

Interview with Cheryl Little

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Miami and Washington

Interview by **Dr. Margarita Rodríguez**
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Q. Your organization has been devoted to advancing justice for immigrants in America. Can you provide examples of commonly found injustices in the American Immigration System?

A. Following the 1995 Oklahoma City bombing and 9/11, we've seen the criminalization of immigrants who have lived here for years, worked hard, paid taxes, have U.S. citizen children and have no criminal record. Massive Immigration and Customs Enforcement (ICE) sweeps in Florida and elsewhere with code names like Operation Endgame and Return to Sender have led to the arrests of hundreds of thousands of immigrants for civil violations only.

ICE detainees are now the fastest growing prison population in the country. In fiscal year 2011, DHS detained a record number 430,000 noncitizens in over 250 facilities across the country, at an estimated cost to U.S. taxpayers of 1.7 billion. In December 2012, ICE announced another record: it had deported 409,849 undocumented immigrants from the country during the 2012 fiscal year.

Laws passed following terrorist acts limited judicial review, called for the expedited removal of countless arriving immigrants, and the mandatory detention and deportation of non-citizens, including lawful permanent residents who had been convicted of crimes years earlier that were only misdemeanors and not grounds for deportation at the time.

Immigrants in ICE detention, including unaccompanied minors, are not entitled to a free lawyer. Consequently, 84% of those in detention have no lawyer to help them navigate a confusing, complex system despite the grave consequences often facing immigrants who are denied relief.

Many immigrants have been coerced into signing papers that in effect waive all their legal rights. In the last decade, over 160,000 stipulated orders have been signed by 20 immigration judges. These orders are entered without any communication with the detainee-in-question; one South Florida immigration judge signed nearly 10,000 stipulated orders over a three year period.

Q. The vulnerability of children and families in relation to current laws constitutes one the most criticized aspects of the immigration system. How vulnerable have the children been?

A. Children are often among the most deeply affected by ICE roundups. After raids, children have been left with non-family caregivers or placed in state care. Crying infants have been pulled from their mothers by armed officers who deny them any opportunity to make arrangements for their children's care. Even nursing mothers have been detained and forced to leave their babies behind, as have mothers with sick children. Perhaps the greatest fear parents have is losing their American-born children forever.

According to a 2011 study by the Applied Research Center, ICE deported 46,000 mothers and fathers of U.S. citizen children during the first 6 months of 2011. At least 5,100 children were in foster care at the time of their report, and they estimated that at least an additional 15,000 children would be placed in foster care over the next five years.

A ground breaking decision by the OAS Inter-American Commission in December 2010 found that deportations such as this violate fundamental human rights because they don't take into consideration the destruction of families or the best interest of children affected.

Q. How could a comprehensive immigration reform tackle these issues?

A. Ironically, the vast majority of immigrants deported in recent years would be eligible for relief under a comprehensive immigration reform bill that both Democrats and Republicans are discussing. Such a bill is long overdue and I believe this past election gave birth to an historic opportunity for America to finally enact comprehensive and lasting reform that will benefit not just immigrants, but ALL of America.

Absent comprehensive immigration reform, ICE has increasingly relied on local law enforcement to do its job, and reports of racial profiling are rampant. Florida, in fact, was the first state to enter into a 287 (g) contract with ICE, as local Sheriffs became empowered to arrest suspected undocumented immigrants and turn them over to ICE. Even without these memos of understanding, some Florida Sheriffs took it upon themselves to round up noncitizens and even created a tipline to report persons suspected of being “illegal”.

Q. There are two contradictory approaches in Florida concerning immigrants. On the one hand, we hear the narratives that emphasize Florida, and particularly South Florida, as a welcoming land of immigrants. On the other hand, we have witnessed, from time to time, strong anti-immigrant movements in Florida, some of which have targeted issues such as bilingualism. Ironically, this was happening in Miami as the city positioned itself as a global city. Where does Florida stand in this new (long) cycle of anti-immigrant movements?

A. Last time I checked, there were about a dozen anti-immigrant groups in Florida. One group has a website that invites you to report the illegal of your choice for \$10, and they’ll follow-up with ICE. I recall a Bay County, Florida Sheriff boasting that there were fewer people in church and in school after he began prosecuting immigrants for using false documents. Absent comprehensive immigration reform, we’ve had to fight proposed anti-immigrant ordinances in places like Avon Park, which had a sign that warned: “Entering Avon Park -- have green card and passport ready.”

We’ve also seen the demonization of immigrants and its dreadful consequences. Undocumented immigrants in border states are frequently targeted by robbers, armed civilians and rival smugglers. They are easy prey for armed thugs who beat and rob them, break into their homes, take their money and belongings and even shoot them. Most crimes go unreported because victims fear discovery by ICE.

Q. Have you seen this type of behavior in large urban areas of South Florida?

A. Attacks against Guatemalans and Mexicans are so common in South Florida that perpetrators call their assaults “Guat-bashings” and “Chico-hunting.” We’ve also seen local citizens take matters into their own hands. For example, the president of a condo in Deerfield Beach, where approximately 70% of the residents were Brazilian, posted a notice advising tenants that she had

contacted ICE. She asked ICE to enter their building and “do a door-to-door” check of everyone’s legal status. If residents didn’t make themselves available, she said she’d “allow authorities to do whatever they deem necessary, including forcible entry into the unit.”

But there’s some good news. In June 2012, DHS announced a new program called Deferred Action for Childhood Arrivals (DACA). Under this program, many DREAMers – children typically brought as children to the United States who are American but for the paper – now may remain in the country, apply for a work permit and then a Florida driver’s license, as long as DACA is renewed. One of the first DREAM activist groups began right here at Miami-Dade College (MDC). Students Working for Equal Rights (SWER) have done a great job calling attention to the need for reform. In 2010, four MDC students and AI Justice clients walked 1,500 miles, from Miami to Washington D.C., in an effort dubbed the Trail of Dreams. Doing so, they galvanized support for the DREAM Act and comprehensive immigration reform. They also spurred countless DREAMers to face down their fears and openly become immigrant activists.

Q. Can you refer to some of the major proposals being discussed on the issue of undocumented immigrants?

A. There is a bi-partisan gang of eight in the Senate and in the House of Representatives, and both are working on immigration reform proposals. The White House has also put forth basic principles they believe a comprehensive bill must include. Some in Congress are calling for comprehensive reform but without a path to citizenship, while others believe the path to citizenship must be reasonable.

Senator Rubio (R-FL) to his credit has called for a path to citizenship, but only after our border is secure. What does this mean? There needs to be objective criteria by which that goal can be readily defined and achieved. Any bill will likely include language requiring eligible immigrants to go to the back of the line, pay taxes and fines, learn English and will require enhanced border security and a crackdown on employers who hire undocumented immigrants.

Q. Do you see the light at the end of the tunnel now that we seem to be witnessing serious talks about comprehensive immigration reform?

A. For 17 years we have been defending the human rights of men, women and children caught in a broken system that all too often treats them as lawbreakers and undesirables. Our lawyers have represented thousands of vulnerable immigrants from the Americas, Africa, Europe and Asia—traumatized children alone in this country, newcomers trafficked into slavery and asylum seekers who would face persecution in their homelands. We have worked with the Department of Homeland Security and other government agencies to preserve the laws’ intent without sacrificing human rights and America’s deeply held commitment to justice.

Despite past failure to pass comprehensive immigration reform, I hold out some hope that this can finally be achieved because, post-election, Democrats have a debt to pay and the Republicans a party to save. Keep hope alive!

Q. What would America for Immigrant Justice like to see in the reform?

A. The core principles we embrace include:

- Pass a full and fair DREAM Act
- Establish a timely and affordable path to citizenship
- Preserve family unity
- Reform the visa system
- Terminate enforcement programs like Secure Communities and 287(g)
- End mandatory detention and expand alternatives to detention
- Create enforceable standards for detention
- Increase Immigration Judges’ discretion and authority
- Due process protections

There is also discussion among lawmakers about the limited number of visas available each year for nuclear families. Some lawmakers want to limit the categories of immediate family members eligible to apply for visas, for example, by barring U.S. legal residents from petitioning for parents. Others call for the system to be updated and more family friendly.

While family unity is supposedly the cornerstone of our immigration laws, families eligible to immigrate legally can wait 10 years or longer to be reunited due to an outdated quota system and

enormous backlogs. How quickly family members can be reunited depends, for example, on whether the child needing a visa is married or unmarried, under 21 years of age or over and country of origin. Currently, over half of those with approved visa petitions still waiting in line are Asian Americans, from countries like the Philippines, India and China. In many cases, they are having to wait 10 to 20 years to be reunited with their loved ones.