

break  
through

building human rights culture

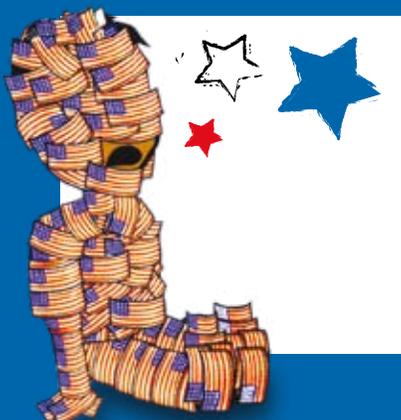


DETENTION  
WATCH NETWORK

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**RESTORING  
THE RIGHT TO  
DUE PROCESS**

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A Tool Kit for  
Immigrant Rights Advocates

# RESTORING THE RIGHT TO DUE PROCESS

A Tool Kit for Immigrant  
Rights Advocates

## **American history is largely a proud immigrant narrative,**

filled with memories of coming here to pursue the American Dream. Rich stories of family migration and integration into American society lace our history books and collective memories. And this history has contributed to our nation's greatest achievements which lie in values found in the Constitution, such as due process and human rights. Yet, American respect for human rights is currently under siege and our government is failing to uphold cherished values of freedom, fairness and equality.

## **Our American human rights values are being undermined by**

the 1996 immigration laws, which have resulted in mandatory detention and deportation of millions of lawful residents. Lack of human rights means that immigrants lack access to due process and are denied their fair day in court. This broken immigration system is having a devastating impact – breaking apart families and communities and leaving children abandoned when parents are detained and deported. These laws do not only affect immigrants and their families, they affect all Americans.



### **WHAT DO WE WANT CHANGED?**

As a result of the broken system produced by the 1996 laws, we want our representatives to pass new immigration laws that will:

- Restore judicial discretion
- Limit the overly broad definition of aggravated felony to actual felonies
- Preserve meaningful judicial review and allow access to the courts
- Uphold the Supreme Court decision against indefinite detention
- End the expansion of mandatory detention and deportation without due process
- Support fair alternatives to detention and reasonable release policies
- Demand conditions of detention that are humane and respectful, not punitive

*When we let the government ignore the Constitution and deny*



## WHAT IS WRONG WITH THE 1996 LAWS?

Current reactionary immigration laws go too far, they undermine our system of justice, and do nothing to solve the problem of undocumented immigration. Under these laws, the most minor crime can now trigger the most terrible immigration consequences, including deportation of longtime legal immigrants, regardless of their circumstances.

Before 1996, only the most serious criminal convictions could be defined as “aggravated felonies.” However, in 1996, Congress changed the immigration laws by expanding the list of crimes that could trigger deportation for an immigrant. The expanded list now includes hundreds of new offenses, even minor crimes where the person did not serve any jail time.

In 1996, Congress also drastically reduced the power of judges to consider granting a “pardon” or a “waiver” of deportation to a longtime legal resident whose crime now fell into this new expanded list, no matter how long the person has been in the U.S.; how long ago or how minor their criminal offense was; what their family ties are here; or any other good things they have done since their criminal conviction. In many cases, the judge is simply forced to order them deported.

***This legislation has wreaked havoc on our immigrant justice system and further undermined Americans’ commitment to justice and due process.***

Since 1996 over 1.4 million people have been deported. Many persons who face deportation are also mandatorily detained until they are finally deported. This detention process shows that disregard for human rights is not only occurring in Guantanamo, but often right here in our own backyard. Many individuals languish in detention facilities where they lack access to legal resources and little or no access to courts. More are subjected to inhumane conditions. In some cases, many individuals are held indefinitely.

Even Immigration Customs and Enforcement (ICE) admits conditions are bad. A 2006 report by the Inspector General of the Department of Homeland Security found that five facilities run by or contracted by ICE, violated the government's own guidelines on the treatment of immigrant detainees in jails and prisons. [Click here for report.](#)

This increasing wave of detention and family separation is costing taxpayers billions of dollars. Last year 1.2 billion dollars went into detaining an average of 20,000 people on any given night – at a rate of \$95 dollars per person, per day.

***The broken immigrant justice system has resulted in devastating consequences for immigrants and has undermined the legitimacy of our country’s values of fairness and equality.***

*due process for some, all of our freedoms are at risk*



## THE TOOLKIT

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This toolkit includes a DVD and a discussion guide:

- The DVD contains nine Video Stories about those who are directly affected by 1996 laws, two animations and one music video.
- The discussion guide includes sample interactive activities (pg. 5), our demands for change (pg. 6-7), talking points (pg.16-17) and additional resources (pg. 17-19).



## AUDIENCE AND PURPOSE

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This toolkit can be used:

- As an education tool with immigrant and non-immigrant communities about the importance of restoring due process and human rights in the immigration deportation and detention system. You can show media pieces from the DVD at meetings, in school, or with community groups.
- As an advocacy tool to educate elected officials to encourage them to pass fair immigration laws relating to deportation and detention.
- As a communications tool to illustrate cases with print, radio and television journalists, public access channels, on the web, and in public spaces.



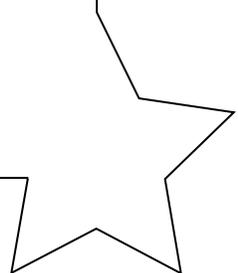
## USING MEDIA FOR EDUCATION

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To facilitate the smooth integration of media into public education and trainings, we recommend the following:

- Ensure that the venue is set up with a TV/Screen and DVD player or laptop which plays DVD and test the DVD and sound ahead of time.
- Decide which videos on the DVD you want to show. Factors to consider: length of clip, participant demographics, and points you want to convey (see Media Descriptions pg. 12).
- Give the audience an overview of the story they will watch, for example: *"In this one minute video, you will hear the story of how one person was affected by the 1996 laws. Listen to her story and think about how due process rights were violated in her case."*
- Rather than discussing the details of the individual's case, focus on how they have been victimized by the system. This way you can highlight how the denial of due process for some put the freedom of all Americans at risk.
- Post discussion questions on newsprint and review before showing media.
- Because the video stories are short, have the audience either watch them twice and/or start and stop the video in the middle and ask the audience to digest what they just heard. This helps to clarify the story and lets the information sink in.



## **SAMPLE ACTIVITIES TO FACILITATE WITH THE MEDIA**

### **PAIRINGS/SMALL GROUP DISCUSSIONS**

Have participants get together in groups of two or three. Ask them to answer some of the questions for discussion (pg. 13) and to brainstorm some possible solutions to the problems. Have them share their discussion with the larger group.

### **SOCIAL BAROMETER**

To get people up and moving around, this simple activity encourages participants to discuss their opinion and spark dialogue.

#### **Instructions:**

- Hang up signs around the room: one that reads “agree,” one that reads “disagree,” and one that reads “not sure.”
- Tell participants that there are two rules:
  - a. When participants hear a statement, they must go stand under the sign if they agree, disagree, or are not sure.
  - b. Participants are allowed to move from where they are standing if their opinion changes during the discussion.
- Read the statement, and ask people to stand under the sign that reads “agree,” “disagree” or “not sure.”
- Have two to three participants from each group discuss why they agree or disagree.
- Sample statements can include (or you can make your own):
  - a. “Immigrants deserve the same rights as citizens.”
  - b. “It is fair to treat legal permanent residents differently from citizens.”
  - c. “The U.S. immigration justice system is just.”
  - d. “Without immigrants, this country would be nothing.”

### **ROLE PLAYS**

Role plays are an effective way to get participants talking about real stories, engage in discussion and thinking about the issues more deeply.

#### **Instructions:**

- Break the participants up into small groups of 4-6 and have each group create a role play that they will then act out to the big group. Their role play could illustrate one of the six “asks” listed on pages 6-7, and can illustrate the impact of human rights violations that the 1996 legislation has had on immigrant families.
- To get groups thinking, you may want to suggest locations for the scenarios, such as a detention center; an immigration proceeding; in the visitor room of the jail; a workplace raid; at the home of a family of a detainee; at an advocacy center; or a congressional debate.
- The role plays should be 1-2 minutes in length, and everyone should participate.
- Ask the small groups to come up with questions for the big group about the role play they made up.

# WHAT WE WANT CHANGED

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## **Restore judicial discretion**

- Not allowing judges to consider the circumstances of an individual case denies due process rights and is part of the problem of our broken immigration system.
- If an immigrant, whether here legally or without documents, commits certain crimes, the judge is required to automatically deport him or her. Right now, in many cases, the judge is not allowed to consider:
  - ★ how long ago the crime was committed;
  - ★ how minor the infraction;
  - ★ how long the immigrant has lived in the U.S.; or
  - ★ whether he or she has a spouse or children here.

Congress must restore the power of the immigration judge to consider each case and decide whether a longtime legal resident deserves to remain in the U.S. with their families despite their past mistakes.

*All Video Stories cover this issue. See descriptions on pages 8-11.*

## **Limit the overly broad definition of aggravated felony to actual felonies**

- In America, the punishment should fit the crime. The overly broad definition of “Aggravated Felony” results in extreme punishment for minor offenses.
- Many longtime legal permanent residents are mandatorily deported, regardless of their individual circumstances.

*All Video Stories cover this issue. See descriptions on pages 8-11.*

## **Preserve meaningful judicial review and allow access to the courts**

- Automatically deporting immigrants without hearings or oversight denies basic due process rights.
- Right now, low-level, regular immigration officials are deporting some immigrants without giving them a hearing.
- This system allows immigration officials to operate with no accountability to anyone when they make decisions that affect millions of people.

Denying due process and removing accountability does not solve the problems of illegal immigration, but does go against our Constitution and ultimately threatens the freedoms of us all.

*All Video Stories cover this issue. See descriptions on pages 8-11.*



## ***Uphold the Supreme Court decision against indefinite detention***

- From New York, New York to Atlanta, Georgia to Galveston, Texas, our government wants to hold people in prison without charging them with a crime, and without any plan or idea for when they will be set free.
- Some in Congress want to indefinitely imprison hundreds of immigrants in this country. This is not only impractical and costly to American taxpayers, it is unconstitutional.

Americans need to know that our government is doing this so that we can put an end to it.

Video stories that illustrate this point: *Exposing Detention, CAIR Coalition and Live from Jail.*



## ***End the expansion of mandatory detention and deportation without due process***

- The government's blanket policy of imprisoning thousands of immigrant families while they await deportation hearings is costly, cruel, and does nothing to solve the immigration problem.

All Video Stories cover this issue. See descriptions on pages 8-11.



## ***Demand conditions of detention that are humane and respectful, not punitive***



## ***Support fair alternatives to detention and reasonable release policies***

- Prison facilities and jails should never be used for immigrant detention.
- People in detention must have the right to access legal, social, health, spiritual, and other supportive services. Immigrants and the community are best served by fair release policies through parole and bond, and wherever possible, community-based alternatives to detention.

Video stories that illustrate this point: *Exposing Detention, CAIR Coalition, and Live From Jail, and Reflections from Rikers.*



### Susan Davies: Fighting for a Friend

*“He felt happy about America... and it turned into this kind of nightmare”*

(1 minute, 15 seconds)

**Synopsis:** Susan Davies of the Chatham Peace Initiative is a supporter and a close friend of Ansar Mahmood, who was a legal permanent resident living in the U.S. In this clip Davies describes Ansar’s story of 32 months in mandatory detention, which ends in his deportation.

Ansar worked as a pizza deliveryman to support his family and educate his sisters back home in Pakistan. In October 2001, he was sightseeing near the Hudson River when he asked one of the guards at the nearby Hudson Water Treatment Plant to take his picture. They were suspicious that he might be a terrorist and called the police, who then arrested him.

Ansar was immediately cleared of any connection to terrorism, but was subsequently detained because he had signed a lease for his friends and was unaware their visas had expired. He pled guilty to “harboring illegal aliens.” Even though Senators and other prominent figures pleaded on his behalf, after 32 months in detention, the Federal Government deported Ansar Mahmood to Pakistan on the night of August 12, 2004.

*This video story includes issues related to: lack of judicial discretion and review, mandatory detention and deportation, family separation, and disproportionate punishment.*



### Betsy DeWitt Acquista: Tearing a Family Apart

*“A country who claims to protect human rights and civil rights is willing to destroy families like this.”*

(4 minutes, 20 seconds)

**Synopsis:** Betsy, a US Citizen, fell in love with an Italian-American who is a legal permanent resident and had been living in the U.S. since he was nine. Betsy and Sal married and started a family. In 2002, Sal was arrested on marijuana charges, and their life spiraled out of control. The family assumed that Sal would do limited jail time, but nothing more. Little did they know that because of the 1996 immigration laws, being a permanent resident with an aggravated felony conviction means mandatory detention and deportation regardless of his individual circumstances.

Sal is currently in prison awaiting to be transferred into immigration detention, and will ultimately be deported to a country where he has no ties. Meanwhile, Betsy works tirelessly to shed light on an issue that is rarely talked about in her community. She is a member of Families for Freedom, campaigning for the Child Citizen Protection Act, a common sense law, which will give judges discretion to consider whether deportation is in the best interests of a U.S. citizen child before automatically deporting a parent.

*This video story includes issues related to: mandatory detention and deportation lack of due process, family separation and disproportionate punishment.*



### Mehdi H. Namini and “Monica”<sup>1</sup>: Live from Jail

**Mehdi:** *“If I committed a crime nine years ago, why do I have to pay for it now?”*  
(4 minutes, 32 seconds)

**Synopsis:** Mehdi H. Namini was born in Iran, but sees himself as an American. He’s been living here for almost 30 years. In 1998, Mehdi ran into financial difficulties with his business and, with the advice of an ill-informed lawyer, pled guilty. After serving his time, he was released and thought the worst was over. But because of the government’s crack down on immigrants and his prior “guilty plea,” nine years later “immigration officers” picked him up for the same 1998 offense. Now, Mehdi sits in detention, unsure if he will have to return to a country that is not his home — all because of bad advice and unfair laws.



**“Monica”:** *“I’ve been here almost 24 years of my life. This is all I know.”*

**Synopsis:** Monica is a legal permanent resident, born in Bolivia, but has been in the U.S. since the age of three. She was a good student and daughter, but fell in with the wrong crowd. After paying the price for a drug charge she moved on with her life. But on returning to the U.S. after a family vacation, she was detained for the same prior drug charge. She is currently in detention, and fears that she will be ripped from her family and friends in the U.S. and sent to Bolivia.

*These video stories include issue related to: disproportionate punishment, lack of judicial discretion and review, mandatory detention and deportation, lack of due process, and family separation.*



### Agatha Joseph: Exposing Detention

**“Tell them: Hell NO!”**  
(2 minutes, 49 seconds)

**Synopsis:** Agatha Joseph, a native of St. Lucia, and member of Families for Freedom came to the United States in 1986, and eventually brought her daughters here. Agatha became a U.S. citizen and her daughters became greencard holders. In 1997, Agatha’s 16-year-old daughter was found with a marijuana joint. A New York State judge found her guilty of a marijuana violation, and she paid the \$50 fine. However, three years later, she was detained when re-entering the U.S. from the Caribbean and placed into detention for the same crime. The Federal Government wanted to deport her. Agatha goes on to describe the conditions her daughter faced while in detention for three years including harsh treatment, dirty facilities, and being transferred seven times.

*This video story includes issues related to: inhumane detention conditions, family separation, disproportionate punishment, lack of due process, and mandatory detention and deportation.*

<sup>1</sup>Name has been changed to protect her identity.



### CAIR Coalition Interviews with Detained Immigrants

(6 minutes, 49 seconds)

These interviews were taken during a routine one-day visit to a D.C. area jail with volunteers from the Capital Area Immigrants' Rights Coalition (CAIR). Because the government does not provide an attorney in immigration cases, Coalition volunteers provide pro-bono legal assistance to detained immigrants. Here are the voices of some of the immigrants with whom they met:

#### Jose, Legal Permanent Resident, father of four U.S. citizen children

*"I've been in the United States for 27 years."*

**Synopsis:** Jose's public defender encouraged him to take a plea bargain for a minor misdemeanor instead of fighting his case. His lawyer did not inform him that pleading guilty would trigger deportation. Jose describes his detention as "being held hostage."

#### Hannah, Lawful Permanent Resident, living and working in Washington D.C. for 20 years

*"For one shirt, one mistake destroyed my life."*

**Synopsis:** Hannah was charged with shoplifting – taking one shirt – and was given community service and probation for her violation. The 1996 laws expanded the definition of aggravated felonies to include minor offenses such as shoplifting, so she was placed in deportation proceedings.

#### Carolina, entered the U.S. without papers at age 4

*"The whole world came down on me. I felt like I was going to die. I miss my son.*

*Nobody can replace my love, nobody."*

**Synopsis:** Carolina grew up in the U.S. and married a citizen after graduating from high school. When she filed for residency, she was detained on the spot, taken away from her husband and son in handcuffs. She was detained because of an outstanding deportation order entered nine years before when she was still a minor. After this interview was filmed, Carolina was deported, permanently separating her from her family.

*These interviews include issues related to: lack of judicial discretion and review, mandatory detention and deportation, indefinite detention, lack of due process, inhumane detention conditions, disproportionate punishment, and family separation.*



#### Professor David Brotherton: Detention Trial [Clip 1]

*"What sort of society are we?"*

(2 minutes, 18 seconds)

**Synopsis:** Professor David Brotherton, Chair of the Department of Sociology at John Jay College, CUNY, expresses his disbelief and anger upon learning about the impact of 1996 legislation that drastically increased deportations. He focuses on what he learned from the Dominican community he worked with when traveling to the Dominican Republic to conduct research on deportees.

*This video story includes issues related to: lack of judicial discretion and review, mandatory detention and deportation, family separation, and lack of due process.*



**Professor David Brotherton: Deported to the DR [Clip 2]**  
*“We are a world full of people yearning for a re-definition of freedom”*  
(3 minutes, 18 seconds)

**Synopsis:** Professor David Brotherton, Chair of the Department of Sociology at John Jay College, describes his extensive research on communities of deported Dominicans. Professor Brotherton interviewed men who had been living legally in the U.S. for a number of years, who were detained and deported for minor crimes. Once in the Dominican Republic, deportees face stigmatization, economic hardship and alienation in a place that they don’t consider home, where they have no ties and are subjected to the ridicule and shame of being a “deportee.” These men had their families, lives, and dignity taken from them.

*This video story includes issues related to: mandatory detention and deportation, disproportionate punishment and family separation.*



**Aarti Shahani: Reflections from Rikers**  
*“Immigrant Rights are Human Rights!”*  
(9 minutes, 20 seconds)

**Synopsis:** Aarti Shahani is an Indian-American and the founder of Families for Freedom, a Brooklyn-based defense network for immigrants facing deportation. She is speaking here at Breakthrough’s public forum, “Why Can’t America Have Human Rights?” at The Riverside Church in New York City on September 14, 2006. Aarti describes the impact of U.S. immigration laws on her own family and her ensuing organizing work through Families for Freedom. She educates and organizes incarcerated immigrant teenagers in jail at Rikers Island who are facing deportation. There are 300 such youth tagged for deportation every week. Aarti also shares her personal experience as the daughter and niece of deportees and the effects that it had on her family.

*This video story includes issues related to: family separation, disproportionate punishment, and lack of due process.*



**Immigration and Gay Couples: A Documentary Trailer by Sebastian Cordoba**  
(3 minutes, 45 seconds)

**Synopsis:** Sebastian Cordoba discusses his documentary film, “Through Thick and Thin,” about the immigration struggles lesbian and gay couples face in the United States. His film explores the lives of ten couples that are facing the hurdles imposed upon them by the U.S. immigration system. There is currently no legal way to sponsor a foreign born partner. After the interview, catch a sneak peak of the trailer, where we meet Mark and Fred. They are desperately trying to hold on their family, relationship, and the lives they have built together in the U.S.

*This video story includes issues related to: family separation, the right to marriage, and the intersection of gay rights and immigrants’ rights issues.*

## DESCRIPTION OF OTHER MEDIA

### Music Video



#### ***Why Can't America Have Human Rights?***

(3 minutes, 24 seconds)

Breakthrough's music video, set to DJ K-Salaam's song inspired by Bob Marley's "So Much Trouble in the World," profiles the history of social movements in the U.S. and integrates historical film footage. It uses striking photographs and videos that connect what these movements have in common: a quest for universal human rights. The video weaves images of violations with powerful examples of people resisting oppression, uniting together for a cause, and demanding respect and dignity for all of humankind. It includes several examples of immigrant rights struggles.

### Animation



#### ***America Rocks!***

(30 seconds)

This popular animation, created for Breakthrough by cartoonist Badmash, begins with a South Asian boy and his parents watching television. The President of the U.S. is announcing a terrorist threat. The parents fear for their son's safety and force him to go to school covered in stickers of the American flag to hide his brown skin. A satirical commentary on our country's post-9/11 climate of fear, hate, and rampant racial profiling of immigrants and communities of color, this short provides a moment of comic relief while educating audiences about the impact of racism and xenophobia.

*This animation includes issues related to: the Patriot Act, racial profiling, September 11th and the impact on immigrants, and racism and xenophobia.*



#### ***Family is Family***

(30 seconds)

In this animation two couples are out to dinner and start debating about gay marriage. The two men at the table defend a ban on gay marriages and brush off their wives defense of keeping families together. However, when they change the subject and start discussing the potential deportation of a friend, the men are suddenly concerned about the issue and criticize the government for "breaking up a family." The women roll their eyes, annoyed by the irony of their husbands' statements.

*This animation includes issues related to: family separation, deportation, the right to marriage, and the intersection of gay rights and immigrants' rights issues.*



# DISCUSSION QUESTIONS FOR VIDEO STORIES

## Fairness

- Is it fair that we treat legal immigrant residents in this way?
- In what ways has the government been unfair to this person?

## Immigrant History

- What role have immigrants played in the creation of our nation? What contributions have immigrants made?
- Since we are a nation proud of our immigrant history, how come it is ok to deny immigrants human rights today?

## What Are the Solutions?

- What do you think are some solutions to the problems that we discussed today?
- Are these the solutions that the government has put forth?
- What is troublesome about the increased enforcement mechanisms that the Bush Administration and some members of Congress are proposing as solutions?

## Violation of Our Laws

- How are current immigration laws advancing (or not advancing) U.S. principles of justice, fairness and equality?
- In what ways do the policies we have learned about today undermine the basic values laid out in the U.S. Constitution?

## Why Should I Care?

- In the past year we have seen massive demonstrations across the country on behalf of the rights of immigrants. Do you feel that advancing immigrant rights helps advance the rights of all of us? Why or why not?
- Why do you think even those who aren't immigrants should care about these issues?

## Vision For the Future

- What would comprehensive and a more just immigration policy look like?
- What kind of country do we want to be?

# DISCUSSION QUESTIONS FOR OTHER MEDIA

## Music Video - *Why Can't America Have Human Rights?*

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- What are some of the social movements that were shown? Which violations were they addressing?
- What do these various social movements have in common?
- Name the human rights violations you saw depicted in the video.
- Could you relate to any of these violations? What human rights violations have you experienced?
- How has your life been impacted by social movements in the past?
- Why might those rights be ignored in the U.S.?
- Why is the video called “Why Can't America Have Human Rights?”

**Facilitator's note:** *Explain that human rights are more than just political and civil rights – the rights we are more familiar with (such as freedom of speech). There are also economic, social and cultural rights. Ask, what might be some examples of these kinds of rights? (Give examples – right to health care, education, housing).*

## Animation - *America Rocks*

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- Whose human rights were violated? What was the violation? Who is violating the rights?
- Do you know someone who has been racially profiled? What happened?
- How have laws and policies that were made to protect us, started to affect our own freedom?
- How can we respond to this type of racial profiling in our community or in our nation?

## Animation - *Family is Family*

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- Whose human rights are being violated? What's the violation? Who is violating the rights?
- What forms of prejudice were brought up in this animation?
- What is the definition of “family?”
- How did some of those at the table contradict themselves?
- Why might it have been the men, not the women, who contradicted themselves?

# TAKE ACTION!

## **EXERCISE POLITICAL POWER!**

Write, call and/or meet with your elected officials (especially congressional representatives) to educate them about the issue and to encourage them to restore due process and fairness in the system. The following is sample language when you contact a representative:

*I am calling (writing) to seek your commitment to supporting the passage of fair and humane immigration reform legislation. The current system of immigrant detention and deportation results in the separation of tens of thousands of American families every year, at enormous and unjustifiable social and economic costs. As a constituent who cares about communities experiencing these devastating consequences, I am concerned about any proposals in upcoming legislation that would expand rather than fix this broken system. (Read or talk about the points of pages 6-7, "What We Want Changed")*

## **USE MEDIA TO SPREAD THE WORD!**

Share the videos with local and national news media. Put it on your Myspace or Youtube site, encourage your local public access station to air it, find ways to show it prior to a movie screening in your area, or air pieces on the radio. You can also write an editorial in your local newspaper about what is happening.

## **LEARN MORE!**

Find out more about the issue by checking out the additional resources listed on pages 18-19.

## **TEACH MORE!**

Host a dinner party, such as the "Night of a 1000 Conversations" event on April 5, 2007, and use these stories to teach others about the issues. You could also teach about this in a classroom, show a film in your community or at your church, or invite a speaker to talk about the issue at a local event.

## **DEFEND IMMIGRANTS' RIGHTS!**

Even if you are not directly affected by the issue, you may be able to help those who are. Find out if there are families in your community impacted and see what you can do to help them.

*"Injustice anywhere is a threat to justice everywhere." - Martin Luther King*

## **STAND UP... and start organizing!**

Start a petition drive to close down a local detention facility, gather others in the community to work together. There's power in numbers!

## TALKING POINTS

The following talking points, derived from focus groups and messaging research, are ways to help frame discussions about immigration reform and the right to due process.



**Lack of Legal Aid:** Immigrant detainees do not have access to a public attorney, and often cannot afford to hire a private attorney. The result is that nearly 85% of those detained do not have a lawyer.<sup>2</sup>



**Families are Torn Apart:** Detentions and deportations have been destroying families, contradicting our country's tradition of family values. As a result of immigration laws, families are broken apart, and U.S. citizen children are left abandoned when parents are randomly detained.



**The System is Broken:** Harsh policies by our government not only violate our Constitution, but they do not solve the immigration problem and create more dysfunction. And immigration laws aren't fixing anything: Although we have tripled immigrant jails over the past ten years, this has NOT stopped illegal immigration.



**Immigrants are America:** Immigrants are our neighbors, our co-workers, and our children's classmates and friends. Immigrants are part of our communities, as we shop together, drive together, and work together. They are the fabric of our society, so let's include them.



**Security:** Comprehensive immigration reform will not undermine the security of Americans, it will enforce it. Targeting noncitizens of certain racial, ethnic, or religious backgrounds is a national security strategy that does not make the United States any safer. It only undermines the safety of all of our communities because immigrants are fearful of assisting law enforcement agencies to solve crimes and protect the public.



### **American Values:**

- We need an immigration system that is consistent with basic American values, not one that undermines our proud belief in equality.
- It's not about immigrants, it's about America.



### **Fair Chance/American Dream:**

- The promise of opportunity defines who we are as a nation and as a people. We're not keeping that national promise when people have to live in the shadows, contributing to our country but without rights or a fair shot at the American Dream.
- Immigrants deserve a fair chance, which means equal treatment, economic security and mobility, a voice in decisions that affect all of us, a chance to start over after misfortune or missteps, and a sense of shared responsibility for each other as fellow human beings.



### Pluralism:

- When it comes to building a prosperous nation, we're all in it together. We need the effort and ideas of everyone who lives here – no matter where they come from or what they look like.
- Immigrants and communities of color share an interest in quality public schools, safe and healthy neighborhoods, and laws prohibiting discrimination and exploitation.



### A Human Rights Nation:

- The fact is that immigrants are human beings who deserve human rights. We cannot be a nation that we aspire to be unless we afford them human rights.
- Our treatment of immigrants hurts America's image as a defender of human rights.
- At the end of the day, what makes us strong is protection of America's commitment to human rights. And that's the measure of our character.

## STATISTICS



• **Deportation is on the rise:** More than 186,600 immigrants were deported in 2006, a record for ICE and a ten percent increase over previous year.<sup>3</sup>

• **Detention of immigrants is also rapidly increasing:** Between 2002 and 2004, the number of detentions increased by 19% from over 230,000 to over 275,000.<sup>4</sup> In 2006, a record 26,500 undocumented aliens were held across the United States<sup>5</sup> by federal authorities on any given day costing \$1.2 billion a year, at an average cost to taxpayers of \$95/day per bed.<sup>6</sup> **And it's getting worse.** The detention system is set to triple again even without new immigration legislation. There are already 6,300 additional beds this year.<sup>7</sup>

• **Detention centers not only house families but are prison-like:** A report released in February 2007 describes the "practice of detaining families in jail-like, criminal settings," where families are allowed no more than 20 minutes to eat during meals and children received less than one hour of schooling per day.<sup>8</sup> The new Hutto facility in Texas was built for the purpose of detaining families.

• **There are more humane, more economic alternatives:** Alternatives to detention, which include a combination of reporting and electronic monitoring, are effective and significantly cheaper, with some programs costing as little as \$12/day, and still yield an estimated 93% appearance rate before immigration courts.<sup>9</sup>

<sup>2</sup> Lewis, Scott and Paromita Shah. "The REAL DEAL: Detaining America's immigrants: Is this the best solution?" [detentionwatchnetwork.org/sites/detentionwatchnetwork.org/files/R-D-1-Detention%20FINAL%20\(2\).pdf](http://detentionwatchnetwork.org/sites/detentionwatchnetwork.org/files/R-D-1-Detention%20FINAL%20(2).pdf)

<sup>3</sup> U.S. Immigration and Customs Enforcement. "Accomplishments in Fiscal Year 2006." October 30, 2006. [www.ice.gov/pi/news/factsheets/2006accomplishments.htm](http://www.ice.gov/pi/news/factsheets/2006accomplishments.htm).

<sup>4</sup> Office of Inspector General, Department of Homeland Security. "Detention and Removal of Illegal Aliens." April 2007. (5)

<sup>5</sup> Hsu, Spencer and Sylvia Moreno. "Border Policy's Success Strains Resources: Tent City in Texas Among Immigrant Holding Sites Drawing Criticism." *The Washington Post*. February 2, 2007.

<sup>6</sup> Kolodner, Meredith. "Immigration Enforcement Benefits Prison Firms." *New York Times*. July 19, 2006.

<sup>7</sup> U.S. Immigration and Customs Enforcement. "Accomplishments in Fiscal Year 2006." October 30, 2006. [www.ice.gov/pi/news/factsheets/2006accomplishments.htm](http://www.ice.gov/pi/news/factsheets/2006accomplishments.htm).

<sup>8</sup> Women's Commission for Refugee Women and Children & Lutheran Immigration and Refugee Service. "Locking up family values: The Detention of Immigrant Families." February 22, 2007.

<sup>9</sup> Cray, David. "Critics Decry Immigrant Detention Push." *Associated Press*. June 25, 2006.



## ADDITIONAL RESOURCES

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### KEY FILMS

#### *With Liberty and Justice For All*

<http://www.fiacfla.org>

Florida Immigrant Advocacy Center, 2000

This short film tells the story of two men who were criminalized & detained under 1996 immigration law.

#### *Abandoned*

[www.bullfrogfilms.com](http://www.bullfrogfilms.com)

This film looks at the 1996 law that allows the government to imprison legal permanent residents and asylum seekers.

#### *Sentenced Home*

[www.itvs.org/outreach/sentencedhome](http://www.itvs.org/outreach/sentencedhome)

The film profiles political refugees from Cambodia who, after serving time for the crimes they committed, face double jeopardy and permanent exile. It reveals the human cost of an inhumane immigration policy.

**Go to [www.breakthrough.tv](http://www.breakthrough.tv) for a comprehensive list of films on immigration.**

### SAMPLE CURRICULUM AND EDUCATIONAL MATERIALS

#### The BRIDGE Project

*Building a Race and Immigration Dialogue in the Global Economy: Popular Education Resources for Immigrant and Refugee Community Organizers*, by the National Network for Immigrant and Refugee Rights.  
[www.nnirr.org/projects/projects\\_bridge.html](http://www.nnirr.org/projects/projects_bridge.html)

#### *A Hard Place*

By Jenny Polak and Lauren Gill, *A Hard Place* is an online Flash interactive education tool developed to convey a sense of what detention is like for immigrants.  
[www.tenement.org/hardplace/](http://www.tenement.org/hardplace/)

#### *Appreciating America's Heritage: An Immigration Resource Guide for K-12 Educators*

Written by the American Immigration Law Foundation, the 2006 edition keeps the needs of educators in mind and provides new and innovative materials from lesson plans to book reviews.

[www.aifl.org/teach/2006resourceguide.pdf](http://www.aifl.org/teach/2006resourceguide.pdf)

#### *A Foot in Both Places: Culture & Community at the Crossroads of War*

Written by the American Friends Service Committee, *A Foot in Both Places* is an interactive educational toolkit, featuring stories, photographs, music, games and more.

[www.afsc.org/both-places](http://www.afsc.org/both-places)

### KEY BOOKS

#### *American Gulag* (2004) by Mark Dow

[www.ucpress.edu](http://www.ucpress.edu)

In *American Gulag*, prisoners, jailers, and whistle-blowing federal officials come forward to describe the frightening reality inside ICE facilities. *American Gulag* takes the reader inside prisons such as the Krome North Service Processing Center in Miami, the Corrections Corporation of America's Houston Processing Center, and county jails around the country that profit from contracts to hold INS prisoners. In depth reporting brings to light documented cases of illegal beatings and psychological torment, prolonged detention, racism, and inhumane conditions.

#### *Targeted* (2007) by Deepa Fernandez

[www.sevenstories.com](http://www.sevenstories.com)

In *Targeted*, Deepa Fernandes exposes the immigration-industrial complex. She follows the money of the DHS-funded companies that profit, and tells the stories of the immigrants who ultimately pay. The book documents the

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perfect storm of white nationalist policy, corporate greed and the privatized war on terror. As an immigrant herself twice over, Fernandes writes movingly about the experiences of “brown people in white countries,” and shows that “when anyone is diminished, we all lose.”

## **SOME KEY ORGANIZATIONS**

### **Breakthrough**

[www.breakthrough.tv](http://www.breakthrough.tv)

Breakthrough is an international human rights organization that uses education and popular culture to promote values of dignity, equality and justice.

### **Detention Watch Network**

[www.detentionwatchnetwork.org](http://www.detentionwatchnetwork.org)

The Detention Watch Network (DWN) is a national coalition of organizations and individuals working to educate the public, media and policymakers about the U.S. immigration and deportation system and advocate for humane reform.

### **Rights Working Group**

[www.rightsworkinggroup.org](http://www.rightsworkinggroup.org)

Rights Working Group is a coalition of more than 200 community-based groups and policy organizations, which, through their campaign Liberty & Justice for All, promote civil liberties and human rights on a national level.

### **National Immigration Project**

[www.nationalimmigrationproject.org](http://www.nationalimmigrationproject.org)

The National Immigration Project protects the rights of noncitizens facing barriers to justice.

### **Families for Freedom**

[www.familiesforfreedom.org](http://www.familiesforfreedom.org)

Families for Freedom is a multi-ethnic defense network by and for immigrants facing and fighting deportation.

### **Fair Immigration Reform Movement (FIRM)**

[www.fairimmigration.org](http://www.fairimmigration.org)

FIRM, a project of the Center for Community change, advocates for comprehensive immigration reform and the civil rights of immigrants in America. FIRM brings leaders together across lines of race, issues, and geography to multiply their power.

### **CAIR Coalition**

[www.caircoalition.org](http://www.caircoalition.org)

The Capital Area Immigrants' Rights Coalition (CAIR Coalition) provides services to the immigrant advocacy community in the greater Washington, DC metropolitan area.

### **Immigrant Justice Network**

The Immigrant Justice Network (IJN) works to build an organized effort to eliminate unjust immigration penalties for immigrants entangled in the criminal justice system and to end the criminalization of immigrant communities.

### **National Network for Immigrant and Refugee Rights**

[www.nnirr.org](http://www.nnirr.org)

The National Network for Immigrant and Refugee Rights (NNIRR) serves as a forum to share information, to educate communities and the general public, and to coordinate plans of action on important immigrant issues.

### **Immigrant Legal Resource Center**

[www.ilrc.org](http://www.ilrc.org)

The Immigrant Legal Resource Center (ILRC) is a national resource center that provides trainings, materials and advocacy to advance immigrant rights.

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DETENTION  
WATCH NETWORK

[www.detentionwatchnetwork.org](http://www.detentionwatchnetwork.org)

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