

# Countering ICE's Abusive Practices with Community Resiliency

Testimonies from San Diego December 2020



American Friends  
Service Committee

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*In memory of those who have lost their lives this year while in ICE custody:*

*Carlos Ernesto Escobar Mejia, El Salvador*

*Kuan Hui Lee, Taiwan*

*James Thomas Hill, Canada*

*Luis Sanchez-Perez, Guatemala*

*Onoval Perez-Montufa, Mexico*

*Santiago Baten-Oxlaj, Guatemala*

*Choung Won Ahn, South Korea*

*Oscar Lopez Acosta, unknown country of origin*

*Ramiro Hernandez-Ibarra, Mexico*

*Maria Celeste Ochoa Yoc Ramirez, Guatemala*

*David Hernandez Colula, Mexico*

*Unknown, Cuba*

*Ben James Owen, Britain*

*Samuelino Pitchout Mavinga, Angola*

For more information regarding deaths at adult ICE prisons, visit:  
<https://www.aila.org/infonet/deaths-at-adult-detention-centers>

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With appreciation to AFSC interns Minh-Thu Mai, Destenie Reyes, and Kimberly Taylor for assisting with research and writing.

## Photographs Credit

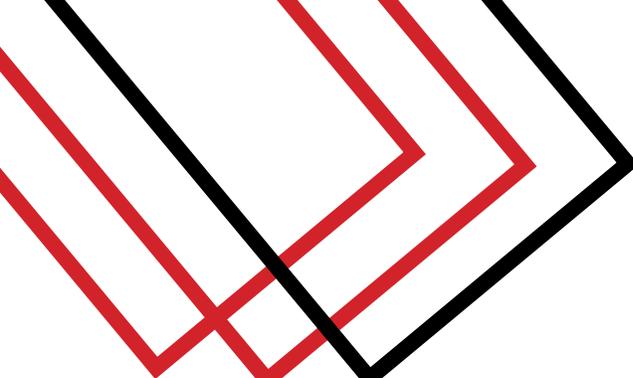
Pedro Rios

## Report Design

Nanzi Muro

## About

The American Friend Service Committee's US-Mexico Border Program advances human rights and self-determination of migrant communities through base-building, alliance-building, documentation and policy-impact. We support local community-based organizing campaigns, train and accompany community-based leadership to educate, advocate, mobilize, and organize constituents to secure just and humane immigration policies. Using a human rights framework and in collaboration with community partners, we advance policies affecting immigration and border issues and build alliances to protect migrant and non-migrant rights. Our goal is to engage community partners and leaders to monitor and document instances of civil and human rights abuses by law enforcement agencies. The objective of documenting law enforcement activity is to change policies and practices that violate human rights, and change the public discourse away from militarization of border communities, towards just and humane immigration policies that benefit workers and their families.



## Introduction and Overview

The Executive Order: Enhancing Public Safety in the Interior of the US<sup>1</sup> issued on January 25, 2017 eliminated the Priority Enforcement Program<sup>2</sup> and instructed enforcement removal agencies to identify, target, and remove all undocumented immigrants. While previous administrations have deported people at similar or higher rates, the Trump administration has instructed Department of Homeland Security (DHS) enforcement agencies to detain and deport as many undocumented migrants – at all costs.

This has resulted in the further militarization of border communities, contributing to an increase in the number of migrants detained at ports of entry, on public streets and highways, at court, and while working. Enforcement operations have also been rampant in between the ports of entry, along the physical border wall, and in the interior of the US. In FY 2019, there were on average 48,850 migrants detained per month, with the average length of stay at 36.2 days<sup>3</sup>. During this same period, the average length of stay at the Otay Mesa Detention Center in San Diego was 87 days.

More than 267,000 migrants were deported in FY2019 alone.

The following discussion analyzes the way in which Immigration and Customs Enforcement (ICE) officers identify, arrest, and detain migrants in San Diego County. We also discuss the resiliency of migrant workers and look at how community organizing and advocacy can be cathartic and provide relief from the trauma of having gone through a violent immigration enforcement experience. For some that are directly impacted by immigration enforcement, engaging in advocacy and community organizing can be healing and has allowed them to realize their own power.

# RECOMMENDATIONS

1. Defund the Department of Homeland Security, including decreasing funding for detention and removal operations, and border militarization that further criminalizes migrants.

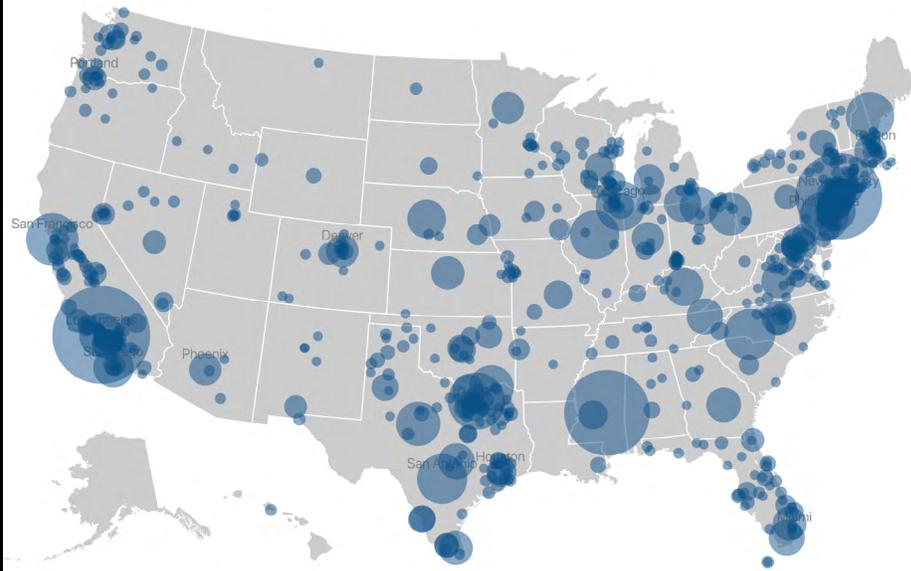
2. Shift away from an enforcement-only response to migration. Immigration processes should provide support to migrants to ensure that there is fair access to resources such as legal representation.

3. Halt the arrest of migrants in communities, especially during the COVID-19 pandemic. ICE and its facility contractors have grossly failed to protect migrants when in custody. Community members should not be arrested and put at risk of death.

4. Free individuals from ICE custody by providing alternatives to detention, which includes releasing individuals without having to pay bond via an order of release on one's own recognizance.

5. Stop the transfer of migrants from and to jails, prisons and immigration detention centers. Transfers between facilities places people at risk of contracting COVID-19.

6. Abolish ICE. The punitive and racist approach to immigration enforcement must be eliminated.



“Map of ICE enforcement” data is based on reported enforcement activities since January 2017 , last updated in November 2019 <https://www.aila.org/infonet/map-ice-enforcement-actions-january-2017-current>

## Historical context of immigration enforcement

In recent years, United States government officials at the highest levels have espoused anti-immigrant sentiment that has fueled virulent public policy affecting migrants arriving at the US-Mexico border and those already living in the United States<sup>4</sup>. Consequently, immigration enforcement agencies, such as ICE and Customs and Border Protection (CBP), execute detentions and deportations with xenophobic precepts that undermine international agreements addressing the treatment of migrants and those seeking protection.

This was clearly the case when President Trump described the Central American exodus as a menace to the United States. The expected response from the general public was to become reactive and defensive. National security protocols shifted towards protecting “citizens” from Black and Brown asylum-seekers.

Subsequently, US federal policies have since maintained and reaffirmed their opposition to newly arriving asylum seekers. President Trump has rallied a political and social movement backed by organizations with fascist inclinations, right-wing conservative voters, and others in favor of increased enforcement measures along the US-Mexico border region.

What gave way for the current administration to create the havoc it did through drastic changes in policies and the issuance of numerous Executive Orders is the cracks in the existing immigration system. Every attack on migrants brought broad attention to the many ways in which the existing system fails to meet the needs of such a diverse migrant population. The last four years have clearly demonstrated that an immigration system rooted in systemic racism must be dismantled, not simply reformed, if we want migrants to be treated with dignity and respect.

The shift to accelerated enforcement and removal dates back to the Immigration Reform and Control Act (IRCA) of 1986. By formalizing the distinction between “authorized vs. unauthorized” migrants, it laid the groundwork for the criminalization of migrants. This also provided the government with a way to prosecute migrants and to detain them in civil detention, specifically for immigration violations.

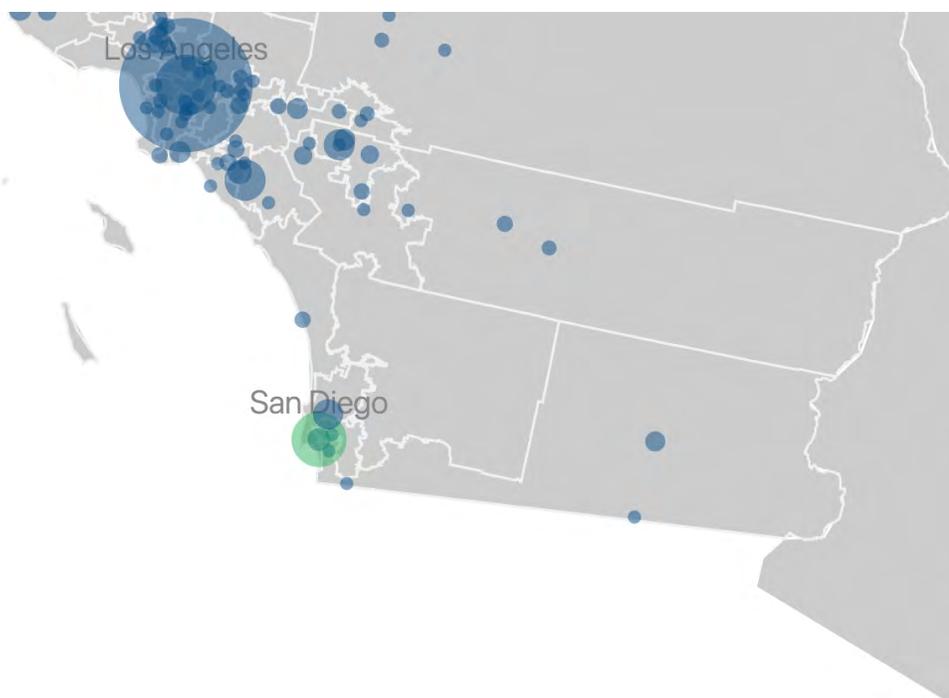
Prior to the creation of the Department of Homeland Security, which houses ICE, the US Border Patrol, under the Department of Justice and its now eliminated enforcement arm, Immigration and Naturalization Service (INS), would perform periodic worksite raids throughout the country. With the creation of the Department of Homeland Security in 2002 and of ICE in 2003, policymakers used the 9/11 incident to further criminalize migrants and all foreign-born nationals from specific regions.

With ICE, the US government created a more sophisticated enforcement apparatus of tracking, documenting, and persecuting migrants. The voluntary Electronic Verification database (E-Verify) and the Mutual Agreement between Government and Employers (IMAGE) Program<sup>5</sup>, both of which had been piloted as worker enforcement tools in earlier iterations, were drastically accelerated to track and surveil US workers.

Now, nearly 18 years after its inception, there are over 20,000 ICE agents worldwide who swear to “protect” the United States, unfortunately, at the expense of human life. The agency has an annual budget of \$8.3 billion and has two main branches: Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HSI)<sup>6</sup>.

Under the guidance of an administration that regularly uses anti-immigrant rhetoric, the presence of white supremacist ideals within ICE enforcement officers on the ground, consequently, becomes normalized<sup>7</sup>. The Trump administration did not create a new trend or practice within the government, but encouraged the expression of hate against others and made every attempt to further institutionalize those thoughts and practices through immigration laws and policies.

AFSC’s US/Mexico Border Program has been documenting the militarization of the borderlands since the 1970s. [Program records are archived and available at UCSD.](#)



<sup>5</sup>“Map of ICE enforcement” data is based on reported enforcement activities since January 2017, last updated in November 2019 <https://www.aila.org/infonet/map-ice-enforcement-actions-january-2017-current>

# Safeguarding the Rights of Migrants

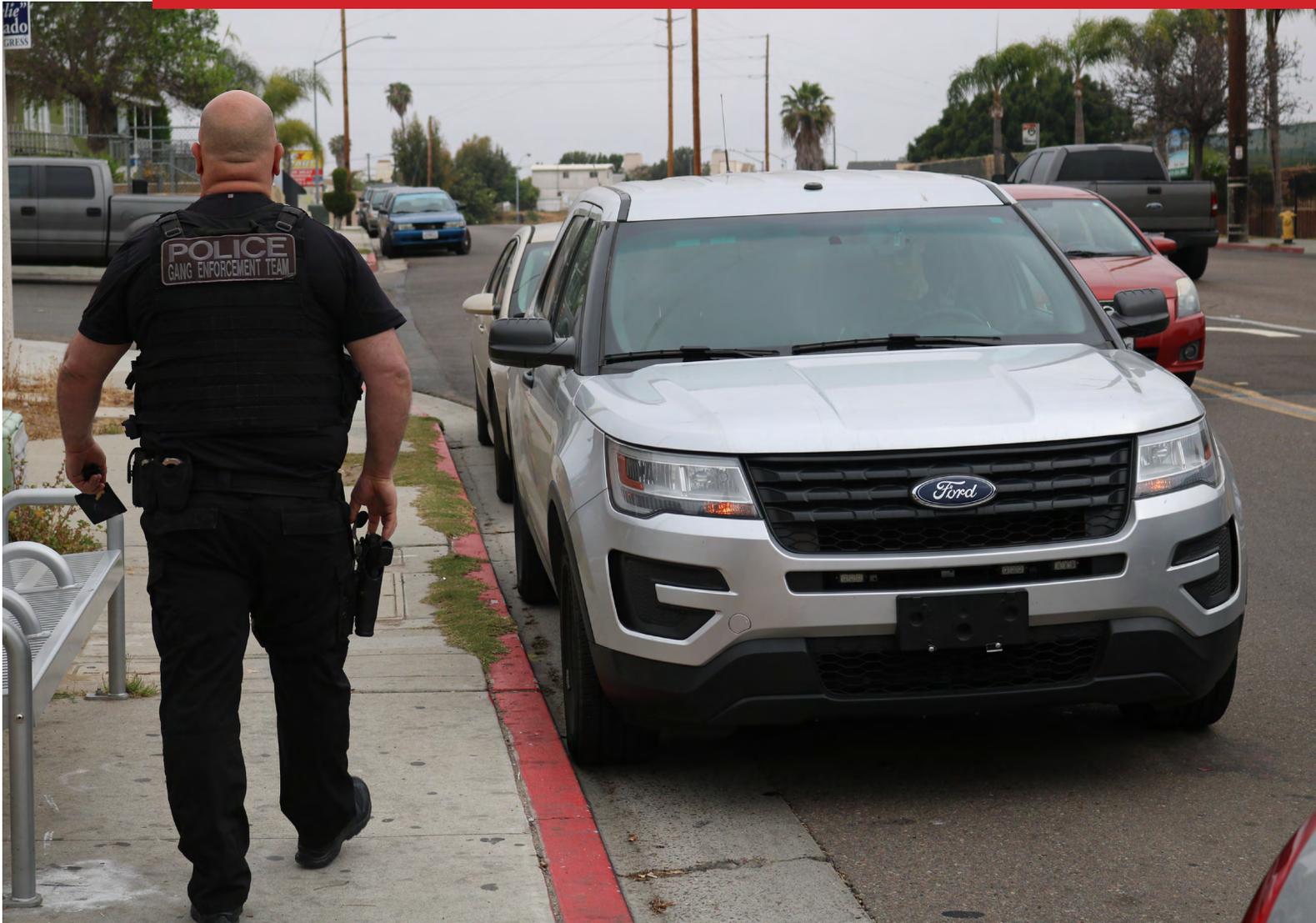
As the administration initiated its racist attacks on communities of color, with threats to deport as many undocumented migrants as possible, communities throughout the US began organizing around creating or expanding rapid response efforts<sup>8</sup>. Some regions passed resolutions pronouncing cities and counties as Sanctuary or Welcoming Cities. While the passing of such legislation did not provide migrants any legal protections from deportation, it did demonstrate the local government's commitment to the inclusion of migrants. Most importantly, it signaled that those jurisdictions would not assist the federal government, ICE for example, through keeping people detained in jails after their release date<sup>9</sup>. Findings from a comparative analysis that looked at the effects of adopting sanctuary policies made clear that sanctuary cities are overall safer and more gratifying for migrants when compared to cities without such policies.

In San Diego County, the City of Chula Vista<sup>10</sup> became the first certified Welcoming City<sup>11</sup> in California in December 2019. By becoming a certified Welcoming City, the local government commits to ensuring that city practices and protocols are supportive and inclusive of migrants. Chula Vista's foreign-born population is over a third of its entire population.

The administration and those that share its anti-immigrant sentiment are opposed to any of these attempts to protect migrants and have made numerous efforts to prevent or limit these protections. For example, the Trump administration sued California for the passage and implementation of SB54. Also known as the California Values Act, with certain exceptions, it "prohibits state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes." The lawsuit<sup>12</sup> was dismissed by the Supreme Court in July 2020<sup>13</sup>. Matthew Albence, then ICE Deputy Director, made statements against sanctuary cities stating that they placed politics over public safety, which made it harder for ICE to carry out its "Congressionally mandated interior enforcement mission."

Regardless of the protections that pro-migrant legislation affords, violations of civil and human rights are still rampant. This is, in part, due to the lack of accountability on behalf of DHS agencies and the government at large. Suing DHS and the Trump Administration has become the norm, and often the only route to bringing forth more tangible change. While these efforts are effective in the short-term, systemic change that addresses eradicating the policies and institutions targeting migrants requires bold action. Such bold action must consider initiatives that call for abolishing government agencies that harm working families and terrorize migrant communities.

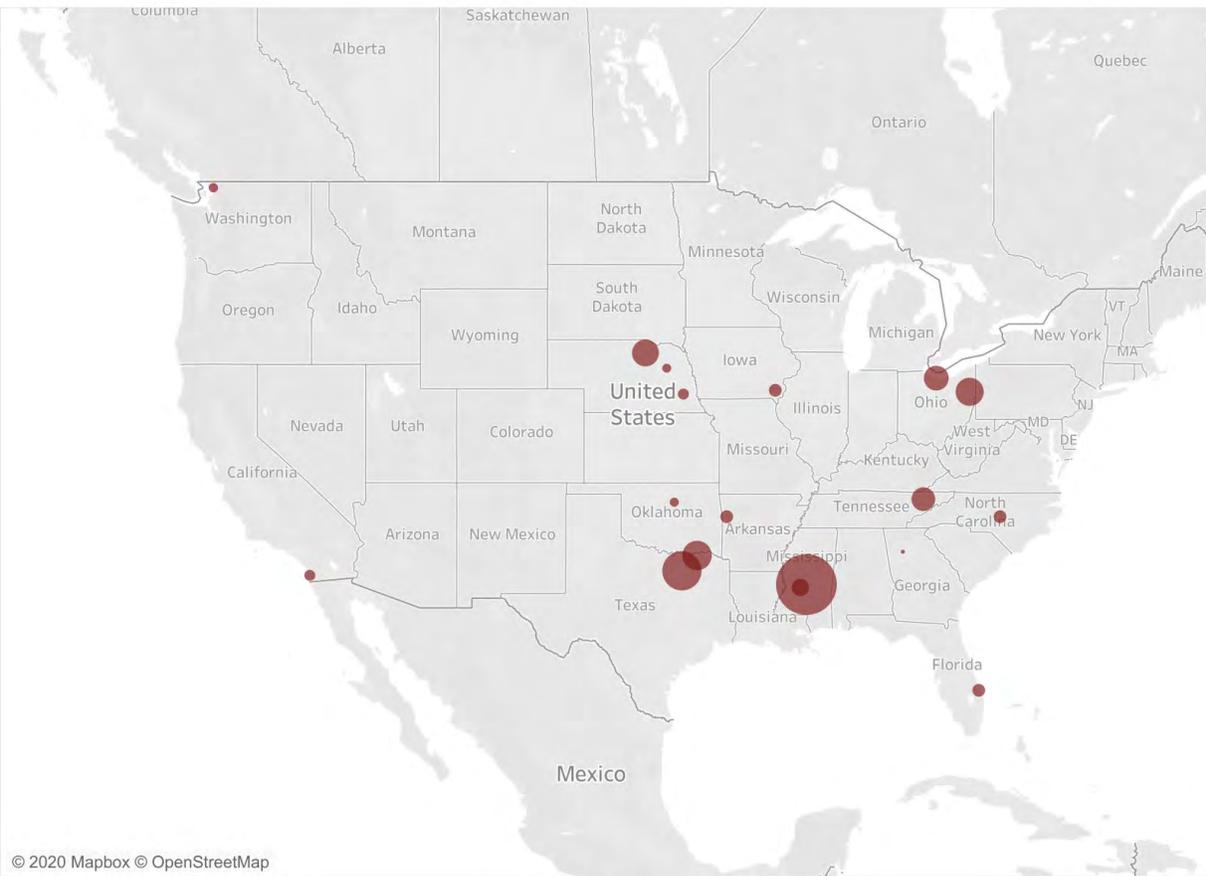
**“No matter where you live in the U.S., your safety is impacted by criminal aliens who came to this country illegally and now live in your neighborhoods.”**  
**Matthew Albence, ex-ICE Deputy Director**



ICE agent approaches ICE vehicle in San Diego where ICE conducted 3-hour raid of a home in May 2018.

## ICE Worksite Raids

<https://www.nilc.org/issues/workersrights/worksite-raids/>



## Worksite Raids

Worksite raids are not a new phenomenon, however, the current administration has reinstated the practice of conducting worksite raids, both large and small-scale, in order to instill widespread fear amongst migrant communities. The increase in worksite raids has been widely documented by advocates. According to the National Immigration Law Center, there have been at least 1,800 arrests as a result of worksite raids under the current administration.

It is important to understand exactly who ICE is targeting and arresting during worksite raids in order to visualize the significance of ICE enforcement, specifically in regard to the number of people that can be impacted. Worksite raids can disrupt local economies, impact the lives of children, of local services, including schools, and the community as a whole.

Immigration federal policies are designed to punish and criminalize migrants for not taking certain pathways to arrive in the US.

It is common for ICE to issue a public statement addressing worksite raids or I-9 audits, and when they do, the agency justifies its actions by focusing on the employer's violation of labor law. In other words, they state that the raids are targeting the employer and not the workers. However, the government prosecutes workers at a disproportionate number when compared to employers. Worksite raids, more often than not, result in families being separated, for either hours, months, or permanently as a result of detentions and deportations<sup>14</sup>.

During worksite raids, any person without valid work authorization may be targeted. This can include someone that was inspected and admitted to the US but not granted authorization to work. For example, a migrant that has been recently released from ICE detention, and has applied for asylum already, but is waiting for a response from the immigration judge is not automatically granted work authorization<sup>15</sup>. This is similar to migrants that ICE has processed and released, but have yet to apply for some form of immigration relief.

Homeland Security Investigations (HSI), a branch of ICE, was created in 2010 and currently has a presence worldwide and throughout US territories, including over 6,700 special agents. There are approximately 700 intelligence analysts in 210 cities throughout the US, and with a physical presence in more than 52 countries<sup>16</sup>. The agency is self-described as having a “versatile” approach to how it conducts its operations<sup>17</sup>. Its extensive legal authority allows investigations to range from narcotics and weapons smuggling to antiquity theft, and the sale of counterfeit merchandise<sup>18</sup>. HSI is also responsible for immigration enforcement as it relates to document and benefit fraud. Given the latter focus, HSI takes the lead on I-9 audit investigations and worksite raids.

ICE conducts what they refer to as “targeted operations” in which they conduct extensive surveillance on individuals they intend to arrest. It is common for ICE to encounter people other than the intended person(s) during operations; these arrests are referred to as “collateral arrests”<sup>19</sup>.

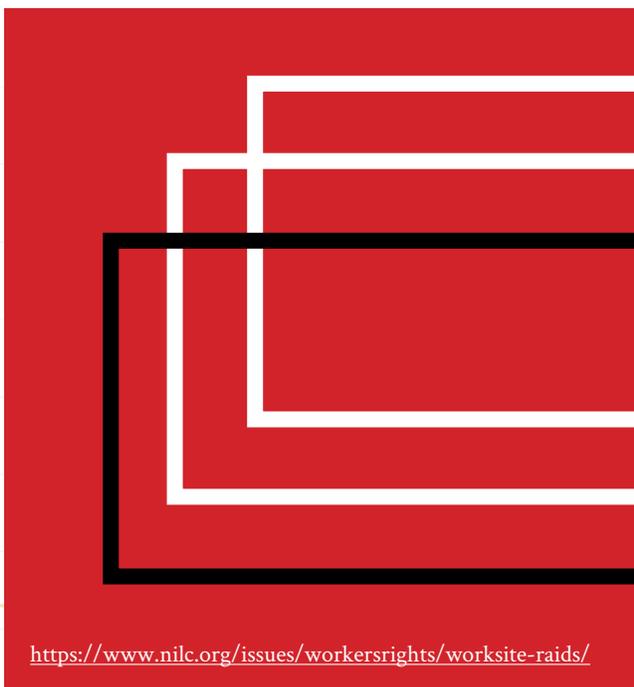
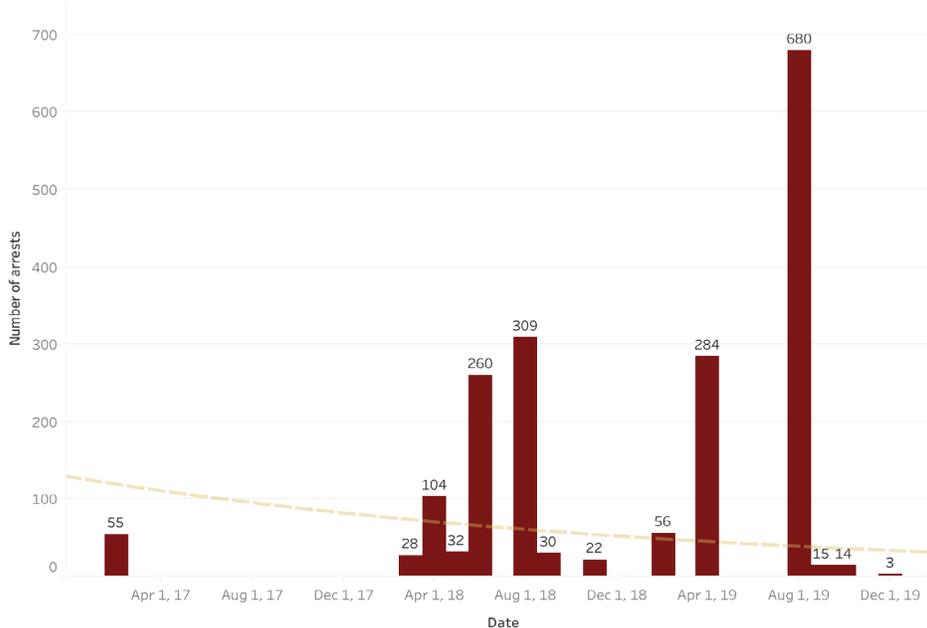
During fiscal year 2018, HSI dramatically increased its punitive enforcement with 6,848 new worksite investigations compared to 1,691 in the previous fiscal year. The number of newly initiated I-9 audits increased by 4,621 and the number of administrative arrests increased by 1,353 compared to the previous year. There was an overall increase of over 750 percent across all categories in the previous fiscal year<sup>20</sup>.

According to worker testimonies, we know that some employers place notices to notify workers of ICE investigations in employee common areas such as break rooms. Some employers give employees letters issued by their human resources department explaining that there are discrepancies in their work authorization documents and requiring workers to provide additional information. When this occurs, some workers may choose to leave and work for another employer. Undocumented migrant workers are often times in limbo as they are caught in between needing to financially provide for their family and risking being deported if caught in an ICE raid.

Based on a press release dated February 13 ICE opened 302 worksite investigations and initiated 282 audits in FY2018, with an additional 265 worksite audits scheduled for FY 2019<sup>21</sup>. The scope and scale of worksite raids are devastating not only to the worker involved, but to the entire family unit and the communities in which they live.

AFSC received calls from community members regarding audits at Frazier Farms in Oceanside (August 2019), Julian Bakery in Oceanside (July 2018), Primos Markets 1 and 2 (August 2019) in Vista and Escondido, Vons in San Diego (October 2019), and Con Pane Bakery (January 2020) in San Diego. A total of 65 workers were impacted in these audits. Considering the scale of the worksite audits, with more than 265 active investigations, these cases only represent a small fraction of workers being processed for deportation.

ICE arrests in raids over time



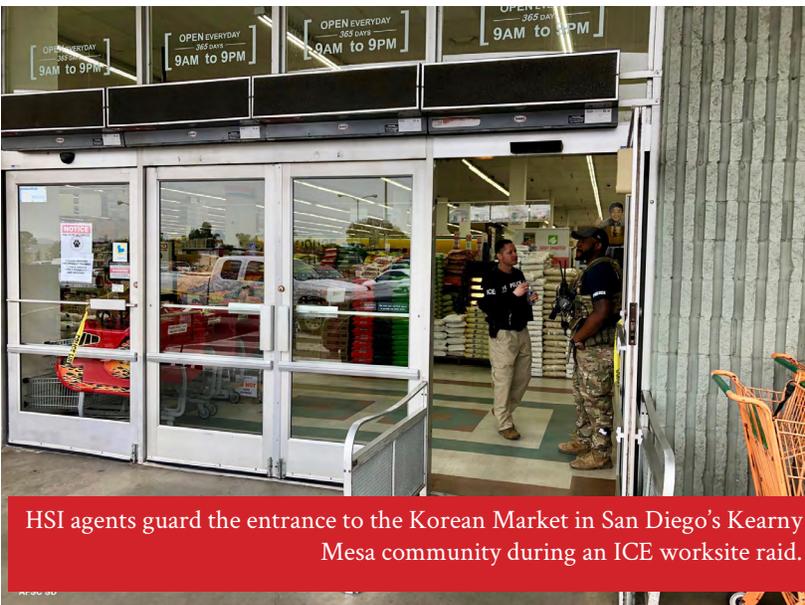
<https://www.nilc.org/issues/workersrights/worksite-raids/>

# A Case Study: The Zion Market Raid

On February 13, 2019 HSI-ICE officers raided Zion Market, a Korean establishment in the Kearny Mesa community of San Diego, CA at approximately 9 am. The store had just opened for business and workers were preparing the store for customers when agents, some wearing military style fatigues, surrounded the store in unmarked vehicles, blocking the entrances and exits of the building. The following description of events is based on worker testimonies and from AFSC staff who were the first to respond to the enforcement operation.

## *Treatment by ICE during the Raid*

Agents initially entered the store through the rear docking area, followed by additional agents entering the premises through the main entrance almost immediately after. The entire building was surrounded as agents dressed in paramilitary attire and in civilian clothing barged into the market and workstations. They shouted at the workers to drop everything and move towards the rear of the store at the warehouse loading dock area.



A Spanish-speaking female worker shared that she was in the locker room area when ICE agents arrived. The agents questioned her about her status, but she remained silent, exercising her constitutional right. Four agents surrounded her; she could not understand what they were saying since they were speaking in English. The agents checked her pockets in search of identification. She was not provided with information about her rights in Spanish at that moment.

Many of the workers interviewed recounted seeing agents pulling out wallets from workers' pant pockets and looking through them despite some indicating that they did not consent to a search – this was done once the workers were zip tied. All workers, regardless of their immigration status, were restrained with zip ties until each person either verified their immigration status or ICE determined they were unauthorized to work in the US. At least two ICE agents drew their guns and pointed them at a worker in the refrigerated section of the store.

Another female worker shared that she was in the back of the store when ICE arrived. She stated that some were dressed in civilian clothes, wore bullet proof vests, and others were in military fatigues. When she realized that it was a raid, she did not run. An agent approached her and yelled "STOP!" He attempted to tie her hands together. She tried kneeling but fell forward because the agent pushed her down. She remembers him continuing to push her down and yelling even though she was already on the ground and was not resisting the arrest.

There were 26 workers arrested at Zion Market on the day of the raid. ICE detained three additional workers at their homes early that same morning, prior to arriving at the market. Those arrested at their homes had been employed by Zion for at least 10 years (at least 30 years collectively). They were not scheduled to work on that day.

One of these workers was arrested in front of his teenage daughter as he was taking her to school. ICE agents approached them with guns drawn out while the father and daughter were in their car. ICE apprehended the worker and left his daughter alone to find her way back home. ICE stopped another worker when he got in his car with his wife. The agent identified himself as "police" and asked the worker if he was an "illegal" and if he was working with a fake social security number. The agent also told the couple that the questioning was a routine check. ICE stopped the third worker when he was on his way to take his wife to the doctor. He remembered noticing unmarked cars when they walked out of their home. His neighbors later told him that there were additional unmarked cars in the back area of their apartment complex.

All the workers were arrested, handcuffed from their wrist and waist, and transported via bus to the ICE office in downtown San Diego where HSI agents took their fingerprints, photographs, and conducted lengthy interviews with each of them. According to the workers, the majority of the questions asked pertained to the treatment they received by their employers, if the employers were aware that they (the workers) did not possess valid work authorization, and if they knew someone who was selling social security cards to people. Agents promised all of the workers work permits if they answered all of their questions.

### *Processing by ICE post-arrest*

The Zion workers were detained for approximately 9-12 hours and were released, fortunately, that same day. By March 8, all of the workers had been given a Call-In Letter (DHS Form G56) with instructions on when and how to report to ICE. These check-ins would either be in-person or over the phone. Between the weeks of February 25 and March 8, ICE processed all of the workers for deportation proceedings and issued Notices to Appear in immigration court; all of the NTAs had “To Be Determined” listed as the court date.

Zion Market laid off all of the workers and none were allowed to return to work. In the weeks after the raid, ICE ordered some of the workers to return for additional questioning. During these secondary interviews, ICE asked them to provide additional details about the work environment, hiring practices, and treatment by the employers and managing staff. Some workers were asked to testify before a grand jury against Zion Market.

While all the workers were initially told by HSI that they would be granted a work permit, only a third of them actually received one. Their work authorization was based on Continued Presence, a temporary status that is granted to victims who are witnesses to certain crimes and that assist the government with investigations<sup>22</sup>. Those that were granted work authorization had been issued Continued Presence for one year. Based on worker testimonies, work permit renewals were not issued even for those workers who testified in the grand jury.

Several workers that were not detained on the day of the raid were summoned to report to ICE through Call-In Letters sent to their homes. This increased the already heightened fear amongst remaining market workers and caused confusion. It is reasonably assumed that those workers who were not detained during the February 13 raid were identified after ICE had reviewed documents seized during the raid.



ICE vehicles block the entrance to the Korean Market in San Diego's Kearny Mesa community during an ICE worksite raid.



HSI agents during an ICE worksite raid at a Korean Market in San Diego's Kearny Mesa community

### *Impact of the Raid*

Twenty-nine grocery workers woke up the morning of February 14 with the trauma caused by the previous day's events and without work. These were workers whose tasks included stocking fruits and vegetables, filling shelves, cutting meat products, gutting fish and cooking meals – all tasks that involve putting food on people's tables. The majority of the workers have children and losing stable income from one day to the next consequently increased the levels of stress and anxiety for the families.

The psychological impact of raids on directly-impacted individuals and on their families is significant even when people are not immediately deported following a raid. The teenage daughter who witnessed her father being arrested at gunpoint needed counseling services as a result of the trauma. In addition, one of the male workers also sought out counseling services due to the anxiety that came from the arrest.

An Interview with

# Rosalba Hernández

## Resiliency Through Advocacy

**B**elow is an edited version of a conversation with Rosalba Hernandez, a migrant worker who was detained by ICE during the Zion Market raid.

**Vanessa Ceceña (AFSC):** It's been more than a year and a half since ICE raided your last job. How has your life changed?

**Rosalba:** I learned many things that I did not know, such as the rights that we have as immigrants. There are even more, more things, more rights [to learn]. There are situations in which one can collaborate to help the community that make you say, *"We have to continue!"* and we have to continue in this because if you have gone through it yourself, it is very comforting that you help others because there are people who call me [to tell me] *"In this job they don't want to pay me my hours. I have already resigned and they tell me that they will not pay me for those hours because I resigned."* And I tell them that has nothing to do with it, that is, your working hours are your working hours.

I tell them that it is illegal, they [the employers] have to pay you for your hours and if not, there are these websites where you can get information on worker's rights and it is a lie that organizations will not do anything for you because they do. Many employers scare you in that sense and tell you that they will not do anything for you because you are "illegal" or do not have a social security number to work and [that] they can declare that you do not work there. I tell my colleagues, *"No, you have many rights."*

There are many, many ways to defend yourself and the important thing is to speak up and not remain silent and that's where we start. It was one of the things that has always gratified me regardless of the fact that my previous life had nothing to do with defending rights or fighting. Now with all of this, it is a great learning process and I feel happy because I say I am helping people who do not know or who think what is happening is okay and they settle [for employers] who take advantage of them.

**I see that your colleagues look at you as someone who can support them in difficult times. What message would you give to other migrants who are in a similar situation and who may be afraid of speaking up?**

**B**efore the raid happened to me, I didn't have or rather didn't pay much attention to the organizations that help [migrants]. So after it happened to me I met many non-profit organizations. The basic thing that one always sees is that if immigration enforcement officers get you, never sign anything, it is the only thing that one always hears, but one also has the right to remain silent. There are many things that one does not know. So I always say that just as we have time to waste on the phone looking at Facebook or other types of social media pages, we can have the time to look for all the organizations that can help us.

Sometimes one says, *"I'm never going to go through that"*, but never fails, maybe a relative or maybe at some point in one's life... like us, we were working, they [ICE] came to work and had just started working. Those things can happen at any time.



Rosalba Hernández speaks at the San Diego May Day Rally in Chicano Park.

Always be informed, ask for information about your rights because we all have rights. One of the things that I appreciated, even through all the bad that happened to us from the raid, was getting to know this organization, AFSC, because I did not know about all the rights that I had. Maybe at the time of the raid if I would have known about them ... or I don't know, maybe they [ICE] would have taken me regardless, but at least I would have argued with them [immigration officials] and they would have said "*this ruca does know*" haha...then you intimidate because if you know your rights and they know that you know, then perhaps, at the end of the day you might lose in the sense that they are going to take you, but at least they anticipate that you know your rights and it can change your life in that moment.

You are a community leader. I hear you speak and I can see how much you value this work, what does your family say about your leadership?

At my daughter's school there was a class where they said they had to talk about the rights of Americans, so my daughter told her teacher that this happened to her mother and the teacher said "*if she wants to come and talk about the experience with the students we have no problem.*" Then she comes and says "*Mommy, you're going to talk to my friends at school.*" And she tells me that I am an organizer of all the people who have to know their rights and he tells me that at school there are many children whose parents are also like us, undocumented, so I told him that there is no problem. It is very rewarding and I also learn more.

My husband tells me "*you have always been very intelligent but what I have liked about you is that within the bad you always bring out the positive and do not fall down and that is what I like*", he says "*why there are times when you do good without looking at who you're helping and there are times when you are doing good for those who criticize you.*"

We all have the same right and if they do not want to learn the options they may have, it is their option. But the trick is, I tell him, that just as I learned all of this knowledge, the trick is to share that knowledge with them too. It is not fair that they [employers] take advantage of you as a worker, one comes to work and to move the economy ahead.

Now that the elections have passed and we know that it is very likely that the new administration will be that of Biden and Harris, what message will you give to the new administration? What changes would you like to see in the new administration, especially during the first year?

The first year is essential because they [politicians] always promise to help us and at the end of the day, the first year they do nothing and leave it until the end. We have the DACA program, the DAPA program that was also made for parents who have children born here [in the United States], and there is the possibility of immigration reform, which they have said that they will take into account. What I have seen is that their first steps are to reinstate the DACA program and to move forward and accept new applications.

A message for them would be not to forget that they said they were going to help the entire immigrant community. If an immigration reform is carried out, regardless of what the requirements are to stay [in the country], well I think that it is already a great step and it is a matter of the community being aware of any changes.

Una entrevista con

**Rosalba Hernández**

## Resistencia a Través de la Abogacía

**Vanessa Ceceña (AFSC):** Ya ha pasado más de un año y medio desde la redada de ICE en tu último trabajo ¿En qué manera ha cambiado tu vida?

**Rosalba:** Aprendí demasiadas cosas que no sabía como derechos que tenemos como inmigrantes. Hay todavía más, más cositas, más derechos [para aprender]. Hay situaciones en las que uno puede colaborar para ayudar a la comunidad que dices, *“¡Hay que seguir!”* Hay que seguir en esto porque si tú lo pasaste es bien confortante que tú ayudes porque hay personas que me hablan [para decirme] *“En este trabajo no me quieren pagar mis horas. Ya renuncié y me dicen que esas horas no me las van a pagar porque yo renuncié.”* Y le digo pero eso no tiene nada que ver, o sea tus horas de trabajo son tus horas de trabajo.

Le dije, no eso es ilegal ellos te tienen que pagar tus horas y sino mira, están estos lugares en el website donde tú puedes meterte sobre el derecho del trabajador y es mentira eso de que no van a hacer nada por ti porque si lo hacen. Muchos empleadores te espantan en ese sentido y te dicen que no van a hacer nada por ti porque tú eres ilegal o no tienes seguro para trabajar y [que] pueden declarar que no trabajas acá. Le dije *“No, tú tienes muchos derechos.”*

Hay muchas, muchas maneras de defenderte y lo importante es hablar y no quedarse callado y ahí empezamos. Fue una de las cosas que a mí siempre me ha gratificado porque independientemente de que pues en mi vida anterior nada que ver con defendiendo derechos o peleando. Ahora con todo esto pues es un aprendizaje bien grande y me siento contenta porque digo estoy ayudando a las personas que no saben o que piensan que está bien lo que está pasando y se conforman [con empleadores] que abusan.

**Veo que tus compañerxs te miran como alguien que los puede apoyar en momentos difíciles.**

**¿Qué mensaje le darías a otros migrantes que se encuentran en una situación similar y que a lo mejor tienen miedo?**

**A**ntes de que a mí me pasara lo de la redada, no tenía o más bien no ponía mucha atención a las organizaciones que ayudan. Entonces después de que me pasó conocí a demasiadas organizaciones que ayudan y sin fin de lucro. Yo siempre he puesto en primer plano a AFSC porque fueron los primeros que nos ayudaron. Lo básico que uno siempre ve es que si te agarra migración nunca firmes nada, es lo único que siempre uno escucha pero uno también tiene el derecho a quedarse callado. Hay muchas cosas que 1 no sabe entonces este yo siempre digo así como tenemos tiempo de perderlo en el teléfono mirando a Facebook o otro tipo de redes, podemos tener tiempo en buscar todas las organizaciones que nos pueden ayudar.

A veces uno dice, *“yo nunca voy a pasar por eso”*, pero nunca falta, quizás un familiar o quizás en algún momento de la vida...como a nosotros, estábamos trabajando, llegaron al trabajo y estábamos iniciando el trabajo. Esas cosas pueden pasar en cualquier momento.

Siempre infórmese, pida este tipo de información acerca de sus derechos porque todos tenemos derechos. Una de las cosas que agradecí dentro de lo malo que nos pasó de la redada pues fue conocer esta organización, AFSC, porque no sabía yo todos los derechos que tenía. Sí yo quizás en el momento que hubo una redada los hubiera sabido...o no sé a lo mejor también me hubieran llevado pero por lo menos que haya alegado y a éstos [oficiales de inmigración] hubieran dicho *“está ruca si sabe”* jaja...entonces uno intimida porque si sabes tus derechos y ellos saben que lo sabes, entonces quizás al final de cuentas vayas perdiendo en el sentido que te van a llevar, pero por lo menos ellos están anticipados que sabes tus derechos y puede cambiar tu ritmo de vida en ese momento.

Rosalba Hernandez y sus compañerxs lideran una conferencia de prensa detallando las taticas abusivas de ICE que vivieron durante una redada en su lugar de empleo.



Tú eres una líder comunitaria. Te escucho hablar y puedo ver que tanto valoras este labor, ¿qué dice tu familia sobre tu liderazgo?

**E**n la escuela de mi hija había un una clase donde decían que tenían que hablar sobre los derechos de los estadounidenses entonces mi hija le dijo a su maestra que a su mamá le pasó esto y el maestro dijo *“si ella quiere venir a contar la experiencia con los alumnos nosotros no tenemos ningún problema.”* Entonces viene y me dice *“mami vas a ir a hablar a la escuela con mis amigo”*. Y me dice que yo soy organizadora de todas las personas que tienen que saber sus derechos y me dice que en la escuela hay muchos niños que sus papás también son como nosotros, indocumentados, entonces le dije que no hay ningún problema. Es bien gratificante y aparte aprendes más.

Mi esposo luego me dice *“tú siempre has sido bien inteligente pero lo que me ha gustado de ti es que dentro de lo malo siempre sacas lo positivo y no te caes y eso es lo que me gusta”*, dice *“por qué hay veces que haces el bien sin mirar a quien dice y hay veces que estás haciendo el bien a quién te critica.”*

Todos tenemos el mismo derecho y si ellos no quieren aprender las opciones que pueden tener pues ya es opción de ellos verdad. Pero el chiste es, le digo, así como yo me llene de todo ese conocimiento, el chiste es darles conocimiento a ellos también. No es justo que abusen así de uno como trabajador le dije porque viene uno a trabajar y a sacarle su economía adelante.

Ya que pasaron las elecciones y sabemos que es muy probable que la nueva administración será la de Biden y Harris, ¿qué mensaje le dieras a la nueva administración? ¿Cuáles cambios te gustaría ver en la nueva administración, especialmente durante el primer año?

**E**l primer año es esencial porque prometen siempre ayudarnos y al final de cuentas, el primer año no hacen nada y lo dejan para el último. Tenemos el programa de DACA, se hizo el programa de DAPA también para los papás que tienen hijos nacidos acá [en los Estados Unidos], y hay una posible reforma migratoria. Han dicho que lo tienen tomado en cuenta. Lo que sí he mirado que tienen como primeros pasos desbloquear el programa de DACA y que siga adelante y que acepte nuevas aplicaciones.

Un mensaje para ellos sería que no se olviden de lo que dijeron que nos iban a ayudar a toda la comunidad inmigrante. Si se hiciera una reforma migratoria, independientemente de qué es lo que te pidan para que te puedas quedar [en el país], pues yo pienso que ya es un gran paso y pues ya nada más es cosa de que toda la comunidad esté al pendiente.



Neighbors record ICE agents at a home in San Diego during a raid, May 2018.

## Detentions in Communities

While the arrest of migrants in communities is not new, there has been a growing trend of ICE agents arresting people near their homes, specifically in the early morning as individuals are going to work or to drop off their children at school. Before, it was more common for ICE agents to break into homes in order to arrest migrants. The practice of targeting migrants near their home is equally or more dangerous and problematic. Through surveillance, including the surveilling of social media accounts, ICE has found a way to arrest migrants without the theatrics of breaking down doors and windows. However, this is, in a way, more problematic since it's easier for these types of enforcement tactics to go unnoticed, making it more difficult for community organizers and advocates to track and to respond in real time.

As the COVID-19 pandemic caused businesses to shut down and as prisons and jails released some individuals at an attempt to adhere to guidance from the Center for Disease Control, ICE continued to make arrests. During a time of uncertainty and innumerable deaths, ICE reinforced its mission to detain and arrest and deport migrants regardless of the public health impact<sup>23</sup>.

According to ICE data, there were on average 20,115 people in custody nationwide on any given day during FY19. The Trump Administration continued to target sanctuary cities and states, signaling that these regions would experience an increase in community arrests. In San Diego County, there have been ongoing targeted efforts throughout the pandemic to deport migrants. One enforcement operation that was carried out between July and August resulted in the arrest of 46 people<sup>24</sup>. A second operation took place from September 28 to October 2, resulting in 128 people arrested throughout California, with 24 arrests in San Diego County<sup>25</sup>.

AFSC along with Union del Barrio's (UDB) Community Patrol, have responded to calls from community members that have either witnessed or have been directly impacted by ICE enforcement. UDB has documented an increase in ICE presence throughout San Diego County, but specifically in the city of Escondido. These enforcement interactions have also included joint Border Patrol and ICE operations, which UDB notes have become more common.

On September 2, Mr. RFS was arrested in Shelltown, a neighborhood in Southeast San Diego, at 6:20 am as he was on his way to work. That same day he was transferred to a privately contracted ICE facility in Arizona. The family rushed to retain legal representation and he was transferred back to San Diego. His wife shared with AFSC that her husband was beaten and forced to accept his deportation to Mexico.

On November 3, ICE detained Mr. MSG at 7:10 am as he was leaving his home in Barrio Logan. This man shared that he had no other option but to sign his deportation or be charged and sent to a federal prison where he would serve a minimum 1 year sentence. He was deported to Tijuana, Mexico by 8pm that same day. AFSC spoke to Mr. MSG's sister and she shared the following: "The most painful thing is the impact that their four children will face in the middle of this situation, for tomorrow they will have to start the painful decision of probably leaving school, their friends, their home...their children are in the ages 14,11, 4 and 3 and all were born here; my brother came to San Diego as a child when he was 8 years old."



Maggi, a community advocate documenting ICE raids, hugs the child whose home ICE raided in San Diego, May 2018.

### ***ICE Transfers***

Both aforementioned cases raise the concern of the transfer of individuals to immigration detention centers as well as from local, state or federal prisons and jails during a pandemic. Given the continuation of ICE arrests and the numerous ways in which they can detect and arrest migrants using information from contact with law enforcement agencies, family members of those detained and advocates are concerned about their exposure to COVID-19.

From October 2014 - October 2017, San Diego County saw 14,824 arrests by ICE officers. Almost 7,000 of those were people identified for deportation by the “Criminal Alien Program <sup>26</sup>,” a program designed to deport people that come in contact with law enforcement agencies. People can end up in ICE custody through parole departments as well. The countless interagency transfers, the different processing and intake facilities, and the number of interactions with facility staff and enforcement officers, the health of those arrested run a higher risk.

There are over 930 cases<sup>27</sup> of ICE officers and facility staff testing positive for COVID-19 across the country, greatly exposing migrants to the virus. CoreCivic, the company that is privately contracted to operate the Otay Mesa Detention Center in San Diego, experienced around 500 of its staff test Covid-positive<sup>28</sup>. Earlier this year there were over 20 CoreCivic staff that tested positive for the virus at OMDC. In Arizona, four CoreCivic employees passed away from complications associated with COVID-19<sup>29</sup>.

ICE is bluntly defying the recommendations of public health officials who have advised against ICE transfers<sup>30</sup>. Freedom for Immigrants (FFI) documented an increase in ICE book-ins and transfers into custody during the period of September 29 to October 22<sup>31</sup>. Within this same period the number of reported COVID-positive cases remained at 170 for OMDC; however, advocates believe this number is inaccurate based on anecdotal information from migrants detained that facility staff and ICE’s refusal to administer tests.



### ***Deportations and Family Separation***

Both Mr. RFS and Mr. MSG were separated from their young children when they were deported to Mexico. Consequences of deportations cause financial hardship, disruption to established routines, extreme depression and anxiety, and an increase in fear and uncertainty. The pandemic further exacerbated these ramifications.

Deportations and repatriations during a global pandemic and without strict adherence to public health guidance can result in the widespread spread of COVID-19 to the countries of origin. According to Refugees International, COVID-positive Guatemalan migrants accounted for almost 20 percent of those deported in April 2020<sup>32</sup>. In addition to the immediate risk to those deported, it also puts at-risk the indigenous communities, some in remote places, by exposing them to the virus. In late October there were 34 deportation flights going to 10 different countries, in addition to mass deportations of Black migrants to Haiti and African countries.

ICE and DHS’ failure to halt deportations during a global pandemic is the clearest sign that their leadership views migrants - those fleeing persecution, violence, climate change, and the effects of neoliberalism - as human beings not deserving of life.

# The Psychological, Social, Emotional and Economic Impact of Immigration Enforcement and Detention

ICE enforcement strategy has a multi-dimensional impact on the long-term social, political, economic, psychological, and emotional well-being of the migrant community.

Being arrested and detained by immigration enforcement officers disrupts the life of the person detained and their immediate family. For mixed status families, a detained person might represent one of the primary household income-earners, especially if they have multiple jobs. Therefore, a detention, and consequently, the inability to continue working causes a rippling effect on the household and on the family unit.

Workers detained at worksite raids face immediate consequences that place their families in precarious social conditions. In addition to the loss of employment, the migrant worker's attempt at fighting a deportation proceeding will mean incurring mounting debt to pay the immigration attorney fees. This also has a significant impact on the family's sustainability. Psychologically, anxiety and depression increase when there is a threat of an ICE audit which could lead to a deportation<sup>33</sup>.

Families that have one or multiple undocumented family members are unlikely to receive any form of government support, many times because the lack of status disqualifies them for such support. Therefore, the experience of a migrant family when losing employment looks significantly different from that of a US citizen or Legal Permanent Resident (green card holding) family. Undocumented families cannot apply for unemployment or cash aid assistance programs in times of financial uncertainty.

In addition, many families and individuals live paycheck-to-paycheck and have not had the opportunity to create a personal savings fund. Those that do have savings, quickly see those savings diminish when they have to fight deportation proceedings and/or rely on limited income to meet their basic needs. Money that is earned is also often sent to support families remaining in their home country as remittances. When these funds are no longer available, it has a detrimental economic impact on families in their home country that depend on that income.

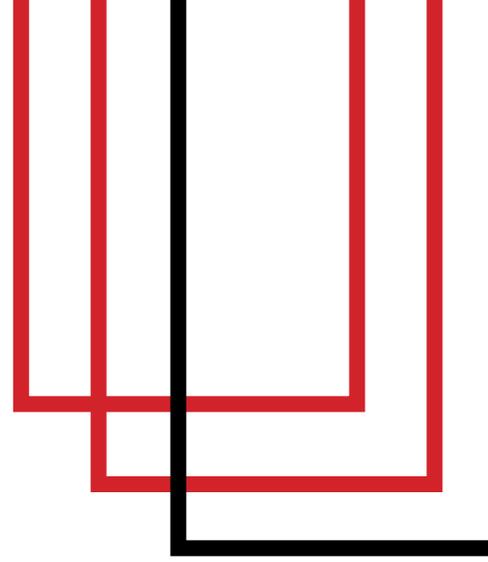
When migrants are released through Alternatives to Detention from government custody to await their immigration court hearing they are often made to wear ankle monitoring devices. This can be a source of public shame for workers.

Levels of depression either due to unemployment, difficulty finding work and the stigma of being monitored are all factors that contribute to declining emotional and psychological health of migrant communities. Ankle monitors, to society at large, are suggestive of criminality, and therefore, some migrants wearing these monitors are treated differently when they are out in the community. This often adds to existing trauma that many migrants are faced with.

The most extreme impact is felt in communities when there is collective persecution of families and neighbors. ICE uses intelligence gathering techniques that include physical surveillance of working-class communities. Families have the constant worry of being confronted and arrested by undercover ICE surveillance teams that prowl migrant working-class neighborhoods at early pre-dawn hours ready to execute an administrative warrant targeting migrants on their way to work or on their way to leave their children at school.

In one case, overzealous ICE agents threatened a worker with detention if he did not turn over his wife to ICE – she was not the target of any investigation at the time. The worker, who had exercised his rights to remain silent and not answer ICE's questions when initially apprehended, was coerced by way of threat – if he did not take his wife with him to his next check-in at the San Diego Field Office, he would face detention with no bond, in addition to his wife being detained herself. Since the couple had children, they would also experience family separation if they would have been detained.

ICE agents repeatedly and systematically violate fourth amendment search and seizure protections, and subject people to degrading treatment, including violating basic constitutional protections, even when consent to those searches has not been granted.



## Conclusion

The United States enforces immigration policies that replicate discriminatory practices about who is deserving of citizenship status in the country. People of Brown and Black skin continue to endure strenuous vetting processes when being admitted into the country and often suffer civil and human rights violations.

Immigration enforcement agencies, such as ICE, are perpetrators of those violations which are much more egregious when emboldened with blatant racist overtones in how they carry out their orders.

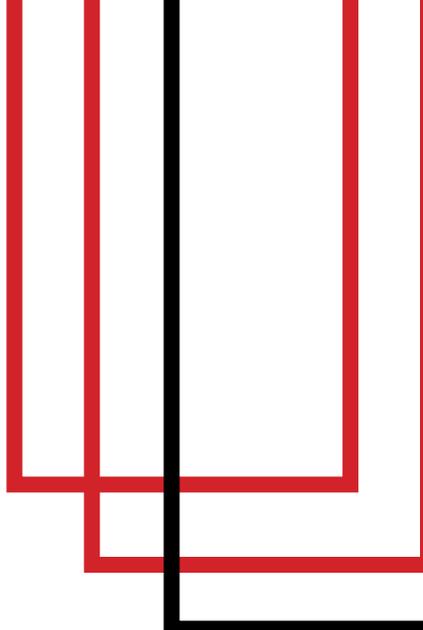
This will present a significant challenge to the incoming Biden administration as it must reconcile how historically ICE has terrorized working families, under both Democratic and Republican presidents, under the mandate of protecting the United States. In the meantime, communities have organized themselves to protect and defend the basic human and civil rights of families ICE targets. Under the premise that everyone deserves to live with dignity, even those who have lived through a violent ICE raid have become social agents and promote the idea that ICE cannot be reformed, and that it should be abolished.

The recommendations in this report are viable ideas for policymakers to consider as they develop practical solutions at re-envisioning public policy on immigration that is inclusive and upholds the United States Constitution. Congress and the incoming Biden Administration must be bold in how they envision a United States, one that prioritizes human rights, welcomes those fleeing danger, and commits to dismantling the repressive elements of the Department of Homeland Security.

Read AFSC's report on how children are especially impacted by immigration enforcement, [here](#).



San Diego community members demand that ICE agents return power to the home they raided, where ICE detained a father and pointed guns at children, May 2018.



# AFSC's Report on Detention During the COVID-19 Pandemic

AFSC partnered with Pueblo Sin Fronteras and Detention Resistance to document the treatment of migrants during the global pandemic. In October 2020, we collectively released a report, “Compounding Suffering During a Pandemic: A Case Study in ICE’s Detention Failures”, that highlights migrant testimonies.

The report concludes that under the COVID-19 pandemic, ICE and CoreCivic have exacerbated conditions that have increased suffering for those detained at the facility, which led to at least one fatality.

Key findings of the report:

**CoreCivic and ICE failed to abide by guidance set forth by public health officials, including the Center for Disease Control, to mitigate the effects of the virus. This included failure to provide migrants with personal protective equipment, hand soap, hand sanitizer, and proper disinfecting supplies.**

**Individuals detained at the Otay Mesa Detention Center in San Diego were given self-administered COVID-19 tests, calling into question the validity of the test results.**

**CoreCivic staff, including their medical personnel, ignored requests for either medical care or expressed concerns of potentially having contracted the virus.**

**Migrants that organized and protested the treatment they were receiving were met with retaliation – some were sent to solitary confinement for refusing to sign liability waiver and/or participating in hunger strikes.**

[The full report can be accessed here.](#)

## Endnotes

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