

## An overview of Central American and Mexican families' experiences during recent ICE raids

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The National Immigration Law Center (NILC), along with American Immigration Lawyers Association (AILA) and American Immigration Council (the Council), conducted detailed interviews of several families arrested in raids conducted by Immigration and Customs Enforcement (ICE) during the first weekend of January 2016. Many of these families were quickly transferred by ICE to the family detention center in Dilley, Texas, to process them for swift deportation.

Between January 3-12, 2016, attorneys from Catholic Legal Immigrant Network (CLINIC), the American Immigration Council (the Council), the Refugee and Immigrant Center for Education and Legal Services (RAICES), and the American Immigration Lawyers Association (AILA) (collectively, the [CARA](#) project), who are directly representing families held at the Dilley Detention Center, were able to locate and meet with 13 families. NILC lawyers met with 8 of these families -- all from El Salvador -- as part of our obligations to ensure [protections for Salvadoran nationals](#) based on the [Orantes injunction](#).

Despite the stated focus of the raids to target individuals who have “exhausted appropriate legal remedies, and have no outstanding appeal or claim for asylum or other humanitarian relief under our laws”:

- All of these **families are survivors of violence and trauma** in their home countries **and are deeply afraid of being sent back**.
- **12 of the 13 have meritorious claims for protection** and have not yet pursued all the legal remedies available to them.
- CARA Project attorneys quickly filed notices of appeal and stay requests with the Board of Immigration Appeals (BIA). Acknowledging the severity of the situation, the **BIA immediately issued stays of removal for all 12 families** who requested them. In at least three of these cases, **families were only spared deportation after literally being pulled off deportation flights at the very last minute**.

The examples below describe our findings based on interviews NILC contributed to, along with AILA and the Council. A full and detailed account of the individuals interviewed is attached. While circumstances of each family vary, **certain trends have become clear:**

**Many of these mothers were complying with preexisting orders of supervision imposed by ICE.**

- **Juliza:** ICE placed Juliza on an ankle monitor in February 2015. Juliza went to all of her ICE check-in appointments and complied with other ICE conditions.
- **Mayra:** Mayra’s attorney obtained a stay of removal for her in October 2014, and ICE ordered her to report in October 2015, which she did. At that time, ICE advised her to file another stay request, so she retained another attorney to do so, and ICE placed an ankle monitor on her. She reported back to ICE again in November 2015. ICE scheduled her next check in for January 4, 2016. Just two days before this

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scheduled check in, on the morning of Saturday, January 2, 2016, approximately ten ICE agents appeared at Mayra's house.

- **Melina:** Prior to her apprehension during the raid, Melina had been wearing an ankle monitor for more than one year and consistently attended her ICE appointments.

### **ICE provided misleading or false information as a pretext to gain entry into homes and regarding the arrests.**

- **Mayra:** When the ICE officers entered the bedroom where Mayra and her two children were sleeping, they told Mayra that they were taking her to an appointment to review her documents. Upon arrival at the local ICE office, the agents told her they were going to deport her. Insisting that she was afraid to return to El Salvador, Mayra asked to speak to her attorney, but her request was denied.
- **Melina:** On the morning of Sunday, January 3, 2016, seven male agents came to Melina's home and banged on her door. The ICE agents, armed with guns, told Melina they were just going to check her ankle monitor – which she had been wearing for over a year while fully complying with ICE check-ins – and would then bring her home.
- **Raquel:** On Sunday, January 3, 2016, at least six ICE officers came to Raquel's home in Atlanta, Georgia. When a family member opened the door, the officers said they were looking for someone named "Marcos." Once inside the home, one officer told Raquel to grab her things and go to the office with them to review her case. An officer told her that she would be allowed to return home afterwards. Instead, Raquel and her daughter were taken to the Dilley family detention center.
- **Yolanda:** On Saturday, January 2, 2016, ICE officers came to Yolanda's house in the early morning. ICE told Yolanda's sister that they just wanted to put an ankle monitor on Yolanda and talk to her. They also told her that she and her daughter would be back in two hours. Instead, they sent Yolanda and her daughter to Dilley without informing her they were going to deport her.

### **ICE failed to obtain or present a warrant in early morning residential raids.**

- **Beatriz:** In pre-dawn hours on Saturday, January 2, 2016, ICE officers came to Beatriz's house. The officers pounded on the door and rang the doorbell multiple times until one of her family members opened the door. The officers followed her family member into Beatriz's room and demanded that she exit the closet—where she was hurriedly trying to put clothes on. ICE officers told Beatriz that they needed to take her to verify her immigration records and that she would return home shortly. She was not informed that she was being arrested or shown any warrants. After telling the ICE officers that she needed to grab her immigration and identification documents from her purse, the officers told her that they had already gone through her purse even though they had never asked for her permission.

### **Many families had no representation or received inadequate representation where valid claims for relief were never filed.**

- **Juliza:** Juliza's attorney told her that he would submit an asylum application, and she provided him with police reports and other evidence. But she never signed an asylum application, and no one in court ever asked her questions about what happened to her in Honduras. "I never had a chance to explain why I was afraid to go back," she said. She learned later that her attorney did not submit an asylum application for her.

- **Mayra:** Mayra appeared for her immigration court hearings with an attorney but did not understand most of what happened. She paid her attorney \$4,000, but he never asked her any questions about her relationship with her former partner and did not file an asylum application for her. The immigration judge never asked Mayra if she was afraid to return to El Salvador and issued a removal order.
- **Melina:** When she arrived in the United States, Melina told Border Patrol officers that she was afraid to return to El Salvador. The first time she went to court, she did not have an attorney with her and told the judge she was fleeing her home country, but she does not remember the judge telling her that she could apply for asylum or explaining how to pursue such a claim. Melina subsequently retained an attorney, whom she asked to file her asylum application, but the attorney never submitted an asylum application for her or made any argument against her deportation.

### **ICE interfered with attorney access to families in the Dilley Detention Center.**

- **Juliza:** At the family detention facility in Dilley, Juliza and other families apprehended in the raids are kept separate from the rest of the women and children in the facility. There is a guard outside their rooms almost all of the time, and for the first few days, they could not go anywhere in the facility without a guard. Other detained families are not subject to these restrictions and move freely around the facility. “No ICE official told me about the CARA legal project,” she said. “I found out about the project through another woman who was detained with me.” The CARA Project obtained a stay of removal for Juliza’s family and is pursuing an appeal of her removal order so she can finally apply for asylum.

### **We urge DHS to take the following steps:**

- **Stop all raids against families and children fleeing violence from Central America**, including those who never appeared before an immigration judge.
- **Respect the legal rights of immigrant families** during any enforcement actions, including constitutional and statutory rights and **avoid sensitive locations such as schools, hospitals, and churches.**
- **Facilitate access to counsel** and **ensure a fair day in court** before an immigration judge to any immigrant fearing persecution.
- **Respond to this as an urgent humanitarian situation** and explore root causes for the violent conditions these families are fleeing. While this population overwhelmingly qualifies for asylum, DHS should also consider other protective measures, such as Temporary Protected Status (TPS) as part of a humanitarian response.
- **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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