

# Injustice for All: The Rise of the U.S. Immigration Policing Regime

## Executive Summary

HURRICANE's 2009-2010 report, *Injustice for All: The Rise of the Immigration Policing Regime*, finds that the U.S. government has built a brutal system of immigration control and policing that criminalizes immigration status, normalizes the forcible separation of families, destabilizes communities and workplaces, and fuels widespread civil rights violations. This "immigration policing regime" is also fueling racial discrimination and hate violence against immigrants and those perceived to be foreign born or "illegal."

Based on over 100 stories of abuse documented by NNIRR's initiative, *HURRICANE: The Human Rights Immigrant Community Action Network*, *Injustice for All* shows how a new dimension of immigration control, ICE-police collaboration and border security, are hurting communities from the rural areas of New Mexico and North Carolina to New York City and the suburbs of Chicago.

*Injustice for All* includes eleven essays by HURRICANE members in California, Arizona, New Mexico, Texas, Illinois, North Carolina, Rhode Island, and New York. These reports demonstrate how immigration policing impacts border and rural communities, women, Indigenous people, African and South Asian communities and workers. The report's findings and testimonial essays bring to light the often tragic consequences of this system of immigration policing and its four identifiable pillars:

1. Relentless criminalization of immigration status and use of incarceration.
2. Persistent linking of immigration to the politics of national security and engaging in policing tactics that rely upon racial, ethnic/nationality and religious profiling.
3. Escalating militarization of immigration control and border communities; reinforcing policies and strategies that deliberately "funnel" migrants to cross through the most dangerous segments of the U.S.-Mexico border and compromise the rights and safety of border residents.
4. Scapegoating immigrants for the economic crisis and leveraging anti-immigrant sentiment to push laws and policies that cut and/or eliminate public services, roll back civil rights, environmental, labor and other social protections.



Photo credit: Pedro Rios- AFSC U.S.-Mexico Border Program

## FINDINGS

Based on extensive community-based tracking and reporting of human rights abuses, *Injustice for All: The rise of the immigration policing regime* finds that:

- DHS is detaining and deporting immigrants at alarming rates; communities are devastated and ICE deportations impact communities and the economy.
- ICE uses prolonged and indefinite detention and the threat of loss of life and freedom to coerce persons jailed for immigration status offenses into waiving their due process rights and accept deportation.
- ICE ACCESS programs and collaboration between local police and immigration officials rely heavily on racial profiling, undermining community safety, and make immigrants more vulnerable to abuse and exploitation.
- ICE's new workplace policing strategy of auditing employment files, allowing employers to fire undocumented workers en masse, has deepened the economic and humanitarian crisis in communities, increasing labor rights violations and other abuse.
- The unrelenting militarization of immigration control and border communities is deliberately causing migrant deaths and violates the rights of border communities.
- Local, county and state anti-immigrant legislative, policy proposals and ordinances across the country fuel and condone hate violence against immigrants and propel police and government abuses with impunity.

## RECOMMENDATIONS

*Injustice for All* urges the U.S. government to undertake a major shift in immigration policies and address the patterns of human and civil rights violations. The U.S. must provide access to the adjustment of immigration status, a process long held at bay by a lack of political will and action at the federal level. Without such a shift, millions of men, women and children residing in this country will continue to face lives of fear, uncertainty and economic insecurity.

There are significant steps that the Obama Administration can authorize, including:

- The restoration of due process rights and other Constitutional protections, including access to the courts;
- The suspension of detentions and deportations, other ICE enforcement operations and high profile raids; a high-level investigation and hearings with impacted communities;
- An end to the policy and practice of jailing persons solely for immigration status offenses, except in cases where there is a high risk to public safety;
- The prohibition of ICE and local, county, state and federal law enforcement from using all forms of racial, ethnic/nationality and religious profiling;
- A thorough investigation of complaints of abuses in public and private corporate immigrant detention centers and jails; a moratorium on the expansion of detention centers and privately run prisons;
- An end to all inter-agency and immigration-police collaboration programs;
- Prohibition of local, county, and state governments from legislating immigration enforcement, such as Arizona's SB1070;
- The roll back and end to the militarization of immigration control and border communities; end Operation Stonegarden and Operation Streamline.

We are disturbed by the lack of congressional action to enact fair immigration policies, and we call on our elected officials in the House and Senate to:

- Hold field hearings with members of interior and border communities to document the impacts and abuses caused by U.S. immigration policing and border security policies, measures and practices;
- Repeal employer sanctions and stop all E-Verify programs; protect and expand the labor rights of all workers, native and foreign-born; and increase Department of Labor inspectors;
- Repeal the 287(g) and "Secure Communities" initiatives;
- Provide and expand options to legal migration, including access to legal permanent residency and citizenship;
- Institute routine programs, including legalization, to adjust the immigration status and provide "green cards" to immigrants, to ensure civil and labor rights, keep families together and reinforce healthy communities.

Finally, we call upon the Administration and members of Congress:

- To address the root causes of displacement and involuntary migration, by promoting and implementing fair trade and sustainable community development policies;
- To help lead a nationwide condemnation of racial intolerance and xenophobia in keeping with our country's legal and moral commitment to equality for all.

We further urge the United States to respect and uphold international human and labor rights standards, including the ratification and implementation of the U.N. International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families and the U.N. Declaration on the Rights of Indigenous People.



Photo credit: Sara Prestianni, Migreurop, "Processing (detention) center on the Canary Islands"