

THE AUSTIN CHRONICLE

Undocumented, Unafraid

Balancing fear and power in the wake of ICE arrests

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March 10, 2017

Yunuen Alvarado sat motionless at her desk. The 18-year-old undocumented Texas State University student fixed her eyes on a YouTube video showing U.S. Immigration and Customs Enforcement agents arresting members of her Rundberg corridor community in early February. Her mind went to her mother, an undocumented restaurant line cook, and father, who works construction, and felt a panic wash over. "In that moment, I felt like I couldn't breathe," she said. "I thought, that's the street my mom drives down every day. I felt terrified and helpless. I'm not a religious person, but right then I started praying."

Alvarado was born in Querétaro, Mexico, and moved to the United States when she was 6. Now a Deferred Action for Childhood Arrivals (DACA) beneficiary, she is afforded certain protections from the threat of deportation. But the Trump administration, with its xenophobic ideology and anti-immigrant fervor, has provided no comfort in ensuring her continued safety. Instead, it's pitted her family – and the roughly 100,000 undocumented immigrants in Austin and 1.6 million residing in Texas – in direct and constant danger.

On Feb. 10, her community experienced the first tangible signs of that danger. As part of a sweep through 12 states, ICE detained dozens in the Austin region and more than 680 immigrants nationwide. While "Operation Cross Check" ostensibly targeted "public safety threats," reports later showed that most of those arrested locally did not have criminal records, sparking questions of political retaliation. The immigrant community, an already vulnerable population, has since been forced to reckon with deep anxiety, fear, and feelings of destabilization. Like many undocumented Austinites today, Alvarado's parents are "laying low," she said, forgoing the 40-minute drive to visit their daughter in San Marcos, and updating her on nearly every trip out of the house they make.

"Before all this they thought Austin was a really safe place; they didn't have to worry," she said. "Now, they can't even drive peacefully to work."

But while some immigrants back into the shadows for self-preservation, others have felt empowered to take to the streets and speak up. The raids ignited daily protests at the intersection of Rundberg and North Lamar, and several rallies and demonstrations in the ensuing weeks. Over the past month, and now into an uncertain future, the community navigates a delicate balance between protecting themselves and their families while letting the public know they deserve to call Austin home.

Bravery Over Bigotry

"*Trump, escucha! Estamos en la lucha!*" ("Trump, listen! We are in the fight!") chanted roughly 200 immigrants and allies over the sounds of Tejano accordion music and drumbeats outside the J.J. Pickle Federal Building on a clear day in mid-February. Toting handmade signs and the Mexico and U.S. flags, activists – surrounded by Austin Police and Department of Homeland Security officials – joined the nationwide Day Without Immigrants strike in peaceful protest to assert their self-worth, remind the city of their many contributions, and condemn the recent raids.

As half of Texas construction workers are undocumented (as many as 400,000), some building sites around town lay dormant while nearly 40 Austin restaurants shuttered due to lack of staff or in solidarity with the strikers. An estimated 20,000, one-quarter of all AISD students, missed school to do the same, as did roughly 40% of students at KIPP Austin area charter schools. One of them, Stephanie Trejo, a 10th grader at KIPP Austin Collegiate, said many of her classmates are undocumented. "They are scared for their parents and for themselves. They're scared to go outside," said Trejo, her younger sister Jessalin standing sheepishly by her side. "I feel like there's less trust in APD now and fear everywhere in the community. There's a great economic, physical, and emotional effect on all of us."

Trejo's mother, a native of San Luis, Mexico, has lived in the U.S. for two decades as an undocumented resident, a fact that now worries her teenage daughter daily. "It makes me feel unsafe at any moment," said Trejo. "I feel like anything can happen. I have to ask myself every day, what if my parents get pulled over on the way to work? I try to stay positive for them and my classmates. It's the only way to be right now."

Hondurans William and Lourdes Garcia, who live in South Austin with their children, pushed a stroller down Eighth Street with the protest while their 8-year-old son skipped alongside to keep up. The undocumented couple has lived in Austin for three years. They fled Honduras due to unstable leadership, violence (Honduras claims one of the world's highest murder rates), and lack of job security. "I'm scared for my family," said William, peering down to check on his year-and-a-half-old daughter. "It would be horrible for my family if I got deported. This is my home." William, a plumber, said: "We're here to work. We're not criminal. We just came here for a better life."

That's a point that Trejo echoes; it would be easier to stay silent, but doing so would mean cowering to bigotry.

Holding U.S. flags and a poster that reads "Immigrants Make America Great," Diana Sanchez and her 9-year-old son profess to living in constant fear. A graduate of Connally High School and now an employee at an Austin nonprofit clinic, Sanchez arrived 15 years ago from Mexico.

The 30-year-old single mother says that before DACA and a work permit, she rarely saw her son due to 9am-to-midnight work shifts, but now her hours are more manageable and DACA has helped keep the two safe. Yet today they're back to living in fear, especially around North Rundberg. "It's really scary. People are afraid to go out in the neighborhood," she said. "I feel like one day I'm going to wake up and be told, 'You can't work here anymore.' It feels awful. My son is so scared for us."

Sanchez's parents refuse to visit from Mexico for fear that their visas will be revoked, and her boyfriend, also undocumented and supporting his mother with a heart condition, worries about getting picked up by ICE at work. While it may be safer for Sanchez to stay home, she joins the protest and others like it because she believes in the power of visibility. "People need to know we are afraid, but if we don't speak up no one is going to hear us – no one is going to know the struggle is real," she said. "If we don't stand up for ourselves, who will?"

That's a point that Trejo echoes; it would be easier to be silent, but doing so would mean cowering to bigotry. "We have to stand up to the injustice, for me and for my parents and for all those that can't protest," said the high school student. "I don't have fear when I protest, not because I'm not scared or worried, but because if we are not brave enough we will never change anything; we will never solve the problem."

Emergency Investment

Trejo, Sanchez, the Garcias, and their fellow protesters soon merged with hundreds who marched from Austin City Hall that morning toward the Capitol before returning to City Hall. Inside chambers earlier that day, City Council had taken a significant step toward honoring their commitment to protect immigrant communities. By a 10-1 vote, members added \$200,000 to an existing \$600,000 (over six years) contract with Catholic Charities of Central Texas for legal services to immigrants, as well as counseling for immigrants facing trauma and mental health issues ("Council: Robert Rules, OK?" Feb. 20).

Justin Estep, an immigration attorney and the director of immigration legal services at Catholic Charities, told the *Chronicle* the organization is seeing record call volumes for assistance. "I can't think of any other word to describe it than 'overwhelming,'" said Estep. The nonprofit has the resources to handle 30 clients a week, but since the ICE arrests they've seen an average of 50 requests each week. New funds will go toward expanding capacity and hiring additional staff, including legal assistants and a receptionist to field the overflow of calls. Said Estep: "We believe there are more immigrants at risk today, so we want to make sure as many folks as possible, especially those with low incomes, are able to access legal services that frankly every person should have access to when trying to advocate for their rights."

"We want to ask God to touch the hearts of the president and governor and put a stop to these raids that are tearing our families apart." – Dulce Ramos

City Council Member Greg Casar told the *Chronicle* the investment is tantamount to emergency relief. "When there is a flood that's going to occur and families could get separated or hurt, we have APD and EMS to plan a response. So we need to convene the power and resources of City Hall and other groups to protect our similarly vulnerable families in danger," he said. While the

recently approved funding is a one-time allocation, Casar signaled that he will strongly advocate for an ongoing commitment to deportation defense and city-funded immigrant-related legal assistance next budget cycle, and find ways to assist families and children left behind by deportation as well. "Ultimately, we are now here to clean up the mess the federal government wants to make," he said.

Though Mayor Steve Adler and other CMs including Pio Renteria and Delia Garza have thrown their support behind the effort, Casar – whose District 4 has the highest number of immigrants and non-U.S. citizens in the city – has been Council's most vocal critic of the new ICE policies. He's heard startling stories from his constituents, such as a mother of five with no criminal record who one day found ICE knocking on her door. Her U.S.-born children were "traumatized" by the event, said Casar. "When these arrests are happening in broad daylight it's clear that they're not about anything but shock and awe and instilling fear in the community," he said.

The dais debate on the immigrant legal services funding item featured a notably tense and emotional exchange between Casar and resident conservative CM Ellen Troxclair – the item's lone dissenter – who called the investment "inappropriate" and said criminal immigrants "are not being held accountable" and threaten Austin's "quality of life." Casar, visibly flustered, countered that undocumented immigrants do not evade the criminal justice system and accused Troxclair of "deliberately misleading to score political points on the vulnerable." Later, Casar told the *Chronicle*: "The fact of the matter is that some of our local and statewide political leaders continue to try to get away with insinuating that our communities are criminal, and that's not acceptable."

Indeed, several studies show immigrants are less likely to commit crimes than native-born residents. U.S. crime rates have dipped for several years while the number of immigrants has grown, the American Immigration Council noted. Research from the right-leaning Cato Institute, the University of Alabama, and College of William & Mary show similar results, with the latter discovering cities with historically high immigrant populations actually experience reduced crime rates. The evidence dispels a common yet dangerous narrative – pumped up by Trump loyalists and statewide conservative leadership – that ascribes the stigma of criminality to undocumented immigrants and perpetuates unfounded alarm.

Amid the dehumanization and criminalization of much of his constituency, Casar points to one bright spot: the feeling of empowerment and the mobilization among immigrants and allies to resist such draconian rules. "I have tried to remind people that it's because immigrant voices have risen up and organized and fought back that we have gotten this far," he said. "And the fact that there have been protests day after day in this city really speaks to the resilience of the community."

First Responders

Early rumblings of ICE raids in the first days of February sent local nonprofit and legal groups into an organizing frenzy ("ICE Raid in Austin?" Feb. 2). And the strategizing paid off: Groups, including the Texas Here to Stay coalition, were able to respond to the enforcement action. A rapid text alert system for attorneys led to a pop-up legal clinic at the Grassroots Leadership offices on Cesar Chavez. Around 80 people showed up, including 10 family members directly affected by the arrests. "I think we were the first city in Texas to have something set up that had

a rapid response and alert system," said Faye Kolly, a local immigration attorney and member of the American Immigration Lawyers Association. "As a city, we have a lot to be proud of."

Kolly described the mood in the makeshift legal clinic as one of mass confusion and panic. "Many were visibly frightened and shaken, there was a lot of uncertainty and fear," she said. While conducting consultations, Kolly and other attorneys began to notice that while ICE claimed they were only going after those with serious and dangerous criminal records, some of the cases clearly didn't match the call. "ICE was waiting for people to leave their homes in the morning so they could pick them up from work," said Kolly. "We saw a lot of people being swept up who were not supposed to be targeted. Of course, what we know now is that everyone is a target."

"The fact of the matter is that some of our local and statewide political leaders continue to try to get away with insinuating that our communities are criminal, and that's not acceptable." *Greg Casar*

Indeed, federal documents obtained by the *Statesman* show that 28 people, a majority of the 51 arrested by ICE in the Austin region (including San Antonio, Del Rio, Laredo, and Waco) during the raids were not the fugitives, gang members, or violent threats ICE claimed to target, making Austin the leading city for non-criminal ICE arrests. In fact, more people in Austin were rounded up for drunk driving than any other offense. For answers about the arrests, don't look to local law enforcement: After the raids, Austin Police Chief Brian Manley reiterated that APD was "not part of the operation," and that ICE isn't required to notify APD of their presence in advance. "It's very important that we don't lose the trust we have worked so hard to build over the years with the community, regardless of their citizenship status," said Manley.

In a statement, ICE contended the enforcement operations were "routine," and denied targeting undocumented immigrants "indiscriminately." Without directly mentioning the non-criminal arrests, ICE made note that during targeted enforcement operations ICE officers "frequently encounter additional suspects" who may be in violation of U.S. federal immigration laws – or as ICE describes it, "collateral apprehensions." ICE failed to release identities of those arrested and has yet to respond to *Chronicle* follow-up questions. The *Chronicle* has filed a Freedom of Information Act request for more information about the local detainments and the number of "collateral" arrests in previous years.

However, many believe the non-criminal crackdown is direct political payback for Travis County Sheriff Sally Hernandez's unwillingness to comply with all ICE detainer requests, a refusal that led Gov. Greg Abbott to slash \$1.5 million in county Criminal Justice Division grants, cutting vital services for children, abused women and families, and veterans. (That move sparked Rep. Eddie Rodriguez to create an online crowdfunding site to recoup the loss. To date, the Travis County Stronger Together campaign has raised more than \$111,000.)

Austin state Rep. Gina Hinojosa is among those who consider the disproportionate arrests an act of reprisal. "We know that the majority of people arrested in Austin over the last few weeks had no criminal record," she said during an immigrant rights event in February. "It was not an issue of safety and security. Many of us believe it was actually an issue of retaliation to Austin for us standing up for our values." But Rodriguez doubts that Trump's administration is efficient

enough to conduct a coordinated strategy. "I believe that Austin may have received extra attention [instead of other localities within the state] for the TCSO's policy, but I am skeptical about the federal government's competence to successfully engage in the degree of coordination and communication required to execute such a conspiracy," he told the *Chronicle*. He does, however, believe calling the raids "routine" is dishonest: "ICE implemented Trump's priorities faithfully. Bad priorities implemented faithfully produced bad results in the Austin ICE raids. Perhaps the officers on the ground in Austin implemented these priorities with a bit more enthusiasm than their counterparts elsewhere. Despite the rhetoric used in defense of the ICE raids, let's call a spade a spade: We've seen the blueprint for mass deportations in our country."

That blueprint served as a harbinger of things to come.

Sweeping Expansion

Shortly after the raids, DHS Secretary John Kelly issued chilling policy memos detailing how to enforce Trump's January immigration executive order. (The Trump administration issued a second iteration of the order on Monday.) Kelly announced DHS would drastically widen enforcement of undocumented immigrants, and "no longer will exempt classes or categories of removable aliens from potential enforcement." Dashing former President Barack Obama's guidelines prioritizing serious security threats for deportation, the new memos direct ICE agents to remove anyone charged with a criminal offense, however minor, or anyone already ordered for deportation, even if they haven't committed a crime.

"It's really staggering. I don't know how else to put it," said Austin immigration attorney Robert Painter. "It's an incredibly dramatic change in the federal government's approach to immigration, and the most sweeping expansion in recent history."

Painter helps manage American Gateways, a longtime local immigrant legal services nonprofit focusing on humanitarian immigration needs such as asylum and deportation defense. The group approached City Council with Catholic Charities to request bolstered deportation defense resources for those swept up in the raids. Most of the organization's clients are undocumented. Lately, it's experienced unprecedented demand.

Painter said he worries about the vagueness of Kelly's memo: Those targeted include undocumented immigrants who "have committed acts that constitute a chargeable criminal offense" (like jaywalking, or driving without a license) and those who have "abused any program related to receipt of public benefits" (with no explanation of "abuse"). The memo also fails to exempt anyone who was previously charged with a criminal offense but has since been acquitted. "The language is so broad that anyone in this country without documents or those with pending immigration cases are potentially vulnerable to arrest and deportation," he said.

Tucked away in the memos are a number of other unsettling directives, including an expansion of expedited removals, a process that lets officials act as judge and jury by deporting immigrants without due process. The removal was previously limited to those who have been in the U.S. for less than two weeks and caught within 100 miles of the border; now it's anyone who's been in the country for up to two years, regardless of border proximity. Fast-track removals, attorneys note, block access to humanitarian protections like asylum for victims of abuse and persecution,

guaranteed under U.S. law. And the administration suggests sending undocumented immigrants to Mexico – even if that's not their place of origin. "There are going to be some serious human rights concerns," said Painter. "You are essentially giving people to human traffickers and other criminal elements if you force them back into Mexico to try to find another way to get in."

The memo also beefs up local law enforcement's ability to act as de facto ICE agents under the 287(g) program – opening up racial profiling and constitutional violations – and requires that the agency publish weekly reports on state and local jurisdictions that release undocumented immigrants from jail. Moreover, the Trump administration, as reiterated to audible groans during the president's first address to Congress, will create a Victims of Immigration Crime Engagement Unit to publicly track crimes committed by undocumented immigrants on a weekly basis.

The memo also calls for expanding detention centers "to the greatest extent practicable" and hiring 5,000 Border Patrol agents, 500 air and marine officers, and 10,000 ICE agents. (Attorneys caution that a ramped-up force could mean lax hiring guidelines resulting in abuse and negligence, as seen in the past.) Further, the memo rescinds longstanding privacy protections for undocumented immigrants that could make it easier for ICE to obtain information from other agencies. And while it appears "DREAMers" are largely safe, reports of DACA arrests in Mississippi and Washington signal how the unpredictable nature of the new administration fails to promise protection.

Kolly, Painter, and their colleagues are cognizant of their limitations under the federal administration's latest orders, and stress undocumented immigrants should do everything they can to educate themselves about their rights and craft a strategy if removed. American Gateways visited the South Texas Detention Complex in Pearsall to offer legal orientation programs and consultations to those arrested in the Austin raids. "At this point the new memos are so sweeping that we really can't guarantee any one of our clients is going to be safe from an enforcement action," said Painter. "The best we can tell them is prepare yourself, understand your constitutional rights, and have a plan in place so you can keep your family safe and have access to representation as soon as possible."

A Safe Haven

Alejandro Caceres, immigration organizer with Grassroots Leadership, which leads the ICE out of Austin movement, said the next step is finding safe haven for those facing the threat of deportation; in effect creating an underground network of businesses, clinics, restaurants, churches, and other places that can harbor immigrants in the event of upcoming massive raids – or at least banish ICE from their private property.

"It doesn't seem like the local government can protect us from the federal administration, so we've got to find a way to protect ourselves," he said. "We want people to be actively on the lookout and make sure ICE doesn't feel comfortable in parking lots and businesses. If ICE is going to do a stakeout on private property, we want it to be as inconvenient as possible." Count St. Andrew's Presbyterian Church (part of the interfaith Austin Sanctuary Network) and Black Star Co-op as havens. AISD also recently passed a resolution reaffirming that the district is a safe space for all students, regardless of immigration status.

Of course, under the Texas Legislature's plan to pass a so-called "sanctuary cities" bill this session, safe shelter is equally under threat ("Matters More Than the Law," Feb. 10). Senate Bill 4, by Sen. Charles Perry, R-Lubbock, would punish local governments and universities that don't comply with ICE detainer requests to hand over immigrants. Violating the potential law could mean a loss of state grant funds. Labeled as one of Gov. Greg Abbott's "emergency" priorities, SB 4 sped through the full Senate and now heads to the House, despite resounding testimony in opposition.

Sen. Sylvia Garcia, D-Houston, and 10 co-authors, including Sen. Kirk Watson, D-Austin, have proposed a counter bill (SB 997) that would establish "safe zones" for immigrants at hospitals, public schools, courthouses, and places of worship, where local and state police would be prohibited from enforcing federal immigration laws. "These have always been in our society: institutions where it should be safe and one can trust that institution," Garcia said at a February legislative press conference. "If we break that, it breaks our democracy."

With Dignity and Respect

With tears in her eyes, Dulce Ramos stood on the Capitol steps before the darkened evening sky, illuminated only by candles from vigilgoers who came to pray for the immigrants. Ramos, like most of the state's undocumented immigrant population, has lived in Texas for more than a decade. Her husband works in construction; she serves in the cleaning industry. She wants state and federal leaders to recognize that their labor contributes to the successfulness of the local economy, and to be offered basic respect.

"I'm here despite the fear I feel of what's going to happen to me and my family and my community," she said during the vigil. "I've had to be very brave and very strong to be out here today, to put my family in front of you all. [Ramos and her husband have five kids.] We are afraid to go to school, afraid to go to work, afraid of what will happen if we get separated. All we are asking for is that they respect us and let us live in this country with dignity. We want to ask God to touch the hearts of the president and governor and put a stop to these raids that are tearing our families apart."

Maricela Galván, an undocumented mother on the Eastside, echoed Ramos' balance of fear and bravery. The wife of a construction worker and mother of two (a UT graduate school student and ACC student, both DACA beneficiaries), she told the *Chronicle* that she has never felt so vulnerable since her move to the U.S. some 17 years ago. She shudders at the thought of being forced to move back to Mexico, a prospect she calls "horrible" amid the cartel violence and job instability, after building a life in Austin. "I feel very scared and unsafe – not just for my family but the whole community," says Galván. Anecdotally, she shares that some members of her community have stopped dropping their kids off at school or picking them up, while others with serious health conditions have thought twice about visiting the hospital or doctor's office out of fear of ICE on the premises.

Galván said it took her years to finally come out of the shadows as undocumented. She now helps provide Know Your Rights resources to empower her community. "I know it's really difficult for people, especially today, to say 'I'm undocumented,' but it's important for others to

know us, to know that we work really hard for our kids, we follow the rules," she said. "They should know we are good people and we have values."