

A young immigrant is swept up in a raid—and tries to navigate the U.S. courts

By Elizabeth Doerr
Baltimore City Paper • Last Updated: May 25, 2016 at 3:00 am



Mauricio, a 19-year-old resident of Owings Mills, was picked up by immigration and spent 25 days in jail. (Tania Garcia/For City Paper)

At 7 a.m. on Feb. 2, Mauricio was heading out the door of his Owings Mills apartment on his way to work when six immigration officers approached him asking where he lived and who lived with him.

He lived in the apartment right there with his older brother Antonio, he told them.

The officers searched Mauricio and asked for identification. He told them he didn't have an I.D., but they found a paper in his wallet noting a missed court date. Because of this, they arrested him and put him in one of their two vans. While he waited, Mauricio saw the officers return to his apartment where he assumed they knocked several times on the door, possibly looking for his brother, to no avail. The officers

took Mauricio into detention where he spent the next 25 days in jail. He didn't know whether he'd be sent immediately back to his home in Guatemala, held for years and then sent back, or be released.

Mauricio, 19, was one of the early arrests in this year's national uptick in immigration enforcement.

Mauricio and his brothers Miguel, 30, and Antonio, 32, prefer to use their middle names in this story because of the sensitivity of their ongoing cases.

The brothers grew up in poverty in Guatemala. They are the three eldest sons of 13 children. The oldest brother, Antonio, left Guatemala first in 2005, seeking a better life and a job where he could assist his family back home.

Miguel's departure was even more urgent. In 2008, a gang attempted to rob Miguel's father as he walked back from the store with Miguel, his mother, and his sister. In the process, the father was brutally murdered. Because Miguel was the only male that witnessed it, he knew the gang would have a hit out for him. Like Ana (see p. 16), he had to leave.

The father's murder not only forced Miguel's quick departure, he says, but also threw the family into disarray with the primary breadwinner gone. In 2014, when Mauricio turned 17, the family sent him to the U.S. to join his brothers where he could help by sending money back home.

Each of the brothers took similar and perilous journeys alone to and across the border. Mauricio talks about the multiple attempts to cross the border and his initial detention in Texas that mirrors Ana's. He was caught by border patrol and detained for 22 days. But he was able to reunite with his brothers in Maryland and start work to help support his family back in Guatemala as he waited for his immigration status to be sorted out. Mauricio felt fortunate to be able to work and live with his brothers. His sense of security, though, was thrown into disarray when he was picked up by Immigration in February.

"I suffered there," Mauricio says quietly about arriving in the cell where the ICE officers took him. He is soft-spoken and shy. His brother, Miguel, older and having lived in the U.S. longer, seems surer of his statements. But with Miguel and CASA de Maryland's lead community organizer Lydia Walther-Rodriguez's prompting, Mauricio opens up, "I felt sad and bored. Bored because I couldn't go outside and sad for my family." Before he ended up in that cell, he didn't know where they were taking them, although he could tell that they were going toward Baltimore and then to Frederick. He had limited contact with his family.

A Rise in Detention

On Dec. 22, 2015, a little more than a month before Mauricio was detained, Secretary Jeh Johnson and the Department of Homeland Security released immigration enforcement statistics from 2015 announcing that 406,595 people were apprehended and 462,463 people were returned to their country of origin. DHS also announced it would be increasing pickups of not only illegal immigrants who have committed crimes in the U.S. or are suspected terrorists, but would be prioritizing deportation of individuals and families who received a deportation order after Jan. 1, 2014.

What does this mean for Mauricio—and the hundreds Central American immigrant minors across Maryland?

Sirine Shebaya, a civil rights attorney formerly with the ACLU of Maryland, interprets it to mean that they are going after Central American families. "That's not what they said [specifically], but that's kind of the parameters they set," she says. "So the community that [is captured] are essentially asylum and refugee seekers." Mauricio and his brothers are part of that targeted group.

Soon after this announcement, the national press began to report on families in Georgia and Texas that were being taken into custody. While deportations had been happening all along, Johnson's December announcement put them back on the front page—and made the news a top story in all the Spanish-language outlets.

This news brought on a deluge of reactions nationally and locally. Many Hispanic residents in the Baltimore area panicked—particularly because parents and their children often don't have the same immigration status, or are at different places in the process.

"[Deportation] was already one of the fears in the community," says Catalina Rodriguez Lima, Director of the Baltimore City Mayor's Office of Immigrant and Multicultural Affairs. "Immigration is at the top of every single Latino [media] outlet. While we might not hear it in the mainstream media, you might hear it on Univision or Telemundo. These groups are hearing it constantly. Someone is deported in Atlanta or Atlantic City. That plays a role in people's fear."

Hispanic-serving organizations like Esperanza Center and CASA de Maryland as well as schools with large Hispanic populations noted that many of their clients stopped coming in to utilize their services.

"We had very few people coming to the health clinic shortly after the announcement because people were afraid to come out of their house," says Val Twanmoh, Director of Esperanza Center, an arm of the Catholic Charities of Baltimore that provides immigrants with healthcare, social services, referrals, language classes, and immigration legal services. She and Adonia Simpson, Esperanza Center's Managing Attorney for immigration and legal services, say that they heard many stories of people not sending their kids to school and just being afraid to go out of the house out of fear that they would be picked up by ICE and deported.

Rumor vs. Reality

Esperanza Center and many other organizations took action, trying to get the correct information out there while telling people how to protect themselves—but even they had a hard time sorting fact from rumor.

"We were getting calls saying ICE is down at the CVS in Highlandtown. But that's not what immigration's doing," says Simpson. "They're not going to businesses, they're not

going to places of worship, they're not going to schools. We're trying to get that word out to the community."

Mayor Stephanie Rawlings-Blake wrote a letter to the Department of Homeland Security this winter to ensure that schools, grocery stores, and places of worship were, indeed, safe from ICE enforcement, as is DHS policy.

But news in January that three undocumented people were swept up in raids at a home where ICE was looking for another person has put the community on edge.

Mauricio's situation—essentially "collateral damage"—was similar; he was caught just because he was home that day. He has since been released. But shortly after, in early March, his older brother, Antonio, was also detained. Walther-Rodriguez, who works with the brothers, says that based on the investigation she and her colleagues have done, they believe the ICE officers were possibly looking for Antonio originally. Antonio also spent about a month in detention and was released on bond in mid-April.

Walther-Rodriguez has seen more detentions in the county versus Baltimore City. She believes this was possibly because of the mayor's assurance that Baltimore City police wouldn't collaborate with ICE to detain people. While there aren't hard numbers yet, Walther-Rodriguez knew of at least three raids before Mauricio's and at least one since then, all in Baltimore County.

Mauricio's detention points to the tenuous legal situation in which immigrants find themselves when they come to the U.S. After he was released from his original detention near the border, he was given a court order to appear. "[But] when people are detained at the border, there are a lot of things that have to happen," Simpson says. "You have to change venues. You have to do a change of address and sometimes that comes so quickly. So they may not receive the notice that they had to attend court." The complexity of the U.S. justice system is confusing for a native-born U.S. Citizen and English-speaker let alone someone with limited English who is still figuring out how to adapt to the culture. Many don't have lawyers.

"Unfortunately, once migrants come in at the border, a lot of the process that they went through was inefficient," says Shebaya. "They had expedited processing, so they didn't get a full examination of their cases...and they had no access to lawyers. Many people don't know they don't have a right to appeal."

Many of the migrants—thousands of them unaccompanied minors—don't necessarily have someone to explain the legal distinctions to them when they're detained, either. Shebaya says that kids like Mauricio come for a reason and that they should be given due process just like anyone else. Because immigration proceedings are not criminal, there are no Sixth Amendment grounds for guaranteeing legal counsel.

The Legal Limbo

Young people like Mauricio often fall into a legal limbo, and the U.S. government is sending mixed messages which further confuse things, says Shebaya. In January 2016, Peace Corps announced that it was suspending the volunteer program in El Salvador citing the "ongoing security environment." El Salvador—along with Guatemala and Honduras—is among the five most dangerous countries in the world with a homicide rate of over 108 homicides per 100,000 people in 2015 with August 2015 topping the charts at 911 murders in just that month. While Mauricio is from Guatemala, which has a somewhat lower homicide rate, it is still exceptionally high with over 29 homicides per 100,000 people. Guatemala also has the highest number of gang members in the region. In 2012, the U.S. Department of State estimated that there were 85,000 gang members in the entire region, 22,000 of them in Guatemala.

Shebaya insisted that the U.S. should recognize that people like Mauricio are refugees and asylum-seekers coming here for mercy, and they should be treated as such.

While Ana Herrera (see p. 17) qualified for Special Immigrant Juvenile (SIJ) status because she was abandoned by her parents as a baby, Mauricio was different. The parameters for SIJ cases are confined to kids who have been abandoned, abused, or neglected—and Mauricio's father being killed by gang members does not technically mean he was "abandoned."

Alejandra Morisi, the assistant managing attorney at Esperanza Center who (along with Simpson) oversees the unaccompanied children department, believes that Mauricio's case would be an asylum case. But asylum cases are tricky to advocate. The person has to prove he can't return home "because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."

"What is hard is kids who leave because they are being threatened, but nothing has happened yet," says Morisi. "If they leave and they have a healthy relationship with their parents and they've been harassed by gangs or went to a school in rival territory and because of that are being harassed by gangs, that might not qualify them for asylum...You have to prove that your persecution is based on the fact that you're a part of a specific group."

Proving this from afar is complicated.

Judges look at the gang violence in the U.S. and see these young people's situations as no different, says Morisi. "We haven't been successful with crafting a social group that isn't just 'they are just teenagers that are resisting [gang] recruitment.'"

Although Esperanza Center isn't representing Mauricio himself, Morisi believes there was hope for his case. "His dad had been murdered," she says, hoping that might serve as persuasive proof of persecution. But in the interim, cases like Mauricio's and the fact that he was picked up by ICE and held for almost a month throw the Latino community into fearful chaos.

Educating and Advocating

On Jan. 6, a few days after the first reports of the increased enforcement around the U.S. started occurring, Esperanza Center held a Know Your Rights event at St. Michael and St. Patrick Church in collaboration with the ACLU of Maryland. The church was standing room only, with over 200 attendees. The tension and fear was palpable.

Mothers held their children tightly. Everyone listened intently to try to grasp what was happening and what they should do.

Shebaya began with a rundown about immigrants' rights during a home raid: don't open the door for ICE, ask why they're there, ask for an interpreter, pay attention to the signature line of documents presented (issued by a court or the DHS or ICE), do not attempt to resist, don't lie or show false documents, and don't sign any papers without speaking to a lawyer.

The questions that followed mostly focused on the gray areas: What if I'm outside my house when ICE comes? What if there's a warrant for someone I live with? What if ICE picks people up in a public place?

The panelists from Esperanza and the ACLU did their best to quell the fears. "We're trying to get the word out that it's unlikely that if you've been here a very long time and you don't have a removal order, you're unlikely to be picked up by ICE," Simpson says. "But with that said," she trails off and acknowledges the three clients that were "collateral damage" in a raid.

In the days since the winter raids, Esperanza's legal team has jumped in to work with their six-month backlog of clients. Esperanza has eight full-time attorneys and 85 pro-bono lawyers handling approximately 700 open cases. They are doing what they can, but the cases keep rolling in. Meanwhile, CASA is advocating for policy change and the Latino community is striving to organize.

Walther-Rodriguez says she sees the community transitioning "from the mentality 'how do I prevent myself from being a victim?' to being 'defenders of justice.'" CASA is helping through community defender trainings and orientations that give people information on what to do when they see ICE at their own door—and also if they see ICE in the neighborhood or knocking on a neighbor's door.

On March 18, CASA arranged for immigrants and supporters from Baltimore to travel to Washington, D.C. to attend a demonstration at the U.S. Supreme Court where

protesters advocated for temporary deportation relief for parents of children who are legal residents in the U.S. through DAPA, a category that protects them. While DAPA wouldn't necessarily protect Mauricio or other unaccompanied minors or families who arrived in the U.S. in 2014 or later, it's seen as a step toward more compassionate immigration policies.

Meanwhile, the three brothers—Mauricio, Antonio, and Miguel—are trying to navigate their way through the labyrinthian legal system to become permanent residents or citizens. "My family is what motivates me," says Miguel. "Having a large family to support can be a challenge, but at the same time to have a family is a beautiful thing."

Originally Published: May 24, 2016 at 8:46 pm