

Undocumented Immigrants Facing Deportation: Caught Up In Confusion, Lost Records, Inconsistent Policy Enforcement And Difficult Choices

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PLANO, Texas -- The worst shock of Maria Navarro's life came, fittingly, on Halloween. Weeks later, she still is afraid, asking that her real name not be used, recounting her story over the phone and hiding out with her three U.S.-born children at the home of relatives.

In the pre-dawn, federal agents arrested Navaro's husband, Ramiro, as he made his way to his plumbing job. Within hours, he had been deported. He broke the news to his wife over the phone from his hometown in north-central Mexico's Guanajuato state.

"He is disillusioned," she said. "He spent the last 20 years in the United States. He made his life here. This is where his children were born."

Ramiro's is just one case in the record number of undocumented immigrants being deported by the Obama administration -- nearly 400,000 in the last fiscal year. Many are whisked quickly across the border. Increasingly, they're deported without speaking to a lawyer or having a proper hearing, according to a recent report from the National Immigration Law Center, a Los Angeles-based advocacy group.

An official at the Mexican Consulate and a spokesman for the U.S. Immigration and Customs Enforcement office in Dallas said they found no record of the immigration raid that netted Ramiro and seven other men on Oct. 31.

Roberto Nicolas, the consular official, said in an email it was "not a common practice for deportations to occur on the same day."

Carl Rusnok, an ICE spokesman in Dallas, also wrote in an email that he "did not find any information regarding these actions taken in that location that day."

Immigration attorney Kathleen Walker believes that Navarro may have been swept up in a little-known federal program called "stipulated removal."

Designed to speed up the deportation process, the controversial program has allowed immigration officials to deport more than 160,000 undocumented immigrants in the last decade "without ever giving them their day in court," according the NILC report.

"Generally, 'stipulated removals' happen when the undocumented immigrant willingly admits that he or she entered the country illegally," Walker said. "Then, they are given two options: either sign a consent form for removal or remain in a detention center and wait for a hearing with an immigration judge."

"Many times, immigrants opt to sign because they want to leave the detention centers," Walker said, adding that ICE is using "stipulated removals" more frequently than ever and disobeying President Obama's order that the deportation of immigrants with criminal histories be given priority.

The September NILC report, titled "Deportation Without Due Process," said stipulated removal was used primarily on undocumented immigrants without lawyers and facing deportation for minor immigration violations.

"These noncitizens were given a Hobson's choice: Accept a stipulated removal order and agree to your deportation, or stay in immigration detention to fight your case," the report said. "The stipulated removal program has been implemented across the U.S. at the expense of immigrants' due process rights."

Government documents showed that immigrant detainees were routinely provided "inaccurate, misleading and confusing information about the law and removal process," the report said. "Little has been known about the manner in which the government administers stipulated removals."

ICE spokesman Rusnok stated in an email that the "decision to accept a stipulated removal is strictly voluntary." ICE defends stipulated removals as "an efficient mechanism to remove aliens and reduce prolonged detention" that "relieves the Immigration Court of the need to have a hearing, saves ICE additional detention costs, and allows the alien to return to his/her country expeditiously."

Maria Navarro said her husband of 11 years called her from his hometown, San Jose de Iturbide, on the same day he was picked up by immigration agents as he headed to work in Texas. He had contacted her earlier from a U.S. detention center, she said.

Ramiro told his wife that he was not asked for identification at the time of his arrest. "It was a surprise that his deportation was so immediate," she said. "We did not even have time to get help."

"He is a hardworking man without a criminal record," she insisted.

Ramiro's wife and his boss said he was arriving for work when he and seven other workers who were off the clock were intercepted by several law enforcement vehicles. They were questioned about a young man who worked for the company. A few said they knew him. The men were arrested.

Sandra Martinez, the owner of the plumbing company where the men worked, asked that her name be changed for fear of reprisals. She insisted that none of the workers had criminal records.

"I have known them well for many years, we are all one family," Martinez said.

Martinez said she visited the men at the detention center and gave each man expense money for the return to Mexico.

"We are all suspect if we look Latino, and could be detained at any moment simply because we are perceived to be illegal immigrants," said Martinez, adding that she would provide temporary financial assistance to the families of the workers.

This month, a joint report from the American Immigration Lawyers Association and the American Immigration Council said that 33,400 people are detained by federal authorities at a cost of about \$5 million per day.

In August, the Obama administration promised a case-by-case review of deportations, allowing many undocumented immigrants without criminal records to remain in the United States and potentially apply for work permits.

For months, the administration has pledged to balance its record-levels of detention and deportation with more targeted and humane enforcement.

In a speech in El Paso, Texas, last spring, Obama said: "[W]e are focusing our limited resources on violent offenders and people convicted of crimes; not families, not folks who are just looking to scrape together an income."

On Thursday, the Department of Homeland Security began a review of 300,000 pending deportation cases in an attempt to separate "high priority" and "low priority" individuals, the New York Times reported. The review is intended to hasten the trials of those who have committed crimes and halt proceedings against college graduates, those who have resided in the country from a young age and non-criminals.

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"ICE should carry out that order," Martinez said, "not only because it is inhumane to tear families apart without consideration to the pain it causes communities, but also because of the direct harm that it causes our economy."

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