2011;

Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs; written by John Morton, former ICE Director in 2011;

The 2012 Deferred Action for Childhood Arrivals policy initiative;

Guidance to ICE Attorneys Reviewing the CBP, USCIS, and ICE Cases Before the Executive Office of Immigration Review; DHS, 2011; and

Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities; by John Sandweg, former ICE Director in 2013.

Who is considered “low priority”²?

The following is a list of factors that, according to the memoranda and guidelines set by ICE, can help categorize someone as “low priority” for deportation. Please note that discretion is not supposed to be based on one single factor, but rather the totality of the situation and circumstance. A person may be considered low priority because s/he:

- Has lived in the U.S. more than 5 years and arrived as a child;
- Has lived in the U.S. more than 10 years and arrived over the age of 16;
- Has some lawful presence in the U.S. (for example, spent time in the U.S. with a valid visa);
- Came to the U.S. as a young child (under age of 16);
- Is a young child or an elderly person;
- Is over the age of 65 and has been in the U.S. more than 10 years;
- Has been a lawful permanent resident (LPR) for 10 years, with no more than one misdemeanor;
- Is a veteran or a member of the armed forces;
- Is pregnant or nursing, or has a partner that is pregnant or nursing;
- Has a severe physical or mental disability or health condition;
- Has completed education in the U.S. (especially high school or college);
- Has an immediate relative who served in military;
- Has children that are U.S. citizens;
- Has a U.S. citizen or LPR spouse;
- Has a spouse with severe mental or physical illness;
- Has relatives that are U.S. citizens or LPRs;
- Has little or no connections to home country;
- Feels returning to home country;
- Is the primary caretaker for a person with disabilities, elderly, minor, or seriously ill relative;
- Has other significant ties to the community (church, organization participation, business owner, home owner);
- Has cooperated with federal agencies;
- Has “compelling ties” and has made “compelling contributions” to the U.S.;
- Is a victim of domestic violence, human trafficking, or other serious or violent crime (examples of serious crimes include robbery, physical attack, etc.);
- Is a collaborating witness involved in a pending criminal investigation or prosecution;
- Is likely to be granted status or relief (for example, because he/she is eligible for a visa);
- Is involved in a dispute regarding a violation of his or her civil or labor rights; or

² From the Not1More Anti-Deportation Toolkit for community advocates by the National Day Laborer Organizing Network, at <http://www.notonemoredeportation.com/resources/introduction/>

- Is involved in an activity related to civil or other rights (for example, union organizing, complaining to authorities about employment discrimination or housing conditions).

Who is considered “*high priority*”?

According to DHS, there are three categories of non-citizens who should be considered priorities for deportation: people with criminal histories, people with a history of “egregious” immigration violations, and people who recently crossed the border (“recent” is usually defined as within in the last three years). The prosecutorial discretion memos provide a more detailed list of “high priority” factors. According to those memos, a person may be high priority because s/he:

- Has multiple misdemeanor convictions (3 or more);
- Has a misdemeanor conviction involving violence, threats, assault, sexual abuse or exploitation;
- Has a misdemeanor conviction involving DUI of alcohol or drugs, or flight from the scene of an accident;
- Has a conviction for drug distribution or trafficking;
- Has been convicted of one felony (or more);
- Returned to the U.S. after having been ordered removed;
- Agreed to a voluntary departure and did not leave, or came back after leaving;
- Committed immigration fraud (for example, by using fake papers);
- Could “easily” re-adjust to living in home country;
- Poses a threat to public safety or national security;
- Has a “lengthy” criminal record of any kind; or
- Has gang affiliations or human trafficking connections.

Why is advocacy needed?

Immigration and Customs Enforcement (ICE) has stated that the agency is committed to removing only individuals who pose a real threat to public safety and national security, promoting a more humane and safe deportation process, and improving detainee treatment standards.³ As part of this process, ICE is supposed to exercise prosecutorial discretion when implementing its work in order as to minimize harm against immigrant families and communities and to focus resources on those considered “high priority” for deportation according to its own guidelines. However, in practice, ICE exercised this discretion highly inconsistently. For example, in 2013, more than half of deportees had no criminal conviction or had only a minor traffic violation.⁴ In addition, there has been widespread criticism about who is considered “high priority” for deportation, in particular when it comes to people who are placed in that category solely for immigration-related violations.⁵



In addition, the programs and enforcement actions executed by DHS and ICE fail to recognize the hardship and devastation experienced by immigrant families in the United States. Rather than create

³ List of standard treatment for ICE detainees available at http://www.ice.gov/doclib/dro/detention-standards/pdf/medical_care.pdf, Dec. 5, 2008.

⁴ From *Secure Communities and ICE Deportation: A Failed Program* by TRAC, April 8, 2014, <http://trac.syr.edu/immigration/reports/349/>

⁵ People who have opined that immigration violations should not be considered criminal or offenses that place someone in high priority include John Sandweg, former ICE director (See “Who Should Be Deported?” editorial in the Los Angeles Times, March 27, 2004). Members of the Congressional Hispanic Caucus in their recommendations also made this suggestion to President Obama regarding the review of immigration enforcement implementation in April 2014.

more and more categories of enforcement targets, DHS could consider family connections, community ties, military service, rehabilitation, education, or employment and then weigh any convictions or negative factors against both these and the resultant hardships of deportation, thereby keeping families together and promoting public safety.

Lastly, although the documents and memoranda above mentioned offer extensive guidance on who should be considered high priority or low priority for deportation, ICE provides no clarity about how an individual in removal proceedings can identify whether or not he or she qualifies for prosecutorial discretion, or how to submit additional evidence that a corresponding agency can consider when reviewing his or her case.

ICE's inconsistency in employing its own prosecutorial discretion guidelines, its decision to categorize immigration-related offenses as criminal felonies, and its failure to clarify how immigrants can advocate on their own behalf have torn apart thousands of immigrants from their loved ones and devastated entire communities, all without increasing public safety or national security. This is why immigrant rights advocates, legal service providers, and elected officials have chosen to advocate on behalf of immigrants, case-by-case. In the experience of all the co-authors of this guide, advocacy on behalf of individuals facing deportation can make the difference as to whether a family stays together or is torn apart.

Deportations Statistics

2013 Statistics

In 2013, the Obama Administration deported a total of 368,644 individuals. A breakdown of the deportation numbers is provided below. It is important to note that 70% of removals had no criminal convictions or were due to an immigration or traffic violation.

The graph and information was published by the Transactional Records Access Clearinghouse (TRAC) analysis of ICE's case-by-case records on deportations. It shows that in FY 2013, only 12 percent of all deportees were found to have committed a serious or "Level 1" offense based on the agency's own definitions.⁶ Even so, most Level 1 offenses include misdemeanors.

Table 1. ICE Deportations in FY 2013

Most Serious Criminal Conviction*	Number
None	151,833
Immigration**	53,259
Traffic	47,249
Other	62,139
Serious (Level 1)	43,090

* An additional 11,074 non-serious convictions with unknown charge are not included.

** To avoid double counting 1,553 immigration offenses for smuggling aliens and trafficking in fraudulent immigration documents included only in serious category.

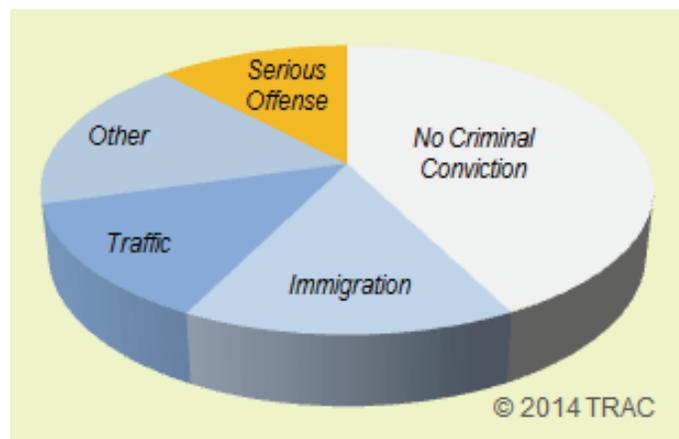


Figure 1. ICE Deportations in FY 2013⁷

Detention Statistics

In FY 2012—the most recent year for which statistics were available —Immigration and Customs Enforcement (ICE) detained a record number of 478,000 individuals,⁸ a nearly 500% increase in just the last decade. In FY 1994, ICE (then “INS”) detained fewer than 82,000 individuals.⁹ While the express purpose of immigration detention is to ensure that immigrants appear at hearings and comply with court orders, DHS has instead created a punitive system for immigrants in the process of determining their immigration status. Moreover, detention is very expensive for the U.S. government. It costs between \$122

⁶ Please find all definitions of the ICE Level of Offenses in the following public report:

http://trac.syr.edu/immigration/reports/330/include/DocumentReleased_13-15734_Criminal_Offense_Level_Business_Rules.pdf

⁷ Data obtained from TRAC Reports, April 8, 2014. <http://trac.syr.edu/immigration/reports/349/>

⁸ *Immigration Enforcement Actions: 2012*, Office of Immigration Statistics, Policy Directorate, http://www.dhs.gov/sites/default/files/publications/ois_enforcement_ar_2012_0.pdf (Dec. 2013).

⁹ *Statement of Paul Grussendorf, Committee on the Judiciary, U.S. Senate, “Building an Immigration System Worthy of American Values,”* <http://www.judiciary.senate.gov/pdf/3-20-13GrussendorfTestimony.pdf> (March 20, 2013).

and \$164 per day to detain an individual; approximately \$5.6 million per day, or almost \$2 billion per year.¹⁰

Border statistics

In 2012, 477 migrants lost their lives attempting to cross the U.S.-Mexico border, a 27% increase from 2011. That figure is the highest since 2005, when 492 migrants died. The Border Patrol arrested 420,789 individuals in FY 2013, 98 percent of which were made on the Southwest border. Prosecutions for nonviolent immigration offenses hit an all-time high in FY 2013 with more than 90,000 people sentenced to federal prison and jails for crossing the border. These convictions account for nearly 50% of all federal criminal prosecutions. Virtually all individuals who were federally prosecuted for immigration-related crimes in January 2014 (99 percent) were referred by DHS.¹¹



¹⁰ *The Math of Immigration Detention: Runaway Costs for Immigration Detention Do Not Add Up to Sensible Policies*. August 2013, <http://www.immigrationforum.org/images/uploads/mathofimmigrationdetention.pdf>

¹¹ Data obtained from TRAC Report, *Immigration Prosecutions for January 2014*, available at <http://trac.syr.edu/tracreports/bulletins/immigration/monthlyjan14/fil/>

Our Work

Prosecutorial discretion provides immigrants in deportation proceedings and their allies with a new advocacy tool that has helped to stop individual deportations that would have taken place without outside intervention. United We Dream, NDLO, NIPNLG, and PICO Network are some of the organizations that have taken on case-by-case work.



VERONICA HAS JUST BEEN RELEASED!



THANKS TO YOU ANOTHER FAMILY HAS BEEN REUNITED!

 **#END**



#WECANTWAIT

OBAMA: STOP DEPORTATIONS NOW & GRANT ADMINISTRATIVE RELIEF TO THE UNDOCUMENTED COMMUNITY!

UnitedWeDream.org

Although we cannot change a case's basic facts or a person's immigration history, community advocacy can:

- Highlight the factors that should make a person a "low priority" for deportation by communicating with ICE about the case and raising public awareness;
- Help the person in deportation proceedings show "significant ties and contributions to the community" by gathering signatures and letters of support from elected officials, community leaders, and allies;
- Help the person highlight his or her contributions to civil rights advocacy, especially where the person is an active member of a community organization;
- Encourage individuals to make calls and send emails to ICE to show ICE that the community is watching, and that the person has community support;
- Raise awareness of abuses during the arrest and detention of the person and others like him or her; and
- Put grassroots pressure on ICE leadership to stop a particular deportation.

Since prosecutorial discretion is supposed to look at the totality of the circumstances, it might be useful to think of a case as being on a balance. On one side of the balance are the negative factors that make someone "high priority," while on the other side are the positive factors that make someone "low priority." In cases where the scale initially seems to weigh heavier on the side that leads to deportation, community advocacy helps the most.

Although there is no guarantee, each letter of support from a legislator, each newspaper article, each call from a community member to ICE, and each action taken by those advocating against a person's deportation adds more weight to the positive side of the balance. The goal is to make that side so heavy that ICE has little choice but to stop the person's deportation.¹²

In the following section, we focus on cases that our organizations have taken on, with a particular focus on how an elected official's support made a difference in the case.

¹² For more information on how advocates can influence deportation cases see NDLON's Not1More Deportation Took-kit (<http://www.notonemoredeportation.com/resources/introduction>) and the National Immigration Project's *Deportation 101* (http://www.nationalimmigrationproject.org/Deportation101_LowRes_January_2011.pdf).

Case Study

The following case study outlines campaigns to stop the deportation of community members that have been won or lost, and highlights whether or not a congressional office intervened. Some names have been modified for confidentiality purposes.



Unsuccessful Campaigns

The following case studies describe campaigns where we were unsuccessful in stopping an individual's deportation. Although there are many factors involved in whether a campaign is successful or not, it is notable that only one of these cases had congressional support. Often, the support of members of Congress is what makes the difference between someone being deported and a family staying together. These case studies show that in some instances community advocacy alone may not be enough, and highlight the need for continued intervention in deportation cases by members of Congress and other elected officials.

Case 1: A. Rosales-Lemus, Phoenix, Arizona

Mr. Rosales-Lemus was detained when he showed up to court due to an unpaid traffic ticket. Because he had a previous re-entry to the U.S., Mr. Rosales-Lemus was taken into custody by ICE. Although an asylum seeker, Mr. Rosales-Lemus spent over one year in detention and was deported in December 2013. Congresswoman Krysten Sinema and Congressman Luis Gutierrez provided support.

Mr. Rosales-Lemus came to the U.S. in 2005 to escape from gang threats and violence he faced in Guatemala. Mr. Rosales-Lemus had been a dedicated member of his church and a caring father. In Guatemala, he was part of a faith-based initiative to prevent youth from joining gangs, which led to his eventual persecution by the Mara Salvatrucha, a transnational gang. In 2011, a simple traffic violation resulted in Mr. Rosales-Lemus being placed in detention for over a year, first at the Eloy Detention Center, then at the Florence Detention Center in Phoenix, Arizona.

Due to his prolonged detention, UWD launched a public campaign in October 2013 for Mr. Rosales-Lemus, and his attorney filed an Application for Stay of Deportation with the Phoenix ICE Field Office. Congresswoman Kristin Sinema (AZ) and Congressman Luis Gutierrez (IL) fully supported Mr. Rosales-Lemus' case and provided a letter of support.



After four months of campaigning with the Arizona Dream Act Coalition, UWD's local affiliate, Mr. Rosales-Lemus was unjustly deported on the morning of December 13, 2013 to Guatemala. Deportation officers inside the Florence Detention Center sneaked him out in a van, while Dreamers held an overnight vigil in front of the detention center. He had no chance to call his family to ask for clothes or money. At about 3 a.m., a family member received a call from

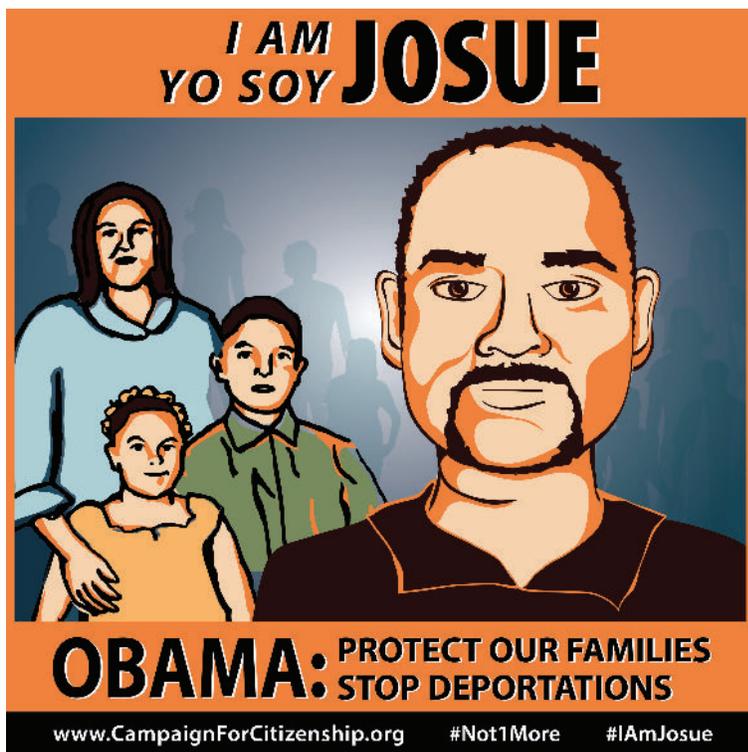
Mr. Rosales-Lemus saying that he had already been taken to the airport in a van through the back gate of the facility. At that point there was nothing else the attorney, family, or community could do for Mr. Rosales-Lemus.

Additionally, in the week prior to his deportation, Mr. Rosales-Lemus' attorney was told multiple times by ICE ERO and ICE Headquarters that the stay of removal application was being reviewed; however, the attorney never received a final answer. An official answer from ICE was issued after Mr. Rosales-Lemus had boarded the plane for departure. These circumstances prevented the attorney from intervening in Mr. Rosales-Lemus' imminent deportation.

Mr. Rosales-Lemus was separated from his two-year-old son, Pablito, and his newborn daughter just before Christmas. He never met or held his daughter in his arms because he was in a detention facility when she was born. Mr. Rosales-Lemus' story represents the pain and greatest fear our communities suffer daily. It is unacceptable that Mr. Rosales-Lemus was deported without the right to due process, and it is unfair and heartbreaking that today we have yet two more U.S. citizen children who are growing up without a father.

Case 2: J. Sandoval, Kansas City, Missouri

Mr. Josue Sandoval was placed in deportation proceedings following a criminal investigation. Josue had a prior removal order but never had any criminal convictions. Congressman Emanuel Cleaver, II inquired about the case.



Josue Sandoval lived and worked in the United States for 16 years, had no criminal record, and was the parent of two children and a member of St. Anthony's Catholic Church, a PICO Network federation, which rallied to stop his deportation. Josue was detained on January 15, 2014, and held at a local jail where he was denied the ability to shower or change his clothes for eight days. He developed a painful infection and was refused proper medical treatment until he was transferred to an IGSA detention facility. He was in the local facility because of an Immigration and Customs Enforcement (ICE) hold. Based on the positive factors in Josue's case, his attorney filed an Application For Stay Of Deportation with the ERO office in Kansas City on January 27, 2014.

Alarmed by the duration of Josue's detention, treatment and possible

deportation, several clergy members in Kansas City attempted to visit the local ERO office on January 29. The clergy were stopped at the door of the building by officers and not permitted to speak to the ERO officer in charge of the case, his supervisor, or the director.

On January 30, Josue contacted his family stating that he was forced by four officers to sign a "Warning to Alien Ordered Removed or Deported" (Form I-294), although he repeatedly asked to speak to an attorney. The officers would not let Josue contact his attorney until he signed the document. Communities Creating Opportunity (a PICO member group), concerned that Josue's stay was denied, contacted the Kansas City ERO and ICE ERO in Washington, D.C., regarding the case but never received a clear answer as to why Josue was signing these forms. We know now, after obtaining a copy of the decision on the case, that the Chicago ICE Field Office Director denied the case on January 30 and that the forced signing of the document was in preparation for Josue's physical removal from the United States.

On January 31, without notifying Josue's attorney or his family of the denial or of his removal, ICE transported Josue to Brownsville, TX. In Texas he was separated from the other detainees and was escorted across the border to Matamoros, Mexico by two armed agents. The entire day that he was transported from Missouri to Mexico, Josue requested to speak with his attorney but was denied such access.

Case 3: D. Johnson, Newark, New Jersey

Mr. Johnson was placed in detention in June 2013, after an assault report that was later dismissed by a judge in July 2013. He was released after 10 months in detention and granted deferred action in April 2014. In less than a month, ICE retaliated and revoked his Deferred Action. Mr. Johnson was removed on May 29, 2014. Senator Menendez and Senator Cory Booker intervened with letters of support and calls to ICE HQ and DHS HQ.

Mr. Johnson was released for a short period from detention and then re-detained in a retaliatory manner. Mr. Johnson's detention and deportation reflects the cost of delaying enforcement review and the lack of accountability for all field offices to follow current enforcement policy.



Mr. Johnson, like so many others in our community, resided in the United States for 15 years. He has U.S. citizen children and grandchildren, and is a man of faith. Despite having never been convicted of a crime and the above positive factors, ICE insisted that Mr. Johnson was a priority for deportation. His subsequent removal was a result of ICE's refusal to consider all of the facts in the case.

Mr. Johnson and his family were repeatedly treated in disrespectful and undignified ways by ICE throughout his year-long ordeal. Mr. Johnson was held for 10 months in detention in Newark, New Jersey, under a reinstatement of removal. His attorney requested his release and an exercise of prosecutorial discretion several times, but the requests were denied. On April 17, 2014, Mr. Johnson was released from detention and granted deferred action because the Jamaican Consulate in New York City would not issue a travel document. On May 21, 2014 at 9 a.m., after dropping off his children at school and without any warning or explanation, ICE arrested Mr. Johnson in his driveway. He was handcuffed, again taken into custody, and told his deferred action had been revoked. On May 28, 2014, Mr. Johnson's Stay of Removal was denied, but his family was only notified after the closing of business, guaranteeing that the decision could not be appealed. On May 29, 2014, Mr. Johnson was removed to Jamaica.

United We Dream, PICO Network and many other local and national organizations rallied behind Mr. Johnson to call for his eventual release on April 17th. During his second time in detention, a national effort, that included Senator Booker's office, tried to stop this injustice; unfortunately, ICE and DHS decided to deport one more father that posed no threat and would otherwise be eligible for temporary relief.

We are left to wonder if ICE prioritized Mr. Johnson for deportation simply because his case had become high profile and ICE wanted to assert its authority.

Mr. Johnson is a father of 5 children (ages 4, 7, 13, 21, and 23). Four of his children are U.S. citizens and one is a lawful permanent resident. They are now living without a father.

Case 4: Ms. Borja-Armeo, Los Angeles, California and El Paso, Texas

Ms. Borja-Armeo was detained at the border near El Paso, Texas and charged with criminal re-entry. She spent several months in immigration detention before being deported. Ms. Borja-Armeo had lived in the US for 6 years and has a 4 year-old US citizen son. She traveled outside the country for her mother's funeral. There was no congressional intervention on her case.

Ms. Borja-Armeo moved to the United States escaping violence and poverty in El Salvador. She had lived in the US for 6 years, and made Los Angeles her home. There she met her partner and father of her son, Juan Jose Mangandi, a local day laborer and community organizer. When her son was born in 2010, she named him Barak, looking at the President for a positive sign for the future.

In 2011, she returned to El Salvador to see her ailing mother, one last time, who was dying of cancer. During this trip her own family put her in the hands of human traffickers in El Salvador. She escaped, and underwent medical care in Mexico and filed charges against the traffickers. When Ms. Borja-Armeo attempted to return to California to see her son; she was stopped by Border Patrol agents and placed in detention. She was held at the El Paso Processing Center and charged with criminal re-entry, for being in the United States undocumented, leaving, and returning to the U.S. without documents. She was also deported in 2007, when she first attempted to enter the United States.

Ms. Borja-Armeo's partner, Jose, was connected to local community organizations, and in 2012 he was one of the riders of the No Papers No Fear "Undocubus" bus tour, calling on the President to stop deportations. He reached out to the National Day Laborer Organizing Network for support, which took on her case. Through an on-line petition, NDLON gathered over 4,000 signatures from people around the country, made hundreds of calls to ICE, gathered letters of support from community organizations, and reached out to elected officials about supporting her case.

However, there were several difficulties in obtaining support and getting ICE to change its decision. First, although Ms. Boja-Armeo had never committed a crime, she was criminally charged for re-entering the country undocumented. This fact alone meant that it was difficult to find support from members of congress. Second, her entire family was in Los Angeles, while her case was being decided in El Paso, Texas. Any support that was gathered in Los Angeles, did not have the necessary leverage to engage on the case with the El Paso Field Office. Third, the abuse that Ms. Borja-Armeo suffered took place outside of the US, which made her ineligible for relief otherwise available to survivors of violence or trafficking. Lastly, the El Paso Field office deportation officers seemed determined to deport Ms. Borja-Armeo, regardless of the positive equities in her case.

After several months of refusing to sign a voluntary departure order and threats of further criminal charges, Ms. Borja-Armeo was deported; leaving behind her 4-year old son Barack.

Case 5: O. Nava Cabrera, Waukegan, Illinois

Mr. Nava-Cabrera is the grandfather of a 1-year old US citizen and father to a 21-year old citizen. He had lived in the United States for 28 years after fleeing death threats from his violent father in Mexico. Immigration considered Mr. Nava-Cabrera a priority for deportation because he had one prior deportation and a conviction for a non-violent misdemeanor stemming from not having documents. Although the misdemeanor was minor, and Mr. Nava-Cabrera had deep ties to the United States, he received no support from elected officials, and was deported. In May 2014 he was kidnapped for ransom in Mexico; although he was able to escape, he now lives in fear of retaliation by his kidnapers.

Mr. Nava-Cabrera came to the United States at age 17, fleeing abuse from his father in Guanajuato, Mexico in 1985. In 1997 there was a death in his family and he traveled to Mexico to support his family. When he came back to the US he was stopped at the border and placed in deportation proceedings. He spent a year in detention before being sent back to Mexico. Because most of his family remained in the US, and because he once against sought to escape the violence in Mexico, he returned to the United States and continued to live here. He had a son, who is a US citizen, and later became a grandfather.

Throughout his life in the United States, Mr. Nava-Cabrera had one incident with the police. When he was buying a radio, he used an ID that was not real, since he was undocumented and could not get one. He was arrested for the incident in 2006, pleaded guilty and was sentenced to 6 months court supervision and community service, which he successfully completed. Mr. Nava-Cabrera acknowledged that these incidents represent serious errors in judgment. In support of Mr. Nava-Cabrera, community members highlighted the fact that he had only one conviction, for which a minimal sentence was imposed, the non-violent nature of his offense, and the fact that he did not pose a danger to the community.

In April 2013, when Mr. Nava-Cabrera returned home from work and parked outside his house, a police officer drove up to his car, and told that he had run a stop sign two blocks back. The police officer asked to see his driver's license, but Mr. Nava-Cabrera questioned the officer's actions instead, arguing that he was already parked in front of his house. Eventually, Mr. Nava-Cabrera told the officer that he could not provide a driver's license due to his lack of lawful immigration status, and he was arrested.

Mr. Nava-Cabrera was released from jail almost immediately, but 3 weeks later several immigration agents showed up in front of his house and detained him. He was held at Dodge County Facility in Wisconsin. He fought to stay in the United States, and contacted Undocumented Illinois, a community group in Illinois that works with people in deportation proceedings. Working with NDLO, Undocumented Illinois gathered thousands of signatures, sought legal support, conducted press conferences, and reached out to elected officials. The group succeeded in getting the support of the Mayor of Melrose Park, who wrote a letter to ICE stating "Mr. Nava-Cabrera is an ideal candidate for a favorable exercise for prosecutorial discretion [...] I hope that Mr. Nava Cabrera can be considered for prosecutorial discretion so that he may continue to be a provider of his family and asset to our community." Due to the misdemeanor, other elected officials in Illinois were reluctant to support.

Unfortunately, Mr. Nava-Cabrera was deported during a community action at the Broadview Detention Center. He continues to speak about the experiences of those deported, and has been featured in stories by the Economist and the Huffington Post. In May 2014, he was kidnapped outside of his house in Mexico. He believes he was targeted because he has family in the US, and they were asking for money. Although he was able to escape, he fears retaliation.

Successful Campaigns

The following cases have all been won with public campaigns and advocacy.

Case 1: R. Mejia, Phoenix, Arizona

Mr. Mejia was placed in deportation proceedings after failing to provide a valid state identification card (“I.D.”) to a police officer. He was granted voluntary departure by an immigration judge in 2013. Congressman Ed Pastor and Congresswoman Krysten Sinema intervened by providing a letter of support to ICE.

Mr. Mejia is one of the 119 families UWD’s END program kept safe from deportation last year. Mr. Mejia is a single father to a 9-year-old US citizen. In 1997, he moved from Mexico to Phoenix, Arizona seeking a better future. In 2008, Mr. Mejia and co-workers were traveling in a minivan when they were pulled over by the police. Mr. Mejia was not the driver; however, due to Arizona’s harsh immigration law, SB1070, and the federal program known as “Secure Communities,” Mr. Mejia was arrested for not being able to present a valid state I.D. to the police officer, and was placed in deportation proceedings. In August 2013, Mr. Mejia came to an END local team for help.



The attorney on record filed a Stay of Removal Application on September 18, 2013. Then, UWD started a massive public campaign to stop Mr. Mejia’s deportation. UWD collected more than 6,000 signatures to deliver to the local ICE Field Office in Phoenix, sent 900 faxes, and made 500 calls in support of Mr. Mejia and his son.

After scheduling a visit with Congresswomen Krysten Sinema and Congressman Ed Pastor, Mr. Mejia shared his story and his need for help. Both congressional offices realized that Mr. Mejia had much to contribute to this country and recognized how unfair it would be to deport a father like Mr. Mejia.

Congresswoman Sinema is Mr. Mejia’s district representative. She acted quickly and contacted ICE Local Field Office on August 28, 2013. After speaking to ICE about Mr. Mejia’s case, her staffer proceeded to write a letter of support.

On September 9, 2013, United We Dream put Mr. Mejia in contact with Congressman Pastor’s office. Although Representative Pastor is not his direct representative, his staffer wrote a letter of support for Mr. Mejia and mailed it to his residence. Mr. Mejia proceeded to submit the letter of support to ICE Phoenix Field Office Director John Gurule via his attorney.

On November 6, 2013, ICE granted Mr. Mejia a one-year stay of removal. Thanks to the community’s efforts and congressional collaboration, Mr. Mejia spent Christmas with his son, safe from the immediate threat of deportation.

Case 2: J. Lopez, Houston, Texas

Mr. Lopez was taken into custody by immigration authorities in early 2013 due to a previous deportation order for unlawful entry in 2001. He spent 4 months in detention. Congressman Al Green called ICE to inquire about his case.

On the morning of January 10, 2013, ICE agents came to arrest Jayron Lopez because of an old order of deportation that was issued back in 2000. Officers took him away from his wife, Yajaira, and their two little girls.

Mr. Lopez spent 4 months in detention. As a result, his wife Yajaira suffered from severe stress and was diagnosed with congestive heart failure. Mr. Lopez has been in the U.S. for 13 years, he has no criminal record, and he has punctually paid his taxes all of these years.

On May 10, 2013, UWD hosted a press conference outside of the Houston ICE Field Office asking for Mr. Lopez's release. At that time, Congressman Al Green had already contacted ICE and delivered a letter of support.

UWD's END Campaign and attorney of record made it clear to ICE that Mr. Lopez was clearly a low-priority case and should no longer be detained. Mr. Lopez' attorney also filed an application for a Stay of Removal. After 400 petitions, many calls, press events, and the support of two congressional offices, Jayron was released and granted a one-year stay of deportation.



Case 3: Mr. Loredo-Martinez, Knoxville, Tennessee

Mr. Loredo-Martinez faced imminent deportation after a traffic stop in Knoxville, TN, due to previous deportations, a 2007 conviction for a DUI, and a driving without a license conviction. He was arrested after he re-entered the U.S. and his order was reinstated. There was no congressional intervention.

Mr. Loredo-Martinez first entered the United States when he was 16, roughly two decades ago. He was ordered removed in 2001, and ordered removed again in 2007 following a DUI arrest.



CALL NOW!
STOP THE DEPORTATION
OF
GREGORIO LOREDO

ICE
Field Director
Brian Acuna
(504)-599-7868

ICE LaSalle
Detention Facility
(318) 992-7800

Atlanta ICE
Field Office
(504)599-7800

"Hello my name is _____, from [city, state] I am calling to ask [Name of Person] to please extend his prosecutorial discretion and stop the deportation of Gregorio Loredo-Martinez (A#078-374-593) immediately!
He is a valued member of the community of Georgia and a loving father of two U.S. citizens.
He deserves to stay with his family. Don't let his family suffer any longer.
Thank you!

On November 2013, Mr. Loredo-Martinez came to the attention of NIPNLG through a request of one of its member attorneys. ICE threatened to deport him at any time from La Salle Detention Center. The Tennessee Refugee Immigrant Rights and Refugee Coalition, NIPNLG and UWD contacted DHS/ICE HQ immediately because Mr. Loredo-Martinez is the father and primary caretaker of two small U.S. citizen girls, ages 10 and 7. His younger daughter suffers from cerebral palsy, seizures, blindness, mental retardation, and developmental disabilities.

He was detained in LaSalle Detention Facility in Jena, Louisiana, after a constitutionally-suspect traffic stop by a Knox County Sheriff's Office deputy. Upon learning that ICE had declined to enter into a 287(g) agreement with his department, Knox County Sheriff JJ Jones promised to "stack these violators like cordwood" in the Knox County Jail. Gregorio was never given a reason for his stop, but he was arrested for driving without a license.

Mr. Loredo-Martinez's wife is the beneficiary of an approved immigrant visa petition and possibly qualifies for a Green Card under 245(i). She, too, suffers from significant cognitive and emotional delays or disabilities. She is unable to drive and has trouble performing simple parenting tasks, such as dosing anti-seizure medication, following instructions from her Special Ed teachers regarding toilet-training, and regulating the temperature inside the family's home using the thermostat.

Mr. Loredo-Martinez's church enlisted the help of local immigration advocates upon learning that he had been detained. His attorney in Tennessee expressed concern to ICE ERO that the new Parental Interests Directive, ICE Policy No. 11064.1 (Aug. 23, 2013),¹³ should govern in this case given the cognitive limitations of the children's mother. ICE ERO denied the requests multiple times.

¹³ ICE issued a directive for parents of U.S. children on Aug. 23, 2013: http://www.ice.gov/doclib/detention-reform/pdf/parental_interest_directive_signed.pdf

After collaboration between local and national organizations and a call-in action on Thanksgiving Day, Mr. Loredó-Martínez was released from detention and granted prosecutorial discretion on November 29, 2013. Today, he can take care of his severely ill child and wife.

Case 4: Reyes Family, Rogers, Arkansas

Mr. and Mrs. Reyes' family restaurant chain and warehouse were raided in 2007 in Rogers, Arkansas. They were both placed in deportation proceedings on false accusations of unauthorized activity in the family business. On April 24, 2013, the Reyes family was asked to present themselves to ICE. Senator Mark Pryor intervened by writing a letter to ICE.

For 19 years, the Reyes have contributed tremendously to the community and economy of Rogers, Arkansas. They currently run three restaurants that employ many members of the community. They are also the parents of six children, five of whom are U.S. citizens and one of whom is a Dreamer in college.



On December 10, 2007, ICE raided seven restaurants owned by the Reyes family. Agents entered the family's residence, where 3-year-old Jocelyn watched as the agents handcuffed her grandparents and Mrs. Reyes, her pregnant mother. Mr. Reyes had just dropped off his son, Jairo, and his three daughters at school. On his way back home, several police cars pulled over and arrested Mrs. Reyes. He spent two weeks in jail, worried about what was happening to her family. Mr. Reyes spent six months detained, deprived of the love of his family and feeling like his life was wasting away.

ICE had investigated the Reyes family since 2006. The Reyes were accused of drug trafficking and money laundering. However, no evidence of drugs or money laundering was found in any of the restaurants, and the criminal charges were dropped in criminal court. Nevertheless, Mr. and Mrs. Reyes were put in deportation proceedings.

After seven years fighting deportation, the Reyes were asked to present themselves to ICE on April 24, 2013.

On April 4, 2013, UWD launched a fully public campaign for Mr. and Mrs. Reyes. Bearing more than 2500 signatures, 80 community members visited Sen. Pryor's D.C. office. After being presented with the case facts and the family's story, Senator Pryor decided to take action and sent a letter of support to ICE Headquarters. In May 2013, ICE granted an extension to their case, and the Reyes are now awaiting a decision from the immigration court.

Case 5: Mr. Gutierrez-Berdin, Aurora, Illinois

Mr. Gutierrez-Berdin was alleged to be a gang member because he was named in a 2006 news report that covered a joint ICE and police gang raid. He was DACA-eligible the entire time. The case had no congressional intervention.

Mr. Gutierrez-Berdin, a resident of Aurora, Illinois, is a 30-year-old father of two young U.S. citizen children and is married to a U.S. citizen, Liset. He entered the U.S. at the age of fourteen. He completed high school and was enrolled at Wabauunsee Community College, studying computer science. He is a regular parishioner at his local church. Mr. Gutierrez-Berdin has never been convicted of any crimes.

Mr. Gutierrez-Berdin applied for DACA in 2012, but was denied and given no reason for this decision. His attorney submitted a second request in early March 2014. After showing up for his biometrics appointment on March 7, 2014, Mr. Gutierrez was arrested by ICE at his home at the end of March in front of his family. He was detained at Tri-County Jail in Ullin, Illinois.

USCIS did not review the evidence submitted by Mr. Gutierrez-Berdin's attorney and referred his case to ICE. Mr. Gutierrez-Berdin has been known to DHS since his initial apprehension by ICE in 2006 and has complied with all the conditions of his release.

Mr. Gutierrez-Berdin had a complicated immigration history. In 2006, ICE conducted a series of joint raids in Illinois with state police to arrest suspected gang members. ICE arrested Mr. Gutierrez-Berdin collaterally while he was at his mother's home, after it could not locate his uncle, who was the subject of the gang sweep. ICE did not have a warrant for Mr. Gutierrez-Berdin when it arrested him. He was placed in removal proceedings and was granted bond, which he paid. He then filed a suppression motion through his attorney on the basis that the government procured evidence in violation of his Fourth and Fifth Amendment rights and that ICE agents mistreated him. The case eventually reached the 7th Circuit Courts of Appeals, where it was ultimately denied¹⁴. In that case, Mr. Gutierrez-Berdin repeatedly described ICE's aggressive and abusive conduct, which included calling Mr. Gutierrez-Berdin names and demanding that he sign documents. The 7th Circuit did not dispute that those actions occurred.

ICE insisted that Mr. Gutierrez-Berdin was a gang member, an allegation upon which USCIS likely relied when it denied his application for DACA. However, advocates consulted with Chief Greg Thomas of the Aurora Police Department to see if Mr. Gutierrez-Berdin had a criminal history or a history of gang involvement. Chief Thomas found no history of gang involvement and communicated that information to ICE.

Chief Thomas provided an official copy of Mr. Gutierrez-Berdin's criminal record to DHS and on March 28, 2014 he was released and reunited with his family. Mr. Gutierrez-Berdin's is now re-applying for DACA.

¹⁴ See *Gutierrez-Berdin v. Holder*, 618 F.3d 647 (7th Cir. 2009)

Case 6: L. Khoy, Fairfax, Virginia

Ms. Khoy is a refugee and a Green Card holder who now lives in Washington, D.C. Her Green Card was taken away after she was convicted of a drug crime. Representative Frank R. Wolf intervened by writing a letter of support to ICE.

Ms. Khoy was born in a Thai refugee camp after her parents fled the Cambodian genocide. When Ms. Khoy was one year old, she and her family came to the U.S. as refugees and were granted legal permanent residence.



In 2000, when Ms. Khoy was 19 and in college, a police officer stopped her and asked if she had any drugs. Ms. Khoy truthfully told the officer that she had a few tabs of ecstasy, and he arrested her. Following the advice of her lawyer, Ms. Khoy pled guilty to possession with intent to distribute the drug. She served three months in jail and showed up for all her probation appointments. Despite this, she was designated as an “aggravated felon” under immigration law.

After serving her probation, she was detained by ICE for 9 months. She has since been working hard to build her life back, finishing her bachelor’s degree, volunteering in her community and working as an enrollment advisor at a college. Ms. Khoy now faces imminent deportation to Cambodia, a country she has never even seen.

After several newspaper reports, sustained support from organizations like Southeast Resource Action Center (SEARAC), and a letter of Support from Representative Wolf (R-VA), Ms. Khoy’s removal order was stayed by ICE in 2012.

List of Congressional Offices who have supported cases in the past

It is important to note that congressional support for constituents has occurred one or more times from the following offices and that the list reflects bipartisan support for immigrant communities.

U.S. Senators

Senator Cory Booker (D-NJ)
Senator Richard Blumenthal (D-CT)
Senator Dick Durbin (D-IL)
Senator Martin Heinrich (D-NM)
Senator Dianne Feinstein (D-CA)
Senator Robert Menendez (D-NJ)
Senator Chris Murphy (D-CT)
Senator Bill Nelson (D-FL)
Senator Mary Landrieu (D-LA)
Senator Patrick Leahy (D-VT)
Senator Mark Pryor (D-AR)
Senator Bernie Sanders (I-VT)

U.S. House of Representatives

Congressman Joaquin Castro (D-TX, 20th District)
Congressman Paul Cook (R-CA, 8th District)
Congressman Lloyd Doggett (D-TX, 35th District)
Congresswoman Rosa DeLauro (D-CT 3rd District)
Congressman Eliot Engel (D-NY, 16th District)
Congressman Joe Garcia (D-FL, 26th District)
Congressman Luis Guterierrez (D-IL, 4th District)
Congressman Raul Grijalva (D-AZ, 3rd District)
Congresswoman Sheila Jackson-Lee (D-TX, 18th District)
Congressman Frank LoBiondo (R-NJ, 2nd District)
Congressman Alan Lowenthal (D-CA, 47th District)
Congressman Ed Pastor (D-AZ, 7th District)
Congressman Steve Pearce (R-NM, 2nd District)
Congresswoman Nancy Pelosi (D-CA, 12th District)
Congresswoman Loretta Sanchez (D-CA, 46th District)
Congresswoman Krysten Sinema (D-AZ, 9th District)
Congresswoman Jan Schakowsky (D-IL, 9th District)
Congressman Marc Veasey (D-TX, 33rd District)
Congresswoman Federica Wilson (D-FL, 24th District)
Congressman Peter Welch (D-VT, at-large)
Congressman Frank R. Wolf (R-VA, 10th District)

Why should congressional offices intervene?

All across the nation, immigrants without status live and pay city and state taxes for the products and services that they purchase or consume. They contribute vitally to our communities, and as such, undocumented immigrants are constituents, too. Congressional and other offices have always been open to help constituents in need. Below find some testimonies of why some of these offices have decided to open their doors to their constituents facing imminent deportation.



Douglas G. Rivlin, Director of Communication Representative Gutierrez's Office explains:

"A U.S. Congressman's role is to ensure that the federal government works for people, and this includes federal agencies like the Department of Homeland Security (DHS). With regard to detention and deportation, we are not able to help everyone, but in certain cases, a Congressman flagging a case to DHS can be powerful. Our national immigration dragnet can catch people with compelling cases for release or that merit careful consideration, and we have found that the Congressman's attention to a case can sometimes help ensure that it gets the full consideration and review it deserves under the law."

Ivan Sanchez is an immigration liaison at Rep Jackson-Lee's office and came to the U.S. as a child at the age of 6. He says:

"The immigration system has not been significantly reformed or updated in decades, well before the Internet was even available, so I diligently and passionately work to ensure other immigrants can also get that fair shot at the American Dream."

This land was founded and built by immigrants, who came to this land searching for religious freedom and economic opportunities, just like the multitude of immigrants who try to enter the US today. Immigrants came in waves in the late 19th and early 20th centuries, and helped to build the skyline of New York and other great US cities. In more recent times immigrants continue to work hard in this country, many

creating their own businesses and working hard to provide for their families.

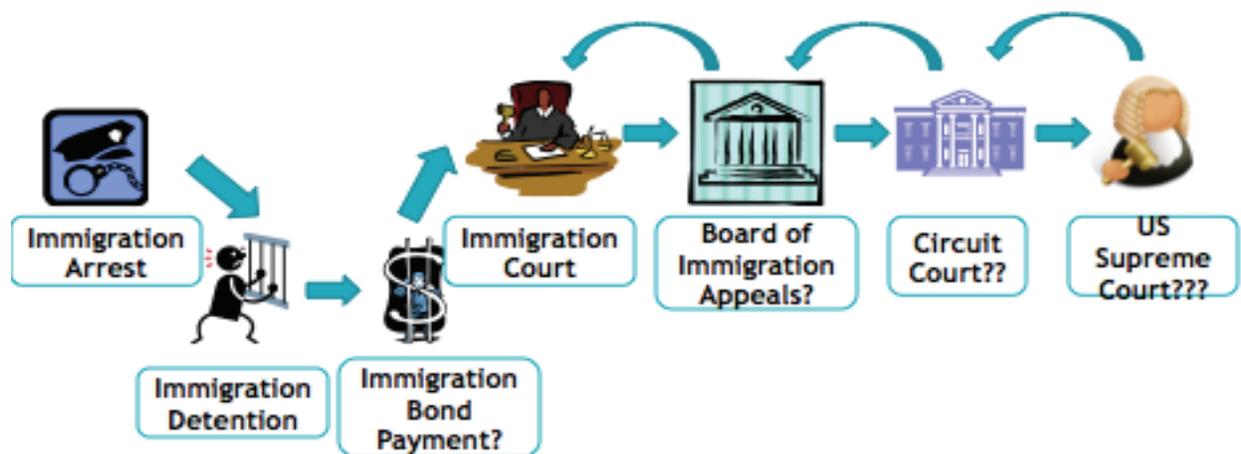
Like our country's founders, who built a new nation after only being here a short time, Immigrants can still build upon the immigrant tradition in this nation and bring new dreams and opportunities in 2014 and beyond.

We find value in assisting families facing senseless deportation, because we know they want to continue to fight for their American Dream.”

Deportation Basics

From *Deportation 101* (Families for Freedom, Immigrant Defense Project, Detention Watch Network, and the National Immigration Project)

Overview: MAP: The Detention and Deportation System



Basics about the stages of deportation (removal) proceedings

A removal proceeding is also known as a deportation hearing. A removal proceeding is a hearing presented before an Immigration Judge to determine whether an immigrant can be deported from the United States. In order for an immigrant to be placed in a removal proceeding, ICE has to present a document called the “Notice to Appear.” This document is typically given to the immigrant and a copy is filed with the Immigration Court. The Notice to Appear (NTA) informs the immigrant of the immigration charges against them and the reasons why ICE believes that an Order of Removal (deportation order) should be entered in the immigrant’s case.

Does everyone get a removal hearing?

Not everyone gets a removal hearing. In those situations, it is important that the individual act quickly and ask why he or she is about to be removed without due process. If the person does not receive an NTA, he or she may face imminent deportation. It is important to stay the removal first in order to conduct an inquiry about the case.

Here are some situations where an individual may not get a hearing:

- If the person has a final order of removal, ICE may try to "reinstate" the previous order of deportation. This means the person will be deported without a hearing, unless the person tries to contest the order of reinstatement. (In some cases involving reinstatement, they may even try to prosecute someone.) A person may be able to legally challenge the reinstatement order, but it is essential that the individual, attorney or helper get a copy of the order to see whether such a challenge is possible. The decision whether to "reinstate" the order of removal is discretionary. During reinstatement of removal, a person may have asked for a "reasonable" fear interview (analogous to a credible fear" interview, but where the only relief available is the Convention Against Torture or withholding of removal) if they fear returning home because of the prospect of persecution or torture. The USCIS Asylum office conducts the interview, not an ICE officer and the interview, according to the law, must be completed within 10 days. If USCIS believes the person has a "reasonable fear," the Immigration Judge can conduct a hearing only to determine whether the person qualifies for withholding of removal or Convention Against Torture.
- If the person is undocumented and has a criminal conviction that could be defined as an aggravated felony. ICE often labels offenses aggravated felonies, even if the offenses are not actually felonies under criminal law.
- If a person is arrested within 100 miles of the border, and CBP or ICE believes the individual should be in "expedited removal." A copy of the order will help determine if the person should be subject to expedited removal. Also, the person in detention could fear returning home because he or she could face persecution and may have asked for a credible fear interview.

What happens after the immigrant is placed in removal proceedings?

After being served with the NTA, the immigrant will be scheduled for a court date. Sometimes, the first court date is listed on the NTA. More often, the court will mail a separate notice, informing the immigrant of the time and date of next hearing. Court dates can also be checked by calling the immigration court's automated hotline at 1-800-898-7180, and entering the Alien Registration Number or "A-number" which is an 8- or 9-digit number starting with an "A." If the immigrant misses the hearing, the immigration judge may order the immigrant removed *in absentia*.

What happens at the court hearings?

There are two types of hearings in immigration court: Master Calendar Hearings and individual hearings. The first hearing is a Master Calendar Hearing. At master hearing dates, the immigration judge typically deals with scheduling court dates, takes pleadings, and handles administrative matters. At individual hearings, the immigration judge listens to testimony and makes decisions on applications for relief. The first court hearing will be a master hearing. Typically, there are twenty to forty cases set for a master hearing for a morning or afternoon, so each hearing may only last a few minutes. For most cases, a decision is not reached at the first master hearing and a new date is scheduled to begin the individual hearings.

The person may also have a bond hearing, which means that the immigration judge hears from the person or the person's attorney regarding why the person should be released from detention. Sometimes, people are not eligible for bond because they fit in a certain legal category. If they are eligible for bond, people often argue that they cannot pay bond and ask that the bond amount be lowered. You have to present many of the same equities in a bond hearing that you would do in a prosecutorial discretion request. A lawyer can also help provide legal arguments in support of release.

Removal proceedings are civil proceedings, which means that the immigrant has the right to an attorney, but not one paid for by the government. Removal proceedings are adversarial; the Office of Chief Counsel (ICE trial attorney) represents the government. This means that throughout the proceeding, the

immigrant will have a chance to argue against deportation. Given the complexities of immigration law, most immigrants are at a disadvantage if they do not have an attorney to represent his or her legal interests.

Working with Attorneys and Board of Immigration Appeals (BIA) Accredited Representatives

Attorneys and BIA accredited representatives greatly appreciate the assistance of a Member of Congress to help resolve problems in their clients' immigration cases, especially if their clients are facing imminent removal. An immigration lawyer or BIA accredited representative can do the following:

- Share the procedural history of the case and provide information on relief available to the immigrant;
- Provide any applications and relevant documentation necessary to help make an informed decision;
- Provide guidance about what specifically to ask of Immigration and Customs Enforcement or the Office of Chief Counsel;
- Provide a signed Privacy Waiver Authorizing Disclosure to a Third Party (Form 60-001) and a Copy of the Attorney Representation Form (Form G-28); and
- Answer any questions about the individual's immigration case.

To ensure good communication, we suggest providing routine updates to each other. An attorney or legal representative may receive notices and correspondence on the case that Members of Congress will not receive and vice versa.



Working with community advocates and groups

It is likely that when a case reaches a congressional office, the person has not yet retained a lawyer. In these specific circumstances, community advocates or organizations will most likely bring the case to the Congressional office's attention for support.

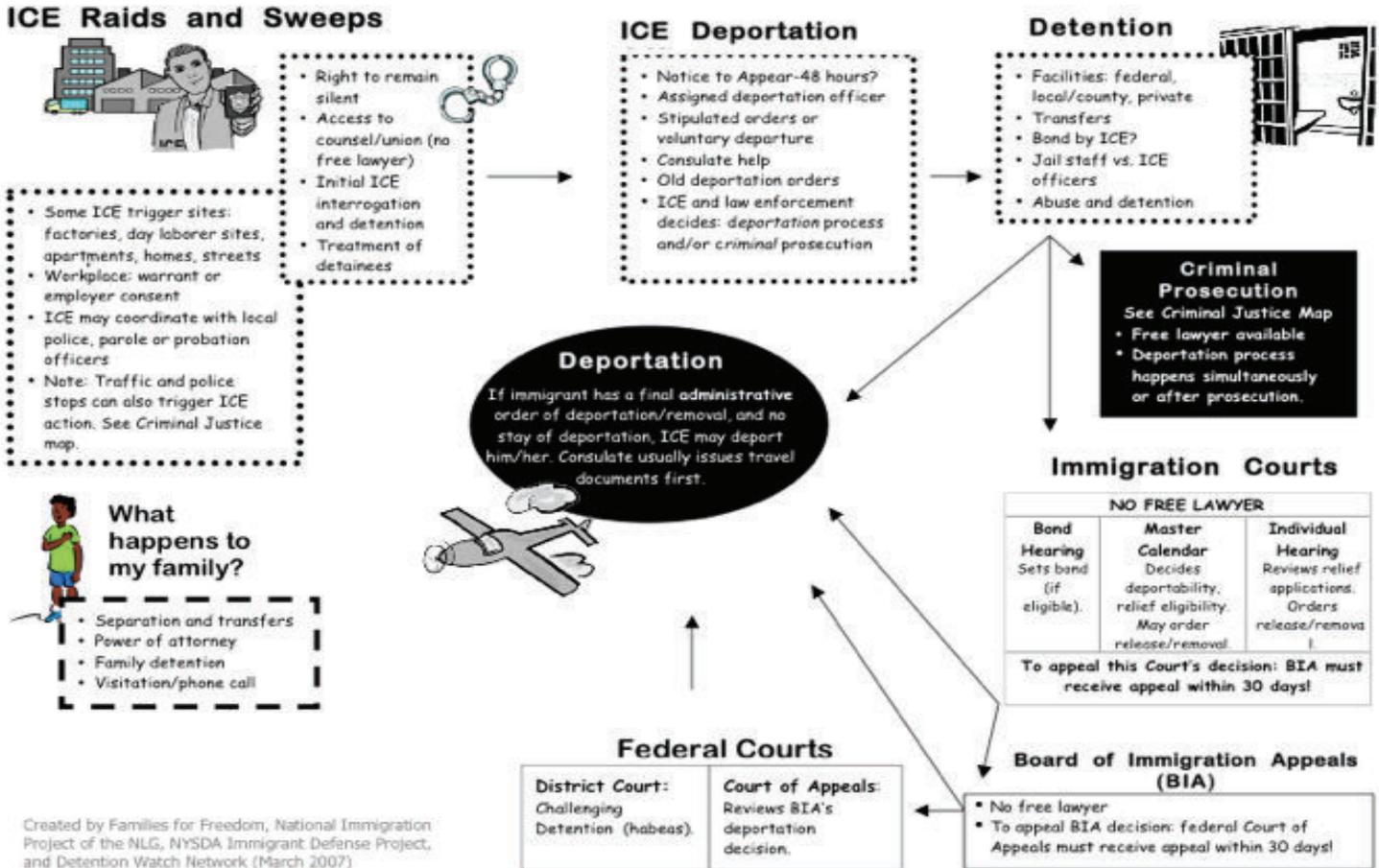
Community advocates and groups can do the following:

- Share case information;
- Find out if the person has bond and see if the person is going to have a hearing or not;
- Collect legal paperwork or applications filed for the case;
- Answer questions about an individual's immigration case;
- Provide guidance about what specifically to ask of ICE;
- Provide a privacy release form if the individual is not detained or attempt to get a privacy release form if the individual is detained; and
- Give information about the campaign and other advocacy efforts for the individual and family.

Once you have reviewed the case and all of the documentation provided, you can rely on a community advocate to support you and your request to ICE. It is important that your office have good communication with the community advocate to avoid misunderstandings.

Intervention 101

DEPORTATION SYSTEM: RAIDS TO DEPORTATION



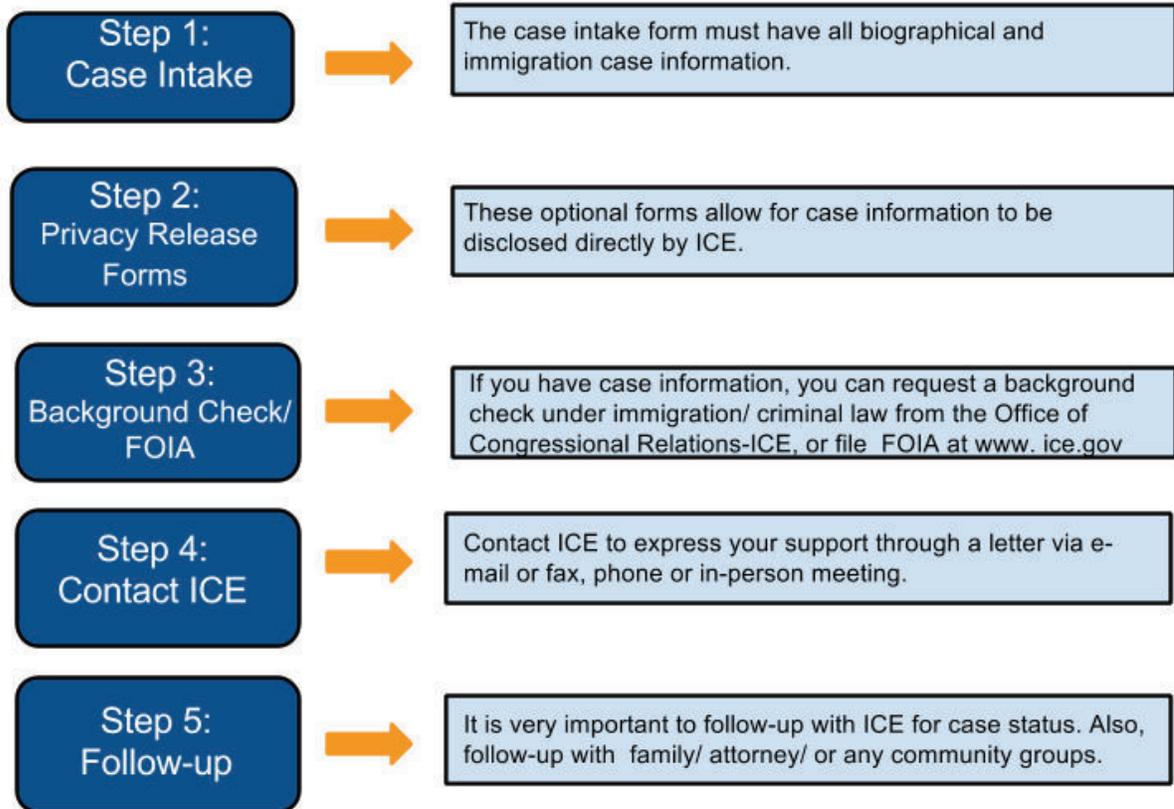
Created by Families for Freedom, National Immigration Project of the NLG, NYSDA Immigrant Defense Project, and Detention Watch Network (March 2007)

When can an office intervene?

The map provided above details the deportation process. The office may intervene at any point with ICE and its administrative process, from a recent detention all the way up to impending deportation.

Congressional offices have no authoritative power to stop a deportation, but your offices do have the right to ask ICE not to deport an individual.

How do you intervene?



Step 1: Case Intake Form

Conduct intake to evaluate relief (or deportation defenses) available to the non-citizen facing deportation. The basic case intake information should include the following:

Biographical:

- Full Name
- Date of Birth
- Nationality
- Date and Manner of Entry into U.S.
- Family Information (name, age, relationship, and immigration status)
- Employment and Educational Information
- Community Ties
- Medical and economic hardships for the individual or family members

Immigration:

- Alien Number (9-digit)
- Exits and Entries to U.S. since first arrival
- Whether any administrative relief application is pending
- Upcoming important dates (courts, removal orders, appeal review, etc.)
- Attorney information
- Detention information
 - Where detained?
 - How long detained?
 - Any medical or special treatment that the individual needs to receive
 - Whether or not detainee is allowed visitation

Step 2: Privacy Release Forms, if possible

If possible, try to obtain signatures for the privacy waiver form from your congressional office or the privacy waiver form by ICE (<http://www.ice.gov/doclib/news/library/forms/pdf/60-001.pdf>). Either form will allow ICE to disclose information about the case directly to your office. If you cannot obtain either form, you will have to work with attorneys and family members to obtain the most concrete information about the case.

If the person seeking help from your office is detained you should assume that removal is eminent, and that obtaining a privacy release form will be a challenge. Most detention centers only allow attorneys to enter with paperwork to a facility; family members or visitors are only allowed to have a valid form of identification during a visit and nothing else. Note that it takes up to two weeks to successfully mail-in forms to detainees. When asking for a privacy waiver form signed by the detainee, please be aware that timing may be an issue and some flexibility from your office will be needed.

Step 3: Background Check

Most of the offices that our groups have worked with obtain immigration and criminal background information by contacting the ICE representative at the Office of Congressional Relations.

You can also obtain public criminal records or talk to the person's former criminal defense attorney, whose name should be on the person's record of conviction. It is important to learn about the immigration consequences of the person's criminal history. You may also choose to file a Freedom of Information Act (FOIA) Request, which can be found at http://www.ice.gov/foia/submitting_request.htm.

Step 4: Contact ICE

After you have completed Steps 1-3, you should feel free to contact ICE and express your support. If you have a privacy release form, you should be able to ask questions about the case, which ICE should answer.

Offices most commonly speak to an ICE Field Office representative, whether that be the Community Outreach Liaison or the Assistant Field Office Director (AFOD) of the particular region or detention facility. However, emails and letters of support should always be addressed to the Field Office Director (FOD) and should cc the Assistant Field Office Director and any other ICE Headquarters leadership you feel may be necessary.

Step 5: Follow-up

For advocacy purposes, it is very important for your office to follow-up on the status of the case with ICE. When a congressional office has the opportunity to follow-up regularly, results for the case are often more favorable. It is also important for your office to stay in touch with the family members, attorney on record, and any group or community advocate that was involved in the person's campaign.

What does intervention look like?



Intervening for a constituent who faces deportation is a simple process. For constituents who live in your district or state, you can write a letter of support via e-mail or fax and send the letter to the local ICE Field Office and to ICE Headquarters (HQ). You can also make a phone call to both local and national ICE offices. You may also request a meeting between the ICE local Field Office and your district staffer or a meeting between ICE HQ and your D.C. staffer.

Offices that are comfortable with public support may also organize a press conference highlighting the story of their constituent facing deportation; make a speech on the floor about a particular constituent's story; and or a consider sponsoring a congressional hearing or legislation exploring the deportation of the constituent.

If the individual in removal proceedings does not reside in your district or your state, this does not mean that you cannot provide a letter of support or make a quick phone call to an ICE office. Congressman Luis Gutierrez has participated in such cases; his office is open to deportation cases outside his district and state, and the immigrant community is very grateful for his support. Senator Durbin's office has also supported out-of-state individuals and has always supported immigrant youth in deportation proceedings across the country. These offices have years of history working with immigrant communities and really understand their challenges. Ultimately, geographic area is not a limit to helping a community member in need.

Intervention Ethics & FAQ

Do federal law and congressional ethics rules permit my office to intervene in deportation cases?

Yes. Congressional offices have long been involved in individual constituent work, including individual proceedings before administrative agencies like EOIR. In fact, both the House and Senate Ethics manuals note that responding to inquiries of individuals and assisting them in administrative dealings is part of Members' of Congress representational function and stems from the First Amendment of the U.S. Constitution, which creates the "right of the people . . . to petition the government for a redress of grievances." However, the ethics rules of the House and the Senate, as well as the laws governing executive agencies, do provide some guidelines for how a member of Congress may intervene on behalf of a constituent. Below are examples of the kinds of activities that the Congressional Research Service has found to be consistent with both the House and Senate ethics rules:

- Requesting information or a status report;
- Urging prompt consideration;
- Arranging for interviews or appointments;
- Expressing judgments (subject to ex parte communication rules);

- Calling for reconsideration of an administrative response that the Member believes is not reasonably supported by statutes, regulations, or considerations of equity or public policy; and
- Performing any other service of a similar nature consistent with the provisions of the rules of the House or Senate.¹⁵

However, members should be aware that it is a federal crime and a violation of ethics rules to accept anything of value as compensation for or because of official action. Moreover, federal law prohibits Members of Congress from engaging in ex parte communications in individual proceedings.¹⁶ Ex parte communications are oral or written communications made without proper notice to all parties and which are not on the public record. A Member can avoid violating this statute simply by placing the communication in the public record. Moreover, the law requires that any agency employee who receives an ex parte communication include it in the public record of the proceeding.¹⁷

The Senate's procedures governing members' intervention in administrative proceedings were set by Senate Resolution 273, which created Senate Rule 43. That rule states that the types of activities listed above are permissible forms of intervention. The Senate Ethics Manual also highlights two moral obligations imposed on Members of Congress in interventions on behalf of individual constituents, first outlined by Senator Paul Douglas in 1951.¹⁸ First, Members must pursue cases only on their merits, and second, Members must ensure that they do not intervene in a manner and to a degree that damages the administrative process. The manual indicates that, with respect to the first obligation, the degree of knowledge that a Member may have regarding the merits of a case may be lower for lower-level interventions, such as a routine status inquiry. Moreover, under this same standard, a Member must not indicate to an agency that a particular outcome is mandatory or dictated by the Member.

House rules regarding casework services are also discussed in the *House Ethics Manual*. This manual outlines substantially the same principles as those in the Senate Manual and provides additional case examples of permissible interventions.

A recent report by the Congressional Research Service elaborates on these standards by citing the work of the Senate Ethics Subcommittee under Senator Douglas' leadership.¹⁹ This committee concluded that it is ethically permissible to recommend specific action on an administrative agency matter, and even to argue "at length" for such result, as long as the matter is argued on its merits and the means used in the intervention are not themselves "inherently damaging" to the administrative process.²⁰ These principles were applied by the House Committee on Standards of Official Conduct in drafting Advisory Opinion No. 1, which incorporated the results of an ethics investigation into James C. Wright's intervention with the Federal Home Loan Bank Board. In that opinion, the committee found that "undue influence" could be evidenced by either the "exercise of influence for improper ends or by the use of improper means." Therefore, excessively threatening methods of intervention might be considered improper in certain circumstances.

Applied in the immigration context, these principles suggest that so long as a Member's intervention into a removal proceeding is made a matter of public record and is not excessively heavy-handed, there is no reason to fear that the intervention will be considered improper under either chamber's ethics rules.

Can my office intervene in a deportation case on appeal in federal court?

¹⁵ Peterson, R. Eric. *Casework in a Congressional Office: Background, Rules, Laws and Resources*. Congressional Research Service. November 30th, 2012, available at <https://opencrs.com/document/RL33209/>.

¹⁶ 5 U.S.C. §557(d)(1)(A).

¹⁷ 5 U.S.C. §557(d)(1)(C).

¹⁸ Subcommittee of the Senate Committee on Labor and Public Welfare, 82nd Cong., 1st Sess., Ethical Standards in Government, 29–30 (Comm. Print 1951) ("Douglas Report").

¹⁹ Rosenberg, Morton and Jack H. Maskell. *Congressional Intervention in the Administrative Process: Legal and Ethical Considerations*. Congressional Research Service. September 2003.

²⁰ Subcommittee of the Senate Committee on Labor and Public Welfare, 82nd Cong., 1st Sess., Ethical Standards in Government, 29–30 (Comm. Print 1951) ("Douglas Report").

In many cases, an individual in removal proceedings can petition the Courts of Appeals to review his or her case after it has gone through the appropriate administrative adjudication process. Generally, intervening with the courts at this stage of proceedings will be more difficult for a Member. According to the Senate rules, the general advice of the Ethics Committee concerning pending court actions is that Senate offices should refrain from intervening in such legal actions (unless the office becomes a party to the suit, or seeks leave of court to intervene as *amicus curiae*) until the matter has reached a resolution in the courts. The House rules mirror this recommendation, noting that courts are guided by similar principles as those that guide Members of Congress regarding ex-parte communication. The House Manual notes that this prohibition stems from the principle of the separation of powers, which dictates that the authority over resolution of individual legal cases and challenges resides within the judicial branch of Government, and not the legislative branch. Moreover, American Bar Association's Model Code of Judicial Conduct provides at Canon 3 that: "A judge should..., except as authorized by law, neither initiate nor consider *ex parte* or other communications concerning a pending or impending proceeding²¹." In addition, these rules also provide that a Member may seek to provide information to a party's counsel, who could then file it with the court and notify all parties. Finally, a Member could make a speech on the House floor or place a statement in the Congressional Record in order to clarify the intent of the laws being interpreted by a court.

Although intervening with a court may therefore be particularly difficult, ICE will continue to have enforcement authority to remove an individual after a court has reached a decision in an individual case. A member is free to intervene with the agency even at this stage of the process as discussed above.

Can my office assist non-constituents?

Yes. While the statute that creates the Members' Representational Allowance provides that its purpose is to support the conduct of official and representational duties with respect to the district from which the Member is elected, no rule or law prohibits a Member from ever assisting a non-constituent.²²

Does my office's intervention risk invalidating the final outcome of a proceeding?

Courts have set aside agency actions in certain cases of heavy-handed Congressional intervention as a violation of due process. In the seminal case on the issue, *Pillsbury Co. v. Federal Trade Commission*,²³ the Fifth Circuit found that heavy questioning by a Senate subcommittee regarding the FTC's adjudication of an individual litigant's claims violated that individual's due process rights because it undercut the appearance of impartiality that must govern agency adjudications. According to the Court, the purpose of the judicial intervention was to "preserve the integrity of the judicial aspect of the administrative process." A higher standard applies in situations where the agency is acting in a rulemaking or legislative capacity rather than a judicial or adjudicatory capacity, making it more difficult for courts to intervene in these circumstances. In particular, pursuant to the standard first announced in *D.C. Federation of Civic Associations v. Volpe*,²⁴ courts will only overrule agency action that cannot be strictly described as judicial or legislative (such as informal decision-making) if the intervention by legislators actually provoked agency officials to take into account "considerations that Congress could not have intended to make relevant." Deportation proceedings are clearly adjudications of individuals' rights, and therefore are subject to the lower standard for intervention.

Since *Pillsbury* was first decided, however, only a few courts have elaborated on what kind of behavior by a Member of Congress would create the appearance of partiality, as required by the Fifth Circuit. In *Koniag v. Kleppe*,²⁵ a district court found that a congressional subcommittee's oversight hearings improperly tainted the agency's decision because they were held contemporaneously with an individual

²¹ Code of Conduct for United States Judges, Judicial Conference of the United States, Canon 3,A (4) (1992).

²² 2 U.S.C. § 57b (emphasis added); see also Comm. on House Admin. U.S. House of Representatives, Members' Congressional Handbook, Regulations Governing the Members' Representational Allowance (2001) (hereinafter —Members' HandbookII).

²³ 354 F.2d 952 (5th Cir. 1966).

²⁴ 459 F.2d 1231 (D.C. Cir. 1971), cert. denied 405 U.S. 1030 (1972).

²⁵ 405 F. Supp. 1360 (D.D.C. 1975), modified sub nom. *Koniag v. Andrus*, 580 F.2d 601 (D.C. Cir. 1978), cert. denied, 439 U.S. 1052 (1978).

adjudication, and resulted in the committee deeply probing into the details of the case in question by evaluating the adequacy of the evidence and accuracy of the data used. Since then, however, reviewing courts have consistently upheld congressional intercessions into adjudicatory proceedings against undue political influence challenges. These courts have required that the pressure or influence be directed at the ultimate decision maker with respect to the merits of the proceeding and that it does not involve legitimate oversight and investigative functions before they will intervene.²⁶

It is extremely unlikely that the courts would intervene in a case in which a Member of Congress urges the exercise of discretion in the case of an individual in removal proceedings based on this case law. Members of Congress are rarely asked to intervene with Immigration Judges, who are the ultimate decision makers in a case, and the intervention rarely rises to a level that would jeopardize the integrity of the agency's decision-making process. Moreover, legislators' requests that DHS appropriately apply its own prosecutorial discretion policies in a particular case fall within Members of Congress' proper interest in policymaking and policy application. In *California v. FERC*,²⁷ for example, the court upheld agency action when the congressional intervention was intended to address procedural problems, to question whether the agency was applying the proper legal standard and to ensure that the agency's determination made in each instance was based on its own independent, on-the-record analysis of the congressional objections, accompanied by a reasoned explanation. In removal cases, Congressional intervention could be seen as a similar check to ensure consistency in the agency's application of its own immigration enforcement policies.

According to Congressional ethics rules, can my office intervene at any stage of removal proceedings?

Yes, your office can intervene with ICE or CBP at any stage of proceedings so long as there is no ex-parte communication with a decision maker that does not become part of the public record. Since ICE or CBP is no more the decision maker while an individual's case is before an Immigration Judge than once a final order has been entered against someone, Members of Congress should feel free to suggest to ICE or CBP that the agency exercise discretion in a particular case at any point during removal proceedings.

Can my office intervene if we believe that ICE or CBP has mistreated an individual or is retaliating against an individual for his or her labor or political activism?

Yes. According to the Congressional Research Service, the courts have long recognized congressional authority to investigate, and to express its opinion, in an attempt to influence the manner in which the laws are executed. Generally, congressional inquiries into these types of actions do not involve individual adjudications akin to the judicial function, and are therefore subject to less scrutiny. Rather, they will be upheld so long as extraneous factors do not intrude into the calculus of consideration of the individual decision maker.²⁸ Although courts have found that the expression of disapprobation or the focusing of public attention on executive action to be generally permissible, recent cases have found certain forms of disapprobation to be inappropriate. For example, in *Esso Standard Oil Company v. Lopez-Freytes*, the U.S. Court of Appeals for the First Circuit struck down a fine imposed by an agency on an oil company for an oil spill after a state Senate report accused that agency of improperly handling the disaster and requesting that officials involved in this situation be identified and referred for the Department of Justice and the Office of Government Ethics because the court found this to be an improper threat of prosecution.²⁹ Therefore, Members of Congress should feel free to intervene on behalf of constituents in these types of situations, but should be careful not to improperly threaten or otherwise coerce decision-makers in the agency.

²⁶ See generally Rosenberg, Morton and Jack H. Maskell. *Congressional Intervention in the Administrative Process: Legal and Ethical Considerations*, pg. 13-21. Congressional Research Service. September 2003.

²⁶ 743 F.2d 93 (2d Cir. 1984).

²⁷ 743 F.2d 93 (2d Cir. 1984).

²⁸ *DCP Farms v. Yeutter*, 957 F.2d 1183 (5th Cir. 1992).

²⁹ 522 F.3d 136, 148 (1st Cir. 2008).

Can my office intervene if the individual is detained or if the individual has a criminal conviction?

Yes, for the same reasons that the office can intervene at all stages in the removal process. A congressional office can intervene in detained cases or in cases where the person has a criminal conviction. A criminal conviction or detention does not mean there has been a finding that the person is deportable. In addition, there are some criminal convictions that are related to immigration status, such as working without documents and use of fake records that are considered felonies that are a result of the immigration system. In places like Arizona, there have been successful challenges to the deportation of people charged with felonies who were detained, for example, by Sheriff Joe Arpaio.

The conviction also should not mean that the person is dangerous to the community or that they are likely to take the same actions again. As immigrant rights advocates who work with people with criminal histories, we argue that ICE should start with a presumption of hardship for people with family and community ties. The agency can then consider all other factors and circumstances that lead to the agency's designated enforcement practices, but the burden should be on ICE to overcome the presumption of the tremendous hardship caused by deportation taking into consideration the criminal conviction.

Can my office help an individual who is presenting their case in front of immigration court, but does not yet have a final order of removal?

Yes, once an individual is in open deportation proceedings you can intervene at any point in the administrative process. If an individual has an upcoming court date you can intervene by making an inquiry call or e-mail to the Immigration and Customs Enforcement Local Office of Chief Counsel. Your office can also write a letter of support for the individual to be included in the documents to be submitted to the court. In addition, your office could also make statements of support on the case and organize or participate in press conferences. News stories and public attention to the cases and the effect of the deportation on the local community can play a positive role in assuring a fair process for the individuals facing deportation.

Can I help an individual who doesn't have legal representation?

Yes. The member of Congress can assist someone who does not have an attorney. The member of Congress will not offer legal advice.

Can I intervene where there's not a final order of removal?

Yes, once an individual is in open deportation proceedings you can intervene at any point in the administrative process. If an individual has an upcoming court date, has a pending application with ICE, or is in an appeal process but has no final order of removal date you can intervene through respective local ICE office.

Can I only help people from my district/ state?

No, as indicated in the "Intervention Ethics" section, there is no law that prohibits a congressional office from assisting non-constituents.

Sample Materials

E-mail of Support

From: Sanchez, Ivan
Sent: Friday, February 07, 2014 2:45 PM
To: XXXXXX
Cc: XXXXXXXXXXXXX
Subject: RE: Maria SALDANA-Gonzalez AXX XXX XXX

Official Congressional Request, Attached.

CC:XXXXXXXX, ICE Houston Field Office

Dear Sir:

I am writing on behalf of Mrs. Angelica Maria Saldaña Gonzalez, who is scheduled to leave the country on Tuesday, February 11, 2014, from her home of 19 years in Porter, Texas. I believe this case deserves to be reviewed again as soon as possible. We are asking for Mrs. Saldaña-Gonzalez for a motion to stay of removal based on the extreme hardship grounds to be reviewed (attached).

I believe the case of Mrs. Saldaña- Gonzalez's case is special. Mrs. Saldaña-Gonzalez is a mother of three U.S. citizen girls (attached) of ages 4, 7 and 8; one of which is extremely dependent due to a medical condition known as amblyopia.

Mrs. Saldaña-Gonzalez's children have been undergoing a tremendous amount of stress, as they foresee the eminent separation from her mother. If she is to be deported, her three daughters will suffer extreme hardship, which is explained in full detail in the psychological evaluation executed by Dr. Mario Zamora (attached).

Mrs. Saldaña-Gonzalez has one theft conviction from an incident that occurred in 2008 (attached). For this conviction Mrs. Saldaña-Gonzalez has paid full restitution and has successfully completed all requirements of her sentencing, which included three days in detention and a fine of \$200 (attached). This incident has been the only contact with police that Mrs. Saldaña-Gonzalez has ever encountered. She has not been in any further trouble with the law and she has never represented a threat to the community or national security. On the contrary, Mrs. Saldaña- Gonzalez is very well known and respected in her local church St. Martha's Catholic Church. Her respect is easily proven by the community support letters and petition efforts (attached), which fight for her to continue being a part of their community. Mrs. Saldaña-Gonzalez does not constitute a danger to the U.S. national security and is not a flight risk as her primary mission is to take care of her family and has proven so by passionately continuing to appeal her case so she can have a chance to stay with her family.

I respectfully request your kind consideration to review this matter, exercise discretion and grant a favorable response to the request of stay of removal so that Mrs. Saldaña-Gonzalez can remain in this country and continue to care for her daughters. I look forward to working with you in this matter and to schedule a conference call so that we can assist the constituent as soon as possible. Please provide our office with a response to this matter.

Should you have any questions, or need further information, please do not hesitate to contact Ivan Sanchez, a member of my staff or me. I may be reached by phone at XXX-XXX-XXXX or by fax, XXX-XXX-XXXX. You may also reach Ivan Sanchez via email at XXXXXXXXXXXX.

Ivan Sanchez
Immigration Liaison
U.S. House of Representatives
Congresswoman Sheila Jackson Lee
Office: XXX-XXX-XXXX
Cell: XXX-XXX-XXXX
Fax: XXX-XXX-XXXX
Email: XXXXXXXXXXXX

Letter of Support

JOAQUIN CASTRO
20th District, Texas

COMMITTEE ON ARMED SERVICES
COMMITTEE ON FOREIGN AFFAIRS

Congress of the United States
House of Representatives
Washington, DC 20515-4320
September 6, 2013

WASHINGTON OFFICE
212 Cannon House Office Building
Washington, DC 20515
Tel: (202) 225-3226
Fax: (202) 225-1815

DISTRICT OFFICE
3715 Fredericksburg Road, Suite 512
San Antonio, TX 78229
Tel: (214) 348-9218
Fax: (214) 579-6737

The Honorable John Sandweg
Acting Director
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, D.C. 20536

Dear Acting Director Sandweg:

I am writing on behalf of Mr. Eduardo Rincon, who is scheduled to be deported on Friday, September 6, 2013, from his home of 14 years in San Antonio, Texas.

Mr. Rincon holds a Bachelor's of Science Degree in Engineering from Mexico. Since arriving in the U.S., Mr. Rincon has made concrete contributions to the San Antonio economy by serving as a self-contracted construction worker. He has also raised a family in San Antonio, with one of his sons scheduled to complete a Bachelor's Degree in Architecture with a concentration in Construction Management from the University of Texas San Antonio next year.

In 2010, Mr. Rincon was pulled over for a traffic violation. Because Mr. Rincon has no previous criminal record, and is therefore classified as a low-priority case based on the Prosecutorial Discretion Memo of 2011, I am requesting that Mr. Rincon receive an extension on his voluntary departure.

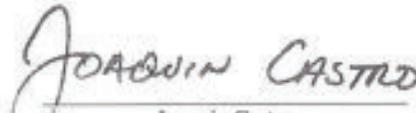
Mr. Rincon serves as the sole economic contributor for his family. Deporting this hardworking individual will have a devastating impact on his entire family. The fact that Mr. Rincon has no previous criminal record and has made positive contributions in the way of his work and the accomplishments of his family, illustrate that we should keep hardworking individuals like him in this country.

Mr. Rincon came to the U.S. to build a better life for himself and his children. He has done just that, and has instilled those characteristics in his children. Mr. Rincon exemplifies the qualities that we hold in high esteem in this country: commitment to family, education and hard work.

As we continue to debate the need for comprehensive immigration reform in Congress, I ask that Mr. Rincon be granted an extension on his departure. It is cases like Mr. Rincon's that can be effectively addressed in an immigration bill.

Thank you for your attention to this very important matter.

Sincerely,


Joaquin Castro
Member of Congress

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Template Script for a call with ICE

1) Individual in deportation proceedings, not in custody

"Hello my name is _____ and I am calling from _____ senate/ congressional office. One of our constituents _____, Alien # XXX-XXX-XXX is currently in deportation proceedings

Senator/ Congressman/ Congresswoman _____ is truly concerned because Mr./ Mrs. _____ has strong community ties in _____. Mr./ Mrs. _____ is a father to X children, out of which X are U.S. Citizens. Mr./ Mrs. has been a contributing member because he/ she is involved in _____. I ask that ICE use its power/ discretion to not deport Mr. / Mrs. and grant him/her _____ (form of relief) that his/ her attorney has formally applied for to your field office."

2) Individual in deportation proceedings, in custody

"Hello my name is _____ and I am calling from _____ senate/ congressional office. One of our constituents _____, Alien # XXX-XXX-XXX has been detained for XX months in the _____, (name detention facility) a detention facility which your office oversees.

Senator/ Congressman/ Congresswoman _____ is truly concerned because Mr./ Mrs. _____ has strong community ties in _____ and doesn't pose a threat to national security. Mr. / Mrs. _____ is a father to X children, out of which X are U.S. Citizens. These children have been suffering separation from their parent for _____ and I am asking that you as the Field Director/ Assistant Field Office Director use your power/ discretion to not deport Mr./ Mrs. and grant him/her _____ (name form of relief) that his/ her attorney has formally applied for, so that Mr./ Mrs. can be released immediately."

E-mail Template

To: ICE
From: Your Office

[SUBJECT]: Re First M.I. Last Name (A# 000-000-000)

Dear [Title] [Name],

I am writing on behalf of [Name of individual] who is scheduled to be deported/ have a court date on [DATE], from his/her home of [XX] years [City, State]. I am asking for you to grant/ extend/ Mr./ Mrs. XXXXX [name of relief] based on the extreme hardship/ immigration background/ eligibility to immigration reform, etc.

[Immigration history] Mr./ Mrs. XXXXX came to the U.S. XX years ago from [country of origin]. S/he is mother/father/sibling to XX U.S. citizens. He came to [City, State] looking for a better life for his/her family. [Hardships]. XXXXX is the sole provider for his/her XX children, an X year old and a XX year old. If deported, the family will lose its substantial economic support.

[Grounds for deportation] In [year], Mr./Mrs. XXXXX was pulled over for a traffic violation, because our city operates under Secure Communities, Mr./Mrs. XXXXX was detained on an ICE hold and placed in deportation proceedings and now S/he is to be removed on [Date]. In the XX years that Mr./ Mrs. XXXXX has been living in the U.S. s/he has no other criminal record whatsoever.

[Community Ties] Mr./ Mrs. XXXX is well known members of their community. S/he is a member of the [church, group, organization] since [year]. Mr./ Mrs. XXXXX has been working as a [title] for the past XX.

Mr./ Mrs. is part of the 11 million undocumented Americans who deserve to continue to live in our country; he/she is no threat to our community.

Thank you for your attention and please review this matter immediately.

Sincerely,

[Name]
[Title]
[Contact Information]

Letter Template

[Date]

[Name] Andrew Lorenzen-Strait
[Title] Public Advocate
[Agency] Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
[Address] 500 12th St. SW, Suite 5256
Washington, D.C. 20024

Re: [Full name] [Alien #] (i.e. Asif Ali Mohiuddin A XX-XXX-XXX)

Dear Public Advocate Andrew Lorenzen-Strait:

I am writing to you on behalf of Mr./Mrs. XXXXXX who was raided and arrested by the Department of Homeland Security the morning of [Date]. It has been brought to our attention that the basis of the arrest may have had him/her mistaken with another person DHS officer was looking for to arrest. This is very alarming given that Mr./Mrs. XXXXX is not a threat to the community or national security. **We ask that you intervene in this matter immediately, exercise discretion and grant a favorable response to attorney's request of parole so that Mr. Mohiuddin can be released from detention.**

Mr./ Mrs. XXXXX has deep roots in his community and has no criminal record. He arrived in the U.S. as a minor, at the age of XX with a XXX visa in [year]. Mr./ Mrs. XXXXX grew up with American values of hard-work and higher education. He now holds a job as [job title] in a public facility; it is clear that instead of a threat, Mr./Mrs. XXXX looks after other's people safety.

Mr./ Mrs. XXXXX has strong community ties, he has volunteered for XX years at the [name of place] located in the [city, town, state]. S/he is a member of the [church name] in [city, state].

Mr./ Mrs. XXXXX does not fall within the ICE immigration enforcement priorities. S/he is always caring for other people's safety, s/he upholds American values and should be allowed to stay in this country to pursue his/her dreams of becoming a business owner.

Based on these facts, we reason that Mr./ Mrs. XXXXX deportation is not a priority for DHS or ICE and respectfully request that s/he is granted parole and released immediately from detention.

Sincerely,

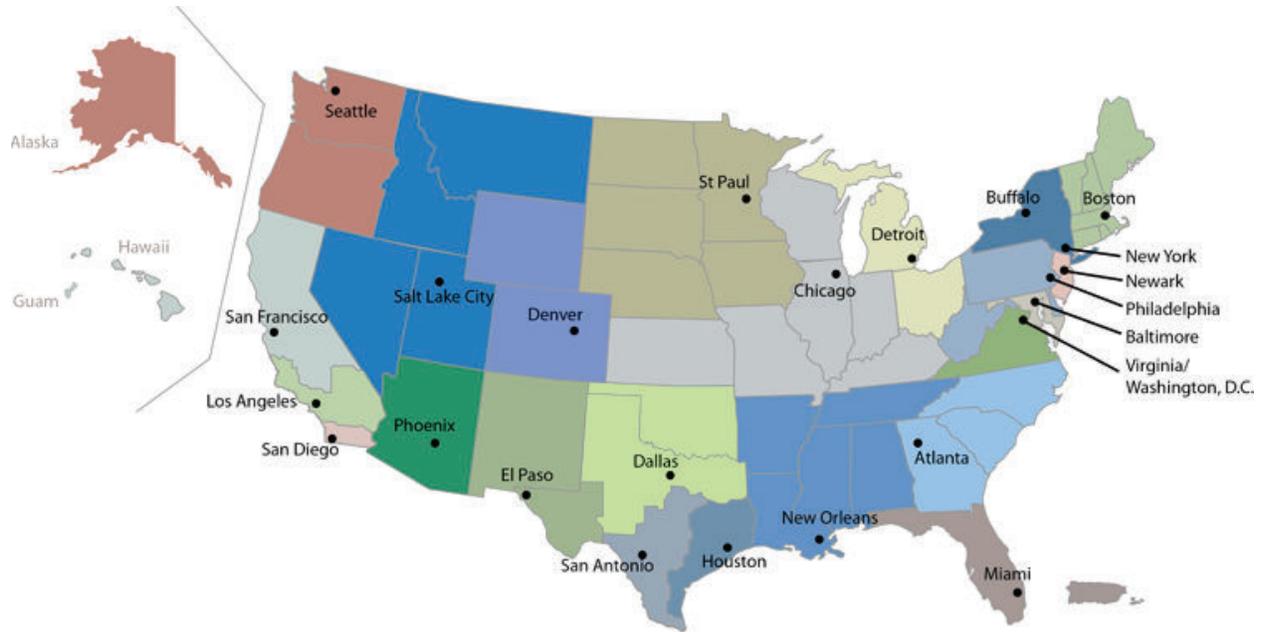
[Name]
[Title]
[Contact Information]

Cc:
[Name, Title]
[Address]

How to contact ICE?

Each congressional office with which we have worked has always reached out to an ICE Field Office or an ICE officer directly. Sometimes, offices have also directly contacted ICE or DHS HQ staff.

There are currently 24 field offices that process removal orders on a case-by-case basis. A Field Office Director (FOD) and/or an Assistant Field Office Director (AFOD) oversees those offices locally. These are the main two ICE officials your office should establish contact with about local casework.



Also, each office has an assigned Enforcement & Removal Operations (ERO) community field liaison. Most of the times this liaison is the FOD or AFOD. The person's job is to address the community's questions and or concerns about an individual case. Both officers and liaisons have the ability to use their discretion on a case-by-case basis.

Thomas Homan, Executive Associate Director of Enforcement & Removal Operations, directly oversees the 24 field offices. In addition, ICE Principal Deputy Assistant Secretary Thomas S. Winkowski has also the power to use discretion on a case-by-case basis; he also has the power to override any decisions made by any local field office.

ICE Field Office Contact Information

Field Office	ERO Point of Contact	Address	Telephone	E-mail
ATL	William McCafferty, AFOD	180 Spring St SW, Atlanta GA 30303	404-893-1214	Atlanta.Outreach@ice.dhs.gov william.mccafferty@dhs.gov
BAL	Hugh J. Spafford, AFOD	31 Hopkins Plaza Ste. 700, Baltimore, MD 21201	410-637-3650	Baltimore.Outreach@ice.dhs.gov Hugh.Spafford@dhs.gov
BOS	Todd Thurlow, AFOD	10 New England Executive Park, Burlington, MA 01803	781-359-7514	Boston.Outreach@ice.dhs.gov Todd.Thurlow@dhs.gov
BUF	Juanita Hester, AFOD	130 Delaware Ave., Buffalo NY 14202	716-843-7602	Buffalo.Outreach@ice.dhs.gov Juanita.Hester@dhs.gov
CHI	Sylvia Bonaccorsi-Manno, AFOD	1010 W. Congress Parkway, 4th floor, Chicago, IL 60605	312-347-2474	Chicago.Outreach@ice.dhs.gov Sylvia.Bonaccorsi@dhs.gov
DAL	Simona Flores, FOD	8101 N. Stemmons Frwy Dallas, TX 75247	214-424-7859	Dallas.Outreach@ice.dhs.gov simona.l.flores@ice.dhs.gov
DEN	Homero Mendoza, AFOD	12445 E. Caley Avenue Centennial, CO 80111	720-875-2055	Denver.Outreach@ice.dhs.gov Homero.Mendoza@dhs.gov
DET	James Jacobs, AFOD	333 Mt. Elliott St. Detroit, MI 48207	313-568-6049 x4443	Detroit.Outreach@ice.dhs.gov James.Jacobs1@dhs.gov
ELP	Jesus Placencia, AFOD	1545 Hawkins Blvd El Paso, TX 79925	915-225-0885	ElPaso.Outreach@ice.dhs.gov
HOU	Matthew W. Baker, AFOD	126 Northpoint Drive Houston, TX 77060	281-774-4681	Houston.Outreach@ice.dhs.gov Matthew.W.Baker@dhs.gov
LOS	Robert Naranjo, AFOD	300 North Los Angeles St., Rm. 7631A, Los Angeles, CA 90012	213-830-7949	LosAngeles.Outreach@ice.dhs.gov Robert.Naranjo@dhs.gov
LOS	James Pilkington, AFOD	300 North Los Angeles St., Rm. 7631A, Los Angeles, CA 90012	213-830-7929	LosAngeles.Outreach@ice.dhs.gov
MIA	John F. Stevenson, AFOD	865 SW 78th Avenue, Suite 101 Plantation, FL 33324	954-236-4907	Miami.Outreach@ice.dhs.gov John.Stevenson@dhs.gov
NEW	Mark Vogler, AFOD	614 Frelinghuysen Ave., 3rd Floor Newark, NJ 07112	973-776-3328	Newark.Outreach@ice.dhs.gov Mark.Vogler@dhs.gov
NOL	Brian Acuna, AFOD	1250 Poydras Suite 325 New Orleans, LA 70113	504-599-7868	NewOrleans.Outreach@ice.dhs.gov Brian.Acuna@ice.dhs.gov
NYC	Scott Mechkowski, AFOD	26 Federal Plaza, 9th Floor, Suite 9-110, New York, NY 10278	212-264-0565	NewYork.Outreach@ice.dhs.gov Scott.Mechkowski@dhs.gov
NYC	Jacob Antoninis, AFOD	26 Federal Plaza, 9th Floor, Suite 9-110, New York, NY 10278	212-264-5534	NewYork.Outreach@ice.dhs.gov Jacob.Antoninis@dhs.gov
PHI	Patrick Maddas, AFOD	1600 Callowhill St., 6th Floor Philadelphia, PA 19130	215-656-7162	Philadelphia.Outreach@ice.dhs.gov

PHO	John M. Gurule, AFOD	2035 N. Central Avenue Phoenix, AZ 85004	602-766-7003	Phoenix.Outreach@ice.dhs.gov jon.m.gurule@ice.dhs.gov
SEA	Kenneth Hamilton, AFOD	2975 Decker Lake Drive, Suite 100 W. Valley City, UT 84119-6096	206-835-0650	
SFR	Craig Meyer, ADOF	630 Sansome Street, Rm 590 San Francisco, CA 94111	415-844-5690	SanFrancisco.Outreach@ice.dhs.gov Craig.Meyer@dhs.gov
SLC	Robert Cordero, AFOD	2975 Decker Lake Drive, Suite 100 W. Valley City, UT 84119-6096	801-886-7414	SaltLakeCity.Outreach@ice.dhs.gov robert.cordero@ice.dhs.gov
SNA	Enrique M. Lucero, FOD	1777 NE Loop 410, Suite 1500 San Antonio, TX 78217	210-283-4717	SanAntonio.Outreach@ice.dhs.gov Enrique.lucero@ice.dhs.gov
SNA	Norma E. Lacy, AFOD	1777 NE Loop 410, Suite 1500 San Antonio, TX 78217	210-283-4711	SanAntonio.Outreach@ice.dhs.gov Norma.Lacy@dhs.gov
SND	Kenneth C. Smith	880 Front Street, Suite 2232 San Diego, CA 92101	619-557-6343	SanDiego.Outreach@ice.dhs.gov Kenneth.smith@ice.dhs.gov
SPM	Jason B. Sieving, AFOD	North Dakota, South Dakota 2901 Metro Dr., Suite 100	952-853-5922	StPaul.Outreach@ice.dhs.gov Jason.Sieving@dhs.gov
WAS	Paul Cappicioni, AFOD	2675 Prosperity Avenue, 3rd Floor Fairfax, VA 20598-5216	703-285-6230	Washington.Outreach@ice.dhs.gov Paul.Capiccioni@ice.dhs.gov

ICE Headquarters Contact Information

Advocates usually go to D.C. ICE Headquarters when the field office is unresponsive or refuses to review relief applications that have been submitted by the attorney on record. We also refer to HQ when civil rights are violated; when the deportation is imminent; or when there is an urgent medical condition of the detainee or a family member of the detainee.

The advantage to contacting HQ is that it can review decisions made by the local office and have the power to grant a more favorable result.

ICE has allocated some staff members to represent community concerns for the ERO department:

Nathan A. Berkeley

Policy and Communications Advisor Custody Programs and Community Outreach

Nathan.Berkeley@ice.dhs.gov

(202) 732-4066

Andrew Lorenz-Strait

Deputy Assistant Director

Custody Programs & Community Outreach

(202) 732-4262

Andrew.r.strait@ice.dhs.gov

Mike Reid

Community Outreach Acting Deputy Assistant Director

Michael.P.Reid@ice.dhs.gov

(202) 732-4432

General Information

E-mail for the ERO office is ERO.Outreach@ice.dhs.gov

General phone for ICE HQ is (202) 732-3000

DHS Headquarters Contact Information

The Department of Homeland Security has the ability to request case-by-case reviews to ICE Headquarters. In the past, we have worked with several individuals from DHS Headquarters for support on specific cases.

Esther Olavarria

Deputy Assistant Secretary of Homeland Security Policy

esther.olavarria@dhs.gov

Amanda Baran

Senior Policy Analyst at Department of Homeland Security

amanda.baran@hq.dhs.gov

(202) 447-4868