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**STATEMENT BY NEW YORK CITY BAR ASSOCIATION
PRESIDENT DEBRA L. RASKIN CONCERNING
RECENT HOME RAIDS BY THE DEPARTMENT OF HOMELAND SECURITY AND
ARRESTS OF MOTHERS AND CHILDREN SEEKING PROTECTION IN THE
UNITED STATES**

The New York City Bar Association expresses grave concern about recent home raids by the U.S. Department of Homeland Security (DHS), targeting for arrest mothers and children who have come to the United States from Central America since last summer. These raids have already led to the arrest of over 120 mothers and children, including children as young as four. Many families arrested in these raids fled gang violence or domestic violence in their countries of origin and have meritorious claims to asylum, Convention Against Torture protection, or other forms of protection. The vast majority of these families were ordered removed in fast-tracked proceedings that lacked critical elements of due process, such as access to counsel and sufficient time to collect evidence or retain an attorney. In fact, 86 percent of the women and children in the targeted group were unrepresented.¹ In the very short period of time since the home raids began earlier this month, moreover, attorneys from the CARA Pro Bono Project have obtained stays of removal for 33 of the 121 women and children whom DHS arrested and who had previously been ordered removed. Because this pro bono project can only reach a limited number of clients, further review is likely to reveal additional families with meritorious claims. These results demonstrate both the strength of the claims for U.S. protection and the critical need for attorneys to present those claims.²

The City Bar has long supported a right to legal representation for people in removal proceedings. It has urged the Obama Administration, Congress, and city and state legislators to provide access to counsel for individuals in removal proceedings.³ In cases that involve

¹ TRAC Immigration, Potential Impact of Immigration Raids Targeting Women with Children, *available at* <http://trac.syr.edu/immigration/reports/410/>.

² American Immigration Council, CARA: 33 Mothers and Children Protected from Immediate Deportation, Jan. 13, 2016 (press release), *available at* www.americanimmigrationcouncil.org/newsroom/release/cara-33-mothers-and-children-protected-immediate-deportation.

³ *E.g.*, Letter to President Obama and Secretary Johnson recommending an end to family detention (May 26, 2015), *available at* <http://www2.nycbar.org/pdf/report/uploads/20072910-LettertoPresidentObamareLarge-ScaleDetentionofImmigrantMothersandChildren.pdf>; Letter to Governor Cuomo regarding Funding in 2015-2016 Executive Budget to Support Legal Representation and Social/Educational Services for Unaccompanied Immigrant Children (Dec. 17, 2014), *available at* <http://www2.nycbar.org/pdf/report/uploads/20072830-FundingforLegalRepresentationEducationalServicesforUnaccompaniedImmigrantChildren.pdf>; Letter to President

children, or adults facing potential persecution or torture upon removal, the stakes are high and the need for counsel is particularly acute.

Not only have the home raids led DHS to arrest families with legitimate claims to protection, but such actions also create widespread fear in immigrant communities. As news of the raids spread, clients of City Bar members increasingly report fear over the prospect of attending court hearings, reporting crimes to law enforcement, initiating legitimate legal claims for relief and protection in the United States, and even sending their children to school.

The City Bar urges the Obama Administration to take the following steps:

- (1) Immediately discontinue home raids targeting mothers and children;
- (2) Provide families in detention with access to effective counsel;
- (3) Stay the removal of the mothers and children who were arrested until they have had a full and fair opportunity to explore and present any claims for relief;
- (4) Agree to reopen removal proceedings for individuals who were not represented during their prior proceedings, did not have sufficient time to collect evidence, or faced other due process violations;
- (5) Release families pending the resolution of their claims;
- (6) De-prioritize the removal of minor children and their parents, in light of humanitarian concerns and dangerous conditions in Guatemala, El Salvador, and Honduras, and provide appropriate grants of deferred action where no other form of legal protection is available; and
- (7) Designate Guatemala and re-designate El Salvador and Honduras for Temporary Protected Status.

Obama regarding New York City Bar Association's Opposition to Expansion of Detention for Immigrant Mothers and Children (Nov. 21, 2014), *available at* [http://www2.nycbar.org/pdf/report/uploads/20072808-OppositiontoExpansionofDetentionforImmigrantMothersandChildren.pdf](http://www2.nycbar.org/pdf/report/uploads/20072808-<u>OppositiontoExpansionofDetentionforImmigrantMothersandChildren.pdf</u>); New York State Assembly Committee on Social Services and Committee on Children and Families, Hearing on York State's Role in Addressing the Influx of Unaccompanied Migrant Youth from Central American Countries, Sept. 16, 2014 (testimony of the Immigration and Nationality Law Committee of the New York City Bar Association), *available at* [http://www2.nycbar.org/pdf/report/uploads/FundingUnaccompaniedMinorsImmigrationAssemblyTestimonyFINAL9.16.14.pdf](http://www2.nycbar.org/pdf/report/uploads/<u>FundingUnaccompaniedMinorsImmigrationAssemblyTestimonyFINAL9.16.14.pdf</u>); Letter to President Obama regarding Denial of Access to Counsel and Fair Hearings for Immigrant Mothers and Children Detained in Artesia, New Mexico, *available at* [http://www2.nycbar.org/pdf/report/uploads/1_20072779-LetteronDenialofCounselandFairHearingsforDetainedImmigrantMothersChildren.pdf](http://www2.nycbar.org/pdf/report/uploads/<u>1_20072779-LetteronDenialofCounselandFairHearingsforDetainedImmigrantMothersChildren.pdf</u>); Letter to House and Senate Leadership regarding H.R. 4936, the Vulnerable Immigrant Voice Act (July 29, 2014), *available at* [http://www2.nycbar.org/pdf/report/uploads/20072772-LetteronVulnerableImmigrationVoiceAct.pdf](http://www2.nycbar.org/pdf/report/uploads/<u>20072772-LetteronVulnerableImmigrationVoiceAct.pdf</u>); *see also* Lenni Benson, Farrin R. Anello, & Michael D. Cooper, We Must Honor the Rule of Law for Desperate Children at the U.S. Border, The Huffington Post, Sept. 30, 2014, *available at* [http://www.huffingtonpost.com/lenni-benson/desperate-children-and-th_b_5637806.html](http://www.huffingtonpost.com/<u>lenni-benson/desperate-children-and-th_b_5637806.html</u>).

Temporary Protected Status is necessary and appropriate in this circumstance because major criminal gangs in El Salvador, Honduras, and Guatemala are systematically perpetrating acts of severe violence throughout these countries, effectively creating a zone of armed conflict, and because the Northern Triangle governments are not currently able to control the gangs or protect their citizens.

In short, mothers and children fleeing violence in Guatemala, El Salvador, and Honduras urgently need protection from our government. As a leader in refugee protection, the United States should respect the due process rights of these families and honor our obligations under international treaties such as the Refugee Convention and Convention Against Torture. Our government should protect families at risk of persecution or torture, rather than returning them to situations in which their lives are in danger.

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