

# FACTS ON FAMILY RAIDS

## DHS Targets Central American and Other Families for Deportation

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On January 2, the U.S. Department of Homeland Security (DHS) began conducting home raids targeting Central American and other families—primarily mothers and children fleeing extremely dangerous conditions—which have sent a wave of paralyzing fear through communities. Despite swift and widespread public outcry over fear that these mothers and children are being sent “on one-way trips to the deadliest countries in our hemisphere,”<sup>1</sup> the president and DHS continue to defend these shameful raids.

The facts below reflect information collected to date from DHS; congressional offices; consulates; attorneys from Catholic Legal Immigrant Network, Inc. (CLINIC), the American Immigration Council (AIC), the Refugee and Immigrant Center for Education and Legal Services (RAICES), and the American Immigration Lawyers Association (AILA) (collectively, the [CARA](#) project),<sup>2</sup> who are directly representing families that have come through the Dilley Detention Center; and National Immigration Law Center attorneys who have interviewed Salvadoran nationals at the Dilley Detention Center in order to ensure [protections for Salvadoran nationals](#) based on the [Orantes injunction](#).<sup>3</sup>

### Who is ICE targeting and where?

- On January 2, U.S. Immigration and Customs Enforcement (ICE), a DHS agency, began conducting residential immigration raids in **Florida, Georgia, Illinois, Missouri, North Carolina, Texas, and Virginia**.
- ICE has **arrested 121 individuals** during these raids to date, including **71 children** and **50 adults, mostly mothers**.
- Of the family members arrested, **77 individuals were transferred to the Dilley Detention Center in Texas**.
- As of January 8, about half of 121 individuals arrested have already been deported. In total, **36 Mexicans, 26 Hondurans, and 14 Guatemalans have been deported**. **No Salvadorans have yet been deported**, in part because of the protections invoked under the *Orantes* injunction and oversight by the Salvadoran consulate.<sup>4</sup>

### How did ICE conduct the raids?

- **ICE used extremely aggressive tactics as well as false information** in conducting home raids, despite the fact that these women and children did not pose a

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flight risk. **Most are victims of severe trauma** due to violent conditions in their home countries and were complying with existing restrictions on their release from detention, such as check-in visits, that DHS previously placed on them.

- ICE conduct in these raids has included **intimidation, use of excessive force, and potential legal violations**. Examples of ICE conduct include:<sup>5</sup>
  - Providing **false information as a pretext for entering homes**—such as presenting a photograph of someone who was not the target of the raid.
  - **Failing to obtain or present a warrant for pre-dawn, residential raids**.
  - Sending **multiple officers who brandished their weapons** inside homes despite compliance from the raid victims and no threat to the officers.
  - **Failing to state or intentionally misstating the reason for the arrest, and where or for how long mothers and children would be detained, and whether they would be returned home**. This resulted in mothers not being able to adequately make arrangements for childcare, pack medicine, or reach loved ones.
- **ICE has a track record of violating constitutional rights during home and other immigration raids**. Despite the government having settled rights-violation lawsuits against ICE in recent years,<sup>6</sup> these most recent raids raise the same kinds of concerns detailed in those cases.
- While DHS has reportedly confirmed that individuals not on ICE target lists were arrested during the raids, it has **not clarified under what circumstances these “collateral” arrests were made**.

### What are the legal claims and due process concerns?

- According to DHS, not all of the families arrested were represented by counsel. Given that there is no right to court-appointed counsel for these families and that **mothers with children who appear with counsel are 14 times more likely to win their cases than are those who lack counsel**,<sup>7</sup> these families were not given a fair chance to have a judge hear their claim for relief.
- In the cases of raid victims who *did* have an attorney at some point in their proceedings, **many received inadequate representation**—for example, they never filed an asylum application even though they have a valid asylum claim.
- To date, CARA attorneys have filed **12 applications for stays of removal—all of which have been granted—on behalf of 33 individuals** who faced imminent deportation.<sup>8</sup> The stays were granted in part to allow families to raise ineffective-assistance-of-counsel claims.
- Nine of the twelve families who received the stays were arrested in the Atlanta area, **where the immigration court has a substantially lower rate of approval of asylum cases** compared to all immigration courts nationwide.<sup>9</sup>
- CARA attorneys report that Dilley Detention Center staff have **refused to allow attorneys to meet with clients, even when people detained there asked to speak with an attorney**. This has made it difficult for attorneys to assess detained raid victims’ legal claims.

### What do these families face if they are deported?

- Families apprehended in these residential raids face a possibility of being killed should they be deported back to their home countries. As of October 2015, “**as many as 83 U.S. deportees . . . have been murdered on their return to El Salvador, Guatemala and Honduras** since January 2014.”<sup>10</sup>
- Even for families not arrested in the raids, the **chilling effect in communities has been tremendous**. Reports from across the country—even in areas where raids have not occurred but rumors of them are rampant—detail how the raids have paralyzed daily life in immigrant communities.<sup>11</sup> Examples include schools reporting low attendance rates and health care providers reporting a dramatic decline in patient care.

### What should be done to protect these families?

- DHS should **stop all raids** on families and any other immigrants, including those who never appeared before an immigration judge, and should not tolerate raids on unaccompanied minors. It should also respect the legal rights of immigrant families during any enforcement actions, including constitutional and statutory rights, as well as adhere to ICE guidelines on enforcement actions, including avoiding sensitive locations such as schools, hospitals, and churches.
- Rather than maintain the legally and morally wrong position of using raids to punish families for seeking protection, DHS should **facilitate access to counsel** and ensure that any immigrant fearing persecution has a fair day in court before an immigration judge.
- DHS should **respond to the current situation as an urgent humanitarian crisis**, frankly acknowledge the violent conditions these families are fleeing, and investigate both their root causes and effective ways of countering them. While many Central Americans fleeing violent conditions in their home countries should qualify for asylum, DHS should also consider other protective measures, such as granting temporary protected status (TPS) to more Central Americans who are in the U.S., as part of a humanitarian response to crisis conditions in Central America.
- DHS should **use appropriate prosecutorial discretion** pursuant to its own enforcement priorities rather than apply a blanket approach to all recent border-crossers.

#### FOR MORE INFORMATION, CONTACT

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- <sup>1</sup> “A Shameful Round-Up of Refugees” (editorial), *New York Times*, Jan. 8, 2016, [www.nytimes.com/2016/01/08/opinion/a-shameful-round-up-of-refugees.html](http://www.nytimes.com/2016/01/08/opinion/a-shameful-round-up-of-refugees.html).
- <sup>2</sup> <http://caraprobano.org/>.
- <sup>3</sup> *Protections for Detained Salvadorans after a Worksite Raid* (NILC, July 7, 2008), [www.nilc.org/protections-salv-raid.html](http://www.nilc.org/protections-salv-raid.html); *The Orantes Injunction* (NILC, March 2011), [www.nilc.org/orantesinjunction.html](http://www.nilc.org/orantesinjunction.html).
- <sup>4</sup> Mirella Cáceres, “Según cancillería: Ningún salvadoreño será deportado ‘por el momento’ de EE.UU.,” *El Salvador.com*, Jan. 7, 2016, <http://m.elsalvador.com/articulo/internacional/ningun-salvadoreno-sera-deportado-por-momento-eeuu-97976>.
- <sup>5</sup> Roque Planas, “ICE Lied to Get Inside Immigrants’ Homes During Raids, Lawyers Say,” *Huffington Post*, Jan. 11, 2016, [www.huffingtonpost.com/entry/ice-lied-to-get-inside-immigrants-homes-during-raids-lawyers-say\\_56942592e4b086bc1cd4e03f](http://www.huffingtonpost.com/entry/ice-lied-to-get-inside-immigrants-homes-during-raids-lawyers-say_56942592e4b086bc1cd4e03f); John Burnett, “Central American Families Fear Deportation As Raids Begin,” *All Things Considered* (National Public Radio), Jan. 5, 2016, [www.npr.org/2016/01/05/462057211/u-s-begins-to-deport-central-americans](http://www.npr.org/2016/01/05/462057211/u-s-begins-to-deport-central-americans); Nigel Duara and Molly Hennessy-Fiske, “Families Are Taken Into Custody as Push to Deport Immigrants Denied Refuge Begins,” *Los Angeles Times*, Jan. 3, 2016, [www.latimes.com/nation/immigration/la-na-ff-immigration-raids-20160103-story.html](http://www.latimes.com/nation/immigration/la-na-ff-immigration-raids-20160103-story.html).
- <sup>6</sup> “ACLU Announces Settlement in Lawsuit Over Warrantless Raid by U.S. Immigration Agents and Nashville Police,” ACLU news release, July 27, 2015, <https://www.aclu.org/news/aclu-announces-settlement-lawsuit-over-warrantless-raid-us-immigration-agents-and-nashville>; Mary E. O’Leary, “11 Immigrants Arrested in 2007 Raids in New Haven Win \$350K Settlement with Feds, Won’t Be Deported,” *New Haven Register*, Feb. 14, 2012, [www.nhregister.com/general-news/20120214/11-immigrants-arrested-in-2007-raids-in-new-haven-win-350k-settlement-with-feds-wont-be-deported](http://www.nhregister.com/general-news/20120214/11-immigrants-arrested-in-2007-raids-in-new-haven-win-350k-settlement-with-feds-wont-be-deported); *Aguilar, et al. v. Immigration and Customs Enforcement (ICE), et al.* (Center for Constitutional Rights, Aug. 18, 2015), <https://ccrjustice.org/home/what-we-do/our-cases/aguilar-et-al-v-immigration-and-customs-enforcement-ice-et-al>.
- <sup>7</sup> *Representation Makes Fourteen-Fold Difference in Outcome: Immigration Court “Women with Children” Cases* (TRAC Immigration, July 15, 2015), <http://trac.syr.edu/immigration/reports/396/>.
- <sup>8</sup> Jason Buch, “Three Families Pulled Off El Salvador–Bound Plane Amid Deportation Appeals,” *San Antonio Express-News*, [www.expressnews.com/news/local/article/Three-families-pulled-off-El-Salvador-bound-plane-6744176.php](http://www.expressnews.com/news/local/article/Three-families-pulled-off-El-Salvador-bound-plane-6744176.php).
- <sup>9</sup> “Judge-by-Judge Asylum Decisions in Immigration Courts: FY 2009-2014,” *Rise Seen in Asylum Denial Rates* (TRAC Immigration, Aug. 4, 2014), <http://trac.syr.edu/immigration/reports/361/include/denialrates.html>; “Asylum Decisions in Immigration Courts,” *Rise Seen in Asylum Denial Rates* (TRAC Immigration, Aug. 4, 2014), <http://trac.syr.edu/immigration/reports/361/include/asylumtime.html>.
- <sup>10</sup> Sibylla Brodzinsky and Ed Pilkington, “U.S. Government Deporting Central American Migrants to Their Deaths,” *The Guardian*, Oct. 12, 2015, [www.theguardian.com/us-news/2015/oct/12/obama-immigration-deportations-central-america](http://www.theguardian.com/us-news/2015/oct/12/obama-immigration-deportations-central-america) (emphasis added); Selena Hill, “Central Americans Denied Asylum in U.S. Killed Upon Return: Report,” *Latin Post*, Oct. 14, 2015, [www.latinpost.com/articles/86876/20151014/immigration-news-us-deporting-central-american-asylum-seekers-who-are-then-killed-in-hometowns-report-found.htm](http://www.latinpost.com/articles/86876/20151014/immigration-news-us-deporting-central-american-asylum-seekers-who-are-then-killed-in-hometowns-report-found.htm).
- <sup>11</sup> Nancy Hiemstra, “This Is Fear: ICE Raids on Parents and Children,” *Huffington Post*, Jan. 8, 2016, [www.huffingtonpost.com/nancy-hiemstra/this-is-fear-ice-raids-on\\_b\\_8939568.html](http://www.huffingtonpost.com/nancy-hiemstra/this-is-fear-ice-raids-on_b_8939568.html).