

Stevens, Richard P

From: Loiselle, Mary F
Sent: Monday, March 16, 2009 8:38 AM
To: Greene, Joseph R
Subject: FW: DHS Secretary's news clips regarding ICE

Barbara G sent this out again. Gee, thanks.

From: Gonzalez, Barbara
Sent: Monday, March 16, 2009 8:29 AM
To: Torres, John P; McLees, Andrew; Barr, Suzanne E; Schriro, Dora B; Hayes, James ICE; Loiselle, Mary F; Ramlogan, Riah; O'Melinn, Barry C; Ragsdale, Daniel H; Weber, Robert; (b)(6), (b)(7)(C)
Subject: DHS Secretary's news clips regarding ICE

AP IMPACT: Immigrants face detention, few rights

By MICHELLE ROBERTS – 9 hours ago

America's detention system for immigrants has mushroomed in the last decade, a costly building boom that was supposed to sweep up criminals and ensure that undocumented immigrants were quickly shown the door.

Instead, an Associated Press computer analysis of every person being held on a recent Sunday night shows that most did not have a criminal record and many were not about to leave the country — voluntarily or via deportation.

An official Immigration and Customs Enforcement database, obtained under the Freedom of Information Act, showed a U.S. detainee population of exactly 32,000 on the evening of Jan. 25.

The data show that 18,690 immigrants had no criminal conviction, not even for illegal entry or low-level crimes like trespassing. More than 400 of those with no criminal record had been incarcerated for at least a year. A dozen had been held for three years or more; one man from China had been locked up for more than five years.

Nearly 10,000 had been in custody longer than 31 days — the average detention stay that ICE cites as evidence of its effective detention management.

Especially tough bail conditions are exacerbated by disregard or bending of the rules regarding how long immigrants can be detained.

Based on a 2001 ruling by the U.S. Supreme Court, ICE has about six months to deport or release immigrants after their case is decided. But immigration lawyers say that deadline is routinely missed. In the system snapshot provided to the AP, 950 people were in that category.

The detainee buildup began in the mid 1990s, long before the 2001 attacks on the World Trade Center and the Pentagon. Since 2003, though, Congress has doubled to \$1.7 billion the amount dedicated to imprisoning immigrants, as furor over "criminal aliens" intertwined with post-9/11 fears and anti-immigrant political rhetoric.

But the dragnet has come to include not only terrorism suspects and cop killers, but an honors student who was raised in Orlando, Fla.; a convenience store clerk who begged to go back to Canada; and a Pentecostal minister who was

forcibly drugged by ICE agents after he asked to contact his wife, according to court records.

Immigration lawyers note that substantial numbers of detainees, from 177 countries in the data provided, are not illegal immigrants at all. Many of the longest-term non-criminal detainees are asylum seekers fighting to stay here because they fear being killed in their home country. Others are longtime residents who may be eligible to stay under other criteria, or whose applications for permanent residency were lost or mishandled, the lawyers say.

Still other long-term detainees include people who can't be deported because their home country won't accept them or people who seemingly have been forgotten in the behemoth system, where 58 percent have no lawyers or anyone else advocating on their behalf.

ICE says detention is the best way to guarantee that immigrants attend court hearings and leave the country when ordered.

"It's ensuring compliance, and if you look at the stats, for folks who are in detention, the stats are pretty darn high," said ICE spokeswoman Cori Bassett.

By comparison though, most criminal suspects, even sometimes those accused of heinous offenses, are entitled to bail.

For detainees, ICE agents make an initial determination whether someone is eligible for bond. Federal law says most criminals, some asylum seekers, arriving immigrants who have problems with their documentation and those recently ordered removed from the country must remain in detention.

"We're immigrants, and it makes it seem like it's worse than a criminal," said Sarjina Emy, a 20-year-old former honors student who spent nearly two years in a Florida lockup because her parents' asylum claim was denied when she was a child. "I always thought America does so much for justice. I really thought you get a fair trial. You actually go to court. (U.S. authorities) know what they are doing. Now, I figured out that it only works for criminal citizens."

Some advocates and lawyers complain that ICE often stretches the definition of non-bondable categories to keep immigrants in custody. Immigrants can appeal adverse determinations, but while their claim works through the court system, they remain jailed.

For example, Zoubir Bouchikhi, an Algerian imam who has lived legally in the United States for 11 years, said by phone from a Houston detention center that he was placed in custody early this year and classified as "an arriving alien," making him ineligible for bail. A homeowner with several U.S.-born children, Bouchikhi said he last entered the United States in 2006, on a legal visa.

The use of detention to ensure immigrants show up for immigration court comes at a high cost compared to alternatives like electronic ankle monitoring, which can track people for considerably less money per day.

Based on the amount budgeted for this fiscal year, U.S. taxpayers will pay about \$141 a night — the equivalent of a decent hotel room — for each immigrant detained, even though paroling them on ankle monitors — at a budgeted average daily cost of \$13 — has an almost perfect compliance rate, according to ICE's own stats.

Critics argue that since the immigration court system lacks the constitutional protections granted accused murderers and rapists, taxpayers are grossly overspending for a system that is inhumane and unfair.

"This is not an economically rational way of ensuring people show up, and it doesn't further justice," said Judy

Rabinovitz of the American Civil Liberties Union's Immigrants Rights Project.

For years, ICE and its predecessor, the Immigration and Naturalization Service, had the power to detain immigrants. With little bed space or public clamor to lock people up, though, millions of foreigners quietly went about life in the United States.

In 1996, Congress passed a pair of laws requiring that immigrants who committed crimes be locked up for deportation, beginning a dramatic run-up in incarcerations. So-called "criminal aliens" — immigrants convicted of a crime, including some misdemeanors like low-level drug crimes — became mandatory detainees even if their original crime brought no prison time.

A system that housed 6,785 immigrants in 1994 now holds nearly five times that amount in 260 facilities across the country, most under contract with local governments or private companies. For this fiscal year, ICE has enough money budgeted for 33,400 people on any given night.

Groups that advocate limits on immigration see no problem with the growing use of incarceration, which they say is a deterrent.

"Just because you haven't committed a crime doesn't mean that you shouldn't be held in detention until you can be deported," said Ira Mehlman, a spokesman for the Federation for American Immigration Reform. Even though not every illegal immigrant can be held, "if you bust a certain amount, it sends a message."

The message hasn't resonated with Emy, who was raised in Orlando, Fla., but spent 20 months in a detention center even though she had no criminal record. She traded her Baby Phat clothes for a gray uniform and window-shopping at the mall for a law library behind razor wire.

Her only crime? Her parents, who feared her father's political affiliations endangered the family, brought her and two brothers to the United States from Bangladesh when she was 5, according to court documents.

She doesn't speak Bangla and never imagined a future without college. No one in her family realized her father's work certificate from the Labor Department didn't equate to legal immigration status.

Family members were rounded up in July 2007, treated as fugitives on a dated but active deportation order.

Her parents were deported first. Emy languished in custody while continuing her fight to stay.

But because the asylum application had been filed on behalf of the entire family, only the parents got a hearing. Emy never saw a judge, according to Emy and her attorney.

"Justice is not being served," she said from a prison pay phone.

In January, a federal appeals court denied her petition to stay in the U.S. Fearing she'd celebrate another birthday behind bars, Emy agreed to be deported and left the country Feb. 18.

Immigration law "is the only United States law where we punish the children for the actions of their parents," said Emy's attorney, Petia Vimitrova Knowles.

Immigration violations are considered civil, something akin to a moving violation in a car, so the government can imprison immigrants without many of the rights criminals receive: No court-appointed attorney for indigent defendants, no standard habeas corpus, no protection from double jeopardy, no guarantee of a speedy trial.

"You're locking up people without even a hearing," said Rabinovitz. "That, to me, is the outrage: basic due process. Since when do we allow the government to lock up people without even giving them a bond hearing?"

Most immigrants are navigating a complex legal system without an attorney. Fifty-eight percent went through immigration proceedings without an attorney in fiscal year 2007, according to the Executive Office for Immigration Review, a branch of the U.S. Justice Department.

Those who do have an attorney have little recourse if that lawyer turns out to be incompetent. In one of his last acts as Bush administration attorney general, Michael Mukasey reversed years of precedent by ruling that immigrants, unlike criminal defendants, cannot appeal on the grounds of incompetent counsel.

The Migration Policy Institute, a nonpartisan think tank that includes former officials from Republican and Democratic administrations, recently issued a study calling for numerous changes in the Department of Homeland Security, which oversees ICE, including allowing better access to legal counsel for incarcerated immigrants.

"People can be lost in that vortex, and they can be lost for years," said Donald Kerwin, who wrote the report with former INS Director Doris Meissner. "It's the reason why legal counsel is so crucial."

But, ICE officials often argue, immigrants largely hold the keys to their own freedom. If they simply agree to return to their home country, they can go, Bassett said.

"They're making a choice (that) they're going to appeal, which is their right," she said.

But even giving up, or winning a claim, doesn't always spell freedom because ICE acts as police officer, arraignment judge, jailer and prosecutor. It has sole jurisdiction over when a detained immigrant is sent back after a deportation order is issued, and can continue to hold immigrants while it appeals a decision that didn't go its way.

In 2007, an immigration judge ruled that Samuel Kambo, a former energy minister of Sierra Leone who had a master's degree and no criminal history, should be granted permanent residency after being detained for eight months. But ICE continued to hold him for four more months while it appealed. Kambo was released only after his lawyer went to federal court and made a successful constitutional challenge.

In another telling case, Ahmad Al-Shrmany, a 34-year-old Iraqi with no appeal pending, begged for a year to be deported and yet remained in detention. He wanted to be allowed to go to his native Iraq or his adopted Canada, where he had been granted asylum a decade ago. A lawyer filed a habeas corpus petition in December that went unanswered.

"Just deport me. That's your job," he said in a late January interview with the AP that ICE officials tried to block minutes before it was scheduled at a Houston lockup.

Less than a week after the interview, Al-Shrmany was deported to Canada, said his lawyer, Afreen Ahmed. Bassett said later the timing of the deportation was "completely coincidental."

In custody, Al-Shrmany had grown distraught.

"In Iraq, you can get killed one time. Here, this is not the life I was wishing for," he said from a cinderblock meeting room.

Immigrant advocates say ICE prefers incarceration for non-criminal immigrants, even though alternatives are available, for one major reason: to strong-arm people.

"When you're there for weeks and weeks or months or months, your determination to fight your charges is reduced," said Judy Green, a policy analyst with Justice Strategies, a nonpartisan think tank on incarceration issues. The goal is "to keep intense pressure on detainees to agree to removal and not to fight on whatever grounds they have for relief."

The Rev. Raymond Soeoth, a Pentecostal minister from Indonesia who had never been imprisoned, said his lengthy incarceration — and the uncertainty of how long it would last — wore on him as he fought his immigration case and pursued a lawsuit accusing ICE officials of forcibly drugging him and other detainees.

"We just wait. We cannot do anything," said Soeoth, who was released after more than two years, given a special visa as part of the government's settlement of the drugging lawsuit.

ICE officials argue that immigrants won't show up to hearings, or leave when ordered out, unless they're imprisoned. About a third of released immigrants with no electronic monitoring failed to show up to immigration court proceedings in fiscal year 2007, according to the Executive Office of Immigration Review.

Bassett said the failure-to-appear rate for actual deportation jumps to 95 to 97 percent with no electronic monitoring, the main reason groups like FAIR push for more use of detention.

Still, electronic monitoring has proven effective. ICE's intensive supervision program — which includes electronic monitoring, curfews and other probation-like provisions — has a 99 percent appearance rate at immigration hearings and 95 percent at final order hearings, according to ICE's fact sheets. The agency says 94 percent of those allowed to remain on electronic monitoring after they've been ordered deported leave when their appeals are exhausted.

The Migration Policy Institute says the agency should use electronic monitors to replace detention of immigrants without criminal records or even those with only nonviolent records who don't pose a risk to the community.

"What you've done is you've eliminated any fear of flight. The whole rationale for detention is to keep people from absconding, and in rare cases, protect the public," Kerwin said. "Alternatives can allow you to use detention space more judiciously."

Currently, an average of 2,700 immigrants per day are on electronic monitoring in "alternative to detention" programs budgeted to accommodate 13,000 people this year.

Immigrant advocates complain the agency is using the monitors mostly to supervise people who previously would have been released on bond or on their own recognizance — not to reduce the number of people incarcerated.

"They're not trying to reduce bed space. Their goal is to have everybody in some kind of custodial program," said Andrea Black, coordinator for the nonprofit Detention Watch Network.

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Mar, 13, 2009

Workers arrested in Bellingham raid wait and worry

9/1/2009

JOHN STARK / THE BELLINGHAM HERALD

BELLINGHAM - Manuel Sagrero says his son was in the process of trying to obtain legal residency in the U.S. when he was arrested in an immigration raid at Yamato Engine Specialists Feb. 24.

Now, Sagrero doesn't know what's going to happen to his son, Jesus Orlando Sagrero, 24.

Manuel Sagrero, a Marysville resident with legal immigration status, lost his own construction job because he took too much time off work trying to help his son. The younger Sagrero is being held in the Tacoma immigration detention center along with most of the 27 others detained on immigration violations after the raid.

Sagrero knows it's likely that his son will soon be on his way back to his native Michoacán, Mexico.

"We need jobs and there are not any there," Sagrero said. "We're just trying to live."

Besides the economic conditions, many Mexican communities now confront a rising wave of drug-related violence.

"A lot of people are involved," Sagrero said. "Peace-loving people want to get out and get to the U.S. for an honest living."

Despite the difficulties, Sagrero said he'll advise his son not to try to come back to this country again if he is shipped back to Mexico.

"It's not worth it," Sagrero said.

Sagrero has been able to visit his son in Tacoma, separated by a transparent partition and talking on a phone line. His son told him the prisoners are not mistreated.

Yadira Lopez, 28, was working at Yamato when U.S. Immigration and Customs Enforcement agents arrived for the raid.

"I was frightened," she said. "I was worried they would take me and my children wouldn't know what happened."

She has a 5-year-old daughter and a 3-year-old son.

Lopez is a native of Colima, Mexico, who has lived in the U.S. for four years.

"How can I say it?" she asked, waving her hands and holding back tears. "They have taken us from a decent situation. We weren't doing anything wrong. We were working, doing the decent thing."

Lopez and two other women with children were released after the Yamato raid to care for their children, but they too await an immigration hearing and likely return to Mexico.

Rosalinda Guillen, executive director of the Bellingham immigrant rights group Community to Community Development, said those confined in Tacoma are entitled to a hearing to determine whether they have any legal recourse to avoid being returned to their home countries. She doesn't believe that many will be allowed to remain.

The hearings will likely be complete in three to five weeks, she said.

Guillen said she's encouraged that Homeland Security Secretary Janet Napolitano has called for a review of the Bellingham raid. She hopes that the review will include interviews with the detained workers and their families.

"We're hoping that this investigation is real, and it comes to Whatcom County," Guillen said.

Reach JOHN STARK at john.stark@bellinghamherald.com or call 715-2274.

Shifting immigration politics?

By [Dan Moffett](#)

Palm Beach Post Columnist

Sunday, March 15, 2009

Even in a recession, the nation's dysfunctional immigration policy finds ways to remind Floridians that reform is needed.

Last month, authorities arrested 14 undocumented Latin Americans who were digging a ditch at Palm Beach International Airport. The Jupiter company that employed them blamed false documents. Airport security officials offered no coherent explanation for how they got onto the property.

Two weeks ago, an Asian woman pleaded guilty to federal prostitution charges and exploiting undocumented immigrants at the spa she ran in West Palm Beach. Managers at the Home Depot in Lake Worth are facing a problem common to the chain's outlets: day laborers hassling customers for work. This year, the store's managers have called sheriff's deputies more than 20 times to chase the mostly Mexican and Guatemalan laborers off the premises.

Congress could have helped prevent these problems by passing the comprehensive immigration reform bill two years ago. That bill would have set up a system to register and identify immigrant workers such as those at PBI. The bill would have provided stiff penalties for exploitation of immigrants and for human trafficking, aimed at stopping what happened at the spa on Okeechobee Boulevard. The bill would have brought laborers into a guest-worker program and matched them with employers, leaving Home Depot parking lots for customers.

But the legislation that had bipartisan support - from Sens. Edward Kennedy, D-Mass., John McCain, R-Ariz., and Mel Martinez, R-Fla., among others - died in the runup to the 2008 elections. With a new president and new Congress, and with elections 20 months away, prospects are better this year.

Two other factors raise optimism. The number of illegal immigrants has decreased significantly because of the economy, clearing the deck for a new approach. The person who would implement a new approach, Department of Homeland Security Secretary Janet Napolitano, has wide support in Congress.

Ms. Napolitano dealt with border security and illegal immigration as governor of Arizona. Her predecessor, Michael Chertoff, who left a federal judgeship to run DHS, had neither her executive experience or her understanding of how to use the power of the office. Mr. Chertoff was fond of raiding restaurant kitchens and meatpacking plants, hauling off busloads of illegal workers in handcuffs, and then issuing news releases that touted how the Bush administration was making the country safer. He also was enthusiastic about building the wall along the Mexican border.

Ms. Napolitano captured the futility of trying to fence off neighbors when she was governor: "Show me a 50-foot wall, and I'll show you a 51-foot ladder at the border." Instead, she promises "smart, resolute enforcement" to "lay the groundwork for a more comprehensive reform." She believes that reform has to include a guest-worker program that allows immigrants to enter the country legally and do the jobs Americans won't do - even during recessions. Illegal immigrants already here should pay fines, learn English, pass background checks, and "get to the back of the line" to stay.

Ms. Napolitano already has made clear that her office will focus on human trafficking, drug smuggling and gun-running, not minimum wage workers who cut pork chops. Working with the new lineup in Washington, Ms. Napolitano may deliver change that reaches from the border to West Palm Beach.

Dan Moffett is a former member of The Post Editorial Board. His e-mail address is moff1013@aol.com

V/R,

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U.S. Immigration and Customs Enforcement (ICE)
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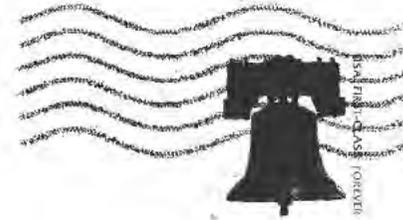
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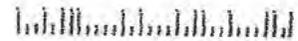
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Secretary Janet Napolitano
Department of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

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SG
MAR 10 2009

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Fromopstaskn@fins3.dhs.gov
SubjectFW: [DCOS Request]: S1BB - 02.26.09 -
Meeting w/ Congressional Hispanic Caucus - (Due:
02.25.09, 1500)
Folder ID34822
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Attachments02.26.09 - hispanic caucus - bm.doc

Body

From: Dooley, Ann Marie
[mailto: [REDACTED] b6]
Sent: W 10:17 AM
To: Barr, Suzanne E; Howell, Brenda; ICE Exec Sec;
McLees, Andrew; Meckley, Tammy M; OPStasking;
Shaw, David C; Sutton, Avis E
Cc: OLA Exec Sec; BriefingStaffA
Subject: [DCOS Request]: S1BB - 02.26.09 - Meeting
w/ Congressional Hispanic Caucus - (Due: 02.25.09,
1500)
Importance: High

ICE,
DCOS requests you draft a one-pager on the
02.24.09 Washington raid for S1's meeting tomorrow
with the Congressional Hispanic Caucus. Please
submit NLT 1500 today. Please also include any
relevant press clips.
Thanks,
Ann Marie

From: Mullen, Corie
Sent: Friday, February 13, 2009 10:19 AM
To: OLA Exec Sec
Cc: BriefingStaffA; Brown, Mary Ellen; Heald,
Patty; Koczera, Kristin; OGC Exec Sec; Stampley,
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Brendan; OPA Exec Sec; Slaven, Michael; Smith,
Sean; Stiffel, Ted
Subject: S1BB - 02.26.09 - Meeting w/
Congressional Hispanic Caucus - (Due: 02.23.09,
1700)

SECRETARY BRIEFING BOOK TASKING

Event Date Thursday, 02.26.09 (1100-1145)
Event Name Meeting w/ Congressional Hispanic
Caucus
Lead Component OLA
Required Coordination OGC, PLCY, OPA
Product Briefing Memo, Press Clips, Bio
Notes
Attendees:
S1
Congresswoman Nadia Velazquez

Jim Howe
Others TBD

Location: Capitol Building, Room HC-6

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Due Monday, 02.23.09 (1700)

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All final, cleared briefing materials should be transmitted to BriefingStaffA and BriefingStaffB.

Thank you,

Ann Marie Dooley
Secretary's Briefing Book
Executive Secretariat
U.S. Department of Homeland Security
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<http://www.bellinghamherald.com/crimewatch/story/806909.html>

Feb, 24, 2009

Federal immigration agents raid Bellingham business

JOHN STARK AND ANNA WALTERS / THE BELLINGHAM HERALD

BELLINGHAM - After federal agents raided Yamato Engine Specialists Ltd. and detained 28 employees Tuesday, Feb. 24, company officials expressed dismay about how U.S. Immigration and Customs Enforcement officers handled the matter.

"They arrived in force," said Asiff Dhanani, a co-owner of the company at 2020 E. Bakerview Road. "They surrounded the whole perimeter."

Most of the workers detained were taken off in handcuffs, Dhanani said, except for three women who apparently were processed and released because they had children in local schools or daycare centers. The 28 made up about one-third of the engine remanufacturing company's production force.

"Some of these guys have been with us a long time," Dhanani said, adding that at least two of the workers detained Tuesday had been cleared by an earlier federal immigration audit that began in 2005 and was completed in 2006.

The arrested workers included 25 men - 22 Mexican nationals, one Salvadoran, one Guatemalan and one Honduran - and three women, all Mexican nationals, said ICE spokeswoman Lorie Dankers. She added that some of those arrested had phony documents, such as Social Security cards.

The 25 men were taken to the Northwest Detention Center in Tacoma, and all will be entitled to a hearing before an immigration judge to determine if they have any legal grounds to remain in the U.S., Dankers said.

Shirin Dhanani Makalai, Yamato's administrative manager, said the company has done its best to comply with immigration law in its hiring practices. She provided a copy of a 2006 letter to her from ICE, over the signature of assistant special agent in charge Roy Hoffman, praising the company's compliance.

The letter says, in part: "Yamato Engine Specialist Ltd. is in full compliance with the record keeping requirements of the law and is making a good faith effort to insure (sic) that all new positions are filled by American citizens and by aliens authorized to work in the United States. You and Yamato Engine Specialist Ltd. may be proud of the contribution which your diligence and resolve are making to the success of this program. Your efforts are a genuine investment in the economic well-being of our nation."

Makalai said ICE removed several workers after the 2005-06 audit, but that enforcement action was carried out in a less disruptive way. Agents came to the plant, interviewed workers, and departed with those who were working illegally.

"They said they would work with us because they didn't want to cause us undue hardship," Makalai said of the earlier enforcement. "It was very dignified and humanely done. We just didn't expect this."

Dankers said there was nothing unusual about the Tuesday raid, which was authorized by search warrant after an investigation that began last spring.

"Individuals can dispute whether they think that is the appropriate tactic or not, but it is something we are allowed to do under the law," Dankers said.

Many of those detained admitted they were in the country illegally when questioned by federal officers Tuesday, Dankers added.

Makalai said the range of wages for Yamato's production workers begins at \$9 and can be as high as \$25 to \$30 for the most skilled. She and Dhanani said the loss of the workers left them scrambling to fill orders.

"Because these are skilled jobs, there are only limited people that can do some of these jobs," Dhanani said. "You can't just get someone off the street and put someone in these positions."

Makalai said Yamato gets the federally required I-9 documentation from every worker at the time of hiring, but she and other employers have a difficult time making sure that workers' documents are legitimate.

"They forged them, they bought them, we don't know," Makalai said. "They (the federal agencies) do not have an information system. ... Then they come in and ambush you."

But Sharon Rummery, spokeswoman at the regional office of U.S. Citizenship and Immigration Services in San Francisco, said employers could check employees'

documents with relative ease by using the federal E-Verify system. Any employer can enroll in the free system, which then provides a quick online verification system that, among other things, attempts to match names with Social Security numbers.

Makalai, Dhanani and other members of the family that launched Yamato are themselves immigrants who fled persecution in Uganda in the early 1970s.

"We know about paperwork and following the law," Makalai said. "We know about living in fear. ... It's not something we like to see other people experience."

<http://www.kgw.com/sharedcontent/APStories/stories/D96IAD5O4.html#>

28 immigrants arrested in Bellingham shop raid

02/25/2009

Associated Press

U.S. Immigration and Customs Enforcement officials say they have arrested 28 illegal immigrants working at a Bellingham engine manufacturing plant.

In a statement, authorities say that 25 men and three women were arrested Tuesday at Yamato Engine Specialists. Most of the people arrested are in custody at the Northwest Detention Center in Tacoma, where they will await deportation proceedings. Three of the 28 were not taken to the detention center on humanitarian grounds.

Of the 28, agents found 25 Mexican nationals and one person each from El Salvador, Honduras and Guatemala.

Agents say many of the people obtained the jobs using fake Social Security numbers and other counterfeit documents.

Shirin Dhanani Makalai, whose family owns the business, says the raid came after months of cooperating with ICE on an audit, which included providing employee rosters to federal authorities.

Makalai says the company did not knowingly hire illegal immigrants, and added employers have no clear way of checking an employee's legal status.

Makalai says that in 2006, ICE arrested about 30 employees after an audit.



Tuesday, February 24, 2009 - Page updated at 02:32 PM

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Immigration officials raid Bellingham plant

By Lornet Turnbull
Seattle Times staff reporter

Immigration officers today raided an engine remanufacturing plant in Bellingham, arrested 28 illegal immigrant workers and began processing them for deportation.

The arrests are part of an ongoing investigation by U.S. Immigration and Customs Enforcement officials at Yamato Engine Specialists in Bellingham.

ICE officials say the 25 men and three women — most of them from Mexico — may have gained employment at Yamato using phony social security numbers and other counterfeit identity documents.

Yamato officials, who said they had been cooperating with ICE since last fall when investigators began looking at employment documents, were shocked by today's raid.

In fact, three of the workers arrested today had been cleared as having legitimate documents during an employment records audit by ICE in 2005, said Yamato spokeswoman Shirin Dhanani Makalai.

We have been audited before so we do due diligence to get the proper paperwork," Makalai said. "People bring you paperwork that by law you are required to accept. You can't always tell if it's not correct."

With about 100 workers, Yamato specializes in rebuilding Japanese car engines and transmissions.

ICE investigators began looking into its employment records following the arrest of a criminal illegal immigrant who had previously worked there.

After being processed earlier today, officials released three of the immigrants on humanitarian grounds. The others are being held at the Northwest Detention Center in Tacoma.

"The lure of jobs in the United States continues to be one of the primary factors fueling illegal immigration," said Leigh Winchell, special agent in charge of the ICE Office of Investigations in Seattle.

"ICE remains committed to investigating cases where the evidence shows employment laws are being violated."

Lornet Turnbull: 206-464-2420 or lturnbull@seattletimes.com

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http://www.nwcn.com/statenews/washington/stories/NW_022409WAB-ice-raid-KS.4a3d511a.html#

BELLINGHAM, Wash. – U.S. Immigrations and Customs Enforcement agents today arrested 28 employees during a raid at a Bellingham engine manufacturing shop.

The raid occurred at Yamato Engine Specialists, located at 2020 Bakerview Road.

Agents say the workers are foreign nationals with administrative immigration violations. They include 25 men and three women. The workers are being held at the Northwest Detention Center in Tacoma.

The investigation was instigated by the arrest of a criminal illegal alien who previously worked for Yamato, according to ICE officials. Agents say Yamato's hiring records indicated other workers may have used fake Social Security numbers and counterfeit documents to obtain employment.

The raid comes as the Whatcom County Sheriff's Office moves closer to working with the border patrol.

The sheriff's office is applying to become part of Operation Stonegarden, a \$60 million border patrol program where counties agree to assist the border patrol in exchange for money and equipment. Some people say it's a dangerous trade.

Activist Rosalinda Guillen, who opposes the plan, says in exchange for the money, the sheriff's office agrees to detain and turn over suspected illegal immigrants to border patrol. Guillen says it's a recipe for racial profiling.

"It's almost like they're looking for something to do and we're the targets," she said.

But Whatcom County Sheriff's Chief Jeff Parks says that's just not the case. Already deputies call in the feds when they suspect someone is here illegally. The grant money would help in preparation for increased security during the 2010 Olympics.

"This is not changing the way that we operate, it doesn't change our focus," Parks said.

The sheriff in Jefferson County declined to apply for the grant. He felt language in the application that described undocumented immigrants as "criminal" was insensitive and felt the overall document was unacceptable.

Guillen wishes Whatcom County felt the same.

While there's no reason to believe anything criminal or terrorist related might happen in the county during the 2010 Olympics, the sheriff's office says it needs to be prepared. That means new equipment, manpower and training. That takes money, and they believe Operation Stonegarden could really help.



**U.S. Immigration
and Customs
Enforcement**

MAR 27 2009

Sister [REDACTED] BVM

[REDACTED]
Dubuque, Iowa 52003

Dear Sister [REDACTED]:

We have received your January 24, 2009, and February 26, 2009, letters to Janet Napolitano, Secretary of Homeland Security, regarding U.S. Immigration and Customs Enforcement (ICE) operations in Postville, Iowa, and Bellingham, Washington. Your letter was referred to ICE, within the Department of Homeland Security (DHS), for response. ICE is the largest investigative branch of DHS and protects our national security and public safety through enforcement of our immigration and customs laws.

The mission of DHS is to lead the unified national effort to secure America. Essential to this effort is ensuring safe and secure borders, welcoming lawful immigrants and visitors, and promoting the free flow of commerce.

Please know that ICE Special Agents and officers conduct law enforcement operations in accordance with U.S. law and agency policy. ICE is committed to the enforcement of our nation's immigration laws, in a fair and humane manner that is respectful of individual rights. However, only through an aggressive worksite enforcement program can we hope to reduce illegal employment, the magnet that draws undocumented workers into the United States. In the last three years, ICE has made significant changes to the way we enforce the nation's immigration laws. Where in the past we relied on administrative fines and administrative arrests alone, ICE now aggressively pursues criminal charges, including seizing the property and profits of those employers who knowingly hire undocumented foreign nationals.

ICE agents conduct worksite enforcement operations at critical infrastructure facilities to ensure national security, and at places of employment that involve egregious employers and widespread abuses. These places of employment may be infiltrated by criminal organizations that facilitate the theft and distribution of identities for U.S. citizens or authorized aliens. In many cases, these individuals have entered the country illegally and have used fraudulent documents to gain employment. Not only are the identities of these workers in question, but they are also vulnerable to exploitation by criminal organizations and unscrupulous employers given their illegal status. In many of our investigations, we uncover serious violations of labor and worker safety laws that we are able to refer to the appropriate regulatory agency.

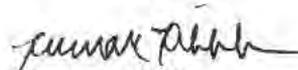
Sister (b)(6)

Page 2

ICE is very proud of the efforts it has taken in regard to identifying and appropriately resolving any humanitarian issues during our enforcement operations. We welcome additional input and suggestions, but remain committed to strengthening the integrity of our nation's immigration system.

For further information related to ICE, please visit our Web site at www.ice.gov.

Sincerely,


Kumar Kibble
Deputy Director
Office of Investigations

1 mg
March 3, 2009

2009 MAR 23 PM 4:01

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Secretary Janet Napolitano
Department of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Dear President Obama and Secretary Napolitano:

I am writing to protest the workplace raid recently conducted in a factory in Bellingham, Washington. I had hoped that the Obama administration would stop the use of the harmful immigration enforcement tactics employed in the last two decades. I hope you and your staff will now take a hard look at the impact of raids like this and reverse this harsh policy.

I have worked in various capacities advocating for immigrant worker rights. In the 1990's I worked in Washington State on immigration law reform. I now work as an attorney practicing employment law on behalf of immigrant workers in New York.

Immigrant workers are extremely vulnerable to exploitation in the workplace: violations of the minimum wage and overtime laws are rampant in low-wage industries. I represent workers who not only experience these forms of underpayment, but who are also forced to endure health and safety violations which threaten their lives. In industries where the employment laws are under-enforced, I see forced labor, labor trafficking, and indentured servitude. The need for the Thirteenth Amendment is not a thing of the past. I invoke the prohibition against slavery on a regular basis in litigation on behalf of immigrant workers and not just for the sake of rhetoric.

Immigration raids at the workplace must end. Advocates for workplace rights spend significant time convincing exploited immigrant workers that U.S. law protects them and allows them to make claims for their duly earned wages. However, when federal agents use the workplace to enforce immigration laws, the government eliminates any chance that immigrant workers will come forward to report unsafe or illegal working conditions. It appears that ICE intends to focus immigration law enforcement on the same workers exploited by unscrupulous employers who know their workforce lives in fear of deportation. The Seattle Times reported as follows.

"The lure of jobs in the United States continues to be one of the primary factors fueling illegal immigration," said [REDACTED] special agent in charge of the ICE Office of Investigations in Seattle. "ICE remains committed to investigating cases where the evidence shows employment laws are being violated."

For the health of our communities, enforcement of the employment laws MUST take precedence over immigration law enforcement. The two forms of law enforcement must not be connected.

In addition, strengthening employer sanctions laws is not a replacement solution. Employer sanctions turn immigrants into criminals when they simply work to survive. Please read the attached law review article by Yale Law School Professor Michael J. Wishnie, who I hope your administration is consulting: *Prohibiting the Employment of Unauthorized Immigrants: The Experiment Fails*, 2007 U. CHI. LEGAL F. 193 (2007).

Thank you for your consideration.

Sincerely,

(b)(6)

b6

Brooklyn, New York 10038
718- (b6)

For identification purposes only:

Staff Attorney

Legal Aid Society

Employment Law Project

199 Water Street, 3rd Floor

New York, New York 10038

212- (b6)

b6

[REDACTED] b6

[REDACTED] b6

McKinney, TX 75070

97 [REDACTED] b6

Mike

Kay

[REDACTED] b6

2009 MAR 16 AM 9:45

2/28/09

Secretary Napolitano
Dept of Home Land Security
US Dept of Home Land Security
Washington, DC 20528

RE: Raid on Washington Plant

Secretary,

You are going to be looking in to this raid and why it took place. I can give you 2 reasons why it took place: 1) because those people were ILLGAL, and 2) the agents were doing their job.

You should recall the oath you took – to defend the United States and while you are at it your job description. Part of your job is to secure our borders and to deal with those who have entered our country illegally.

It does not take much bureaucratic brain power to figure out what is happening here. Let these people do their jobs and you do yours of supporting them.

I look forward to your reply of how you are protecting us in this case.

[REDACTED] b6

CC: Representative Johnson
Senator Cornyn
Senator Hutchison
President



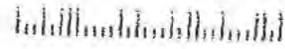
McKinney TX. 75070

NORTH TEXAS EXPRESS
MAY 2001
50¢ FROM TEXAS



Secretary Napolitano
Dept of Home Land Security
US Dept of Home Land Security
Washington, DC 20528

RECEIVED



ICE ADMINISTRATIVE CLOSE-OUT/NO RESPONSE SUMMARY

(Note: ALL applicable sections on this form must be filled out in order to be sufficient to close-out case.)

Your Name/Office/Phone: Rob Stewart/HQCRT/(202 b6)

ICE Case Doc. #35446: WF #:816834

Subject of Inquiry:

Administrative close-out: No response necessary:

Provide a specific reason for the administrative close-out (e.g., why the request or inquiry was superseded by events) or why no response is necessary:

ICE deemed response not required nor appropriate based on tone and content of incoming letter.

Phillips, James M

From: Phillips, James M
Sent: Wednesday, April 01, 2009 2:40 PM
To: Forman, Marcy; Spero, James
Cc: Edge, Peter T; Baronof, Kim
Subject: AP and Seattle Times Articles on Bellingham

ICE releases workers arrested in Washington raid

SEATTLE (AP) -- Many of the 28 workers arrested by immigration agents last month in a northwest Washington raid have been released and given permission to work, in another sign of how the Obama administration is handling illegal immigration differently than its predecessor.

The raid at a Yamato Engine Specialists plant in Bellingham was the first mass arrest of immigrants since President Barack Obama took office and appeared to contradict his policy that federal agents focus more on employers who hire undocumented workers than on the workers themselves. Shortly after the arrests, Homeland Security Secretary Janet Napolitano ordered a review of the raid.

The Bellingham Herald reported that U.S. Immigration and Customs Enforcement gave the immigrants work permits or the option of returning to their native country.

Immigrants were released with documents advising them "that per the assistant United States attorney assigned to this case, all persons involved with the Yamato Engine Specialists ... should be afforded the benefit of deferred action and an employment authorization document, valid for the duration of this case."

ICE spokeswoman Lorie Dankers said the workers were released pending further investigation of the engine company and were given the option of work permits. She declined to comment further.

Rosalinda Guillen, executive director of the Bellingham-based immigration advocacy group Community to Community Development, said most of the workers are remaining in the area with their families, and that two were deported.

The workers were released Thursday, she said.

Guillen said workers are expecting more questioning from ICE agents, and may seek legal help.

Shirin Dhanani Makalai, Yamato's administrative manager, declined to comment.

Workplace raids involving the arrests of hundreds of illegal immigrants at a time became almost routine in the last years of the Bush administration.

Illegal immigrants go free; some offered work permits

By Lornet Turnbull
Seattle Times staff reporter

The arrest of 28 illegal immigrants at a small engine plant in Bellingham has ignited a national political firestorm over work-site raids carried out under the Obama administration.

The Immigration Customs Enforcement (ICE) raid at Yamato Engine Specialists on Feb. 24 was the first of this presidential administration. Under massive pressure from immigrant advocates, Homeland Security Secretary Janet Napolitano the next day ordered a probe into the actions of the Seattle-based ICE team that conducted the raid.

In the weeks that followed, most of the Bellingham workers were either released for humanitarian reasons or after posting bond. At least one was deported. And the remaining workers still in custody were freed without bail last week and offered legal permission to work in the United States.

Napolitano also has delayed raids planned for other work sites, while she reviews policies under which ICE agents carry out these actions.

Her review of what happened in Bellingham will be part of a revised set of guidelines expected to be issued this week, directing ICE agents to focus more on arresting and prosecuting employers and less on the illegal immigrants they hire.

Her actions come amid a new level of outrage nationwide over illegal immigration in a struggling U.S. economy with fewer and fewer jobs.

"Secretary Napolitano wants to make sure workplace enforcement is operating the way it should," her spokesman Matt Chandler said. "She is focused on using our limited resources to the greatest effect — targeting criminal aliens and employers that flout our laws and deliberately cultivate an illegal work force."

He referred to ICE questions about the logistics of focusing on U.S. employers who knowingly hire illegal immigrants while ignoring the workers themselves.

ICE agents and the U.S. attorneys who prosecute immigration cases have said it's far tougher to build a criminal case showing an employer knowingly hired illegal immigrants than to prove that an immigrant is working in the United States illegally.

While some worksite actions have been delayed, Chandler said the department is continuing other worksite actions that are "consistent with department priorities."

ICE spokeswoman Lorie Dankers declined to comment about the release of the last of the Bellingham workers except to say, "Many of the individuals have been released pending further investigation of Yamato."

Ira Mehlman, a spokesman for the Federation for American Immigration Reform, said, "I think its fair to surmise that this is being done under political and not legal pressure. ... There's a certain irony here — the way this administration is going, you may be better off getting busted than not."

ICE investigators said many of the workers at Yamato were from Mexico and Central America and had used false documents to gain employment.

Immediately after their arrests, three women with young children and a fourth worker with a medical condition were released from the Northwest Detention Center on humanitarian grounds. At least one other worker was deported.

In the weeks that followed, several others were released — some posting bond ranging from \$3,000 to \$11,000, and some without bail.

Illegal immigrants arrested in raids or other ICE actions often are detained for months until a judge can see them. Some waive their rights to a hearing and agree to return home.

Immigration attorneys Tuesday said offering work permits is highly unusual, and usually at the discretion of ICE officials in cases where immigrants have information prosecutors can use in criminal prosecution.

Yamato co-owner Shirin Dhanani Makalai said she is confident the investigation will show her company "complied fully with the law."

Rosalinda Guillen, whose Bellingham-based organization Community to Community advocates for immigrants, said the workers are cautious and confused.

"These families are caught in the middle of this big political storm," she said. "It's a good thing, the work permit — the recognition that these people need to work and support themselves and their families. But there's no real security for them beyond the short term."

"We hope these changes will create a new precedent in how raids are done, that it leads to them being stopped completely."

Before they were released last week, the workers were asked to sign forms acknowledging that deportation action against them was being deferred and they were being offered work permits. Agents delivered the same forms to the homes of those workers who were released earlier.

Based on questions agents have been asking workers, Guillen said, "it appears they are trying to justify this raid, trying to find some criminal action against the employer. They're playing this game of divide and conquer, and that's not the Obama way."

Lornet Turnbull: 206-464-2420 or lturnbull@seattletimes.com

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