

Federal immigration crackdown begins to fall apart

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By [Amanda Sakuma](#)

LOS ANGELES – The car Sergio Flores just bought was so new that the dealer’s plates were still attached on the day he was pulled over. He had been waiting for months to buy the Mitsubishi, struggling to save up cash from his construction gig while still providing for his five-year-old son, Antonio.

Flores, who lives in Los Angeles, was on his way to work one Friday in April when police stopped him along the outskirts of the city. Unable to present identification, Flores was quickly handcuffed and hauled into the police station.

“They looked at me like I was a criminal,” Flores said in an interview, interpreted through his lawyer. “The stop was a pretext because they knew I didn’t have a license. I hadn’t even committed any infraction.”

About five hours after being locked in a cell, Flores realized the misdemeanor charge of driving without a license was the least of his problems. The 30-year-old father, who entered the U.S. illegally from El Salvador more than a decade ago, was detained through the weekend. At 4 a.m. the following Monday, Flores said he was abruptly awakened. Immigration and Customs Enforcement (ICE) agents were there to take him to their detention center.

An aggressive campaign by ICE – called Secure Communities – to uproot undocumented criminals from within communities has instead led to a dramatic uptick in deportations of families like Flores’s who have spotless records. Under the program, local cops act as immigration agents and send fingerprints from people arrested or booked into custody to cross-check with immigration databases. They are asked to detain inmates for an extended period to buy time for federal immigration officials to take over custody, based solely on the person’s immigration status.

But a growing number of major cities are refusing to cooperate, undermining the controversial immigration program, which launched under President George W. Bush and was expanded by President Obama.

Los Angeles is one of the latest cities to stop directing undocumented immigrants toward deportations, joining Las Vegas, Washington, D.C., Miami, Philadelphia and more than 140 other counties in defying Immigration and Customs Enforcement.

Advocates are hoping the City of Angels could be the final death blow to a program they say is responsible for tearing apart families.

“Aside from separating families and destroying families ... they also really destroy trust between police and the community,” said Flores’s attorney, Jessica Karp, of the National Day Laborer Organizing Network. “That makes everybody less safe because it makes folks less likely to report a crime if they think they’re going to be funneled into deportation.”

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During Flores’s detention, he was forced to break a promise to his son – they were supposed to spend Sunday together, just the two of them.

“It hurt my heart to think about the promise I made to my son to take him wherever he wanted to go that weekend,” Flores said. “It’s been a very hard time for me to be in this situation because it’s hard for me to devote my full thoughts and attention to him.”

Flores’s days in the U.S. could be numbered now that his deportation proceedings are underway. He is suing the Baldwin Park Police Department for locking him up that weekend without cause or a warrant, but the possibility that he could be torn from Antonio, who was born in the U.S., remains a constant threat.

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The Secure Communities program, launched in 2008, was designed as a tool for federal agents to find undocumented immigrants who qualified for deportation. By many counts, the program has been very effective. Total deportations under the Obama administration broke record after record in the early years of the president’s first term, hitting a high of more than 400,000 deportations in 2012.

Rather than focusing solely on the borders of the U.S., the program allowed federal immigration agents to cast a wide net throughout the country to locate and target undocumented immigrants. In the face of opposition from groups arguing that Secure Communities swept up families, the administration altered its priorities in 2012 to target undocumented immigrants with criminal records who were living in the U.S. But it wasn’t just hardened criminals who were caught up in the program’s dragnet.

“It’s basically been the tool for the Obama administration to deport as many people as it can and to reach its quota of 400,000 people a year,” said Jennie Pasquarella, an attorney for the American Civil Liberties Union.

A report by the [Transactional Records Access Clearinghouse \(TRAC\)](#), run by Syracuse University, found that only 12% of deportations in 2013 were of people who committed serious crimes. The most serious offenses committed by more than half of those deported were traffic violations or illegal entry into the U.S., which is technically a petty misdemeanor, according to TRAC.

Supporters say that dismantling the program could have potential drawbacks if undocumented immigrants are released back into communities rather than be deported. And though local police would no longer be handing over inmates to ICE custody, those federal agents would still be forced to track down the undocumented immigrants by other means.

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“The Secure Communities program is tempered but not completely gutted by these non-cooperation policies,” said Jessica Vaughan, director of policy studies for the Center for Immigration Studies, a right-leaning think tank based in Washington, D.C. “It ends up backfiring in terms of public safety when ICE agents have to make the arrests out in the communities.”

Since its 2012 peak, the number of deportations has actually gone down during Obama’s second term. The administration is now grasping for new priorities on deportations in the face of stalled legislation on comprehensive immigration reform.

Department of Homeland Security Secretary Jeh Johnson is said to be reviewing changes to the country’s deportation policies, but further muddying the policy options is the dramatic rise of unaccompanied minors from Central America who are streaming into the country illegally. While Congress is at an impasse over whether to swiftly deport the children, Johnson has hinted that the administration may soon be taking another pass at the Secure Communities program for the undocumented immigrants who are already in the U.S.

“For one thing, we need to fix the Secure Communities program,” [Johnson said earlier this month on “Meet the Press.”](#) “The program, frankly, has gotten off to a bad start.”

The admission follows a landmark case out of Oregon, which has given counties holding undocumented immigrants a reason to pause before alerting ICE agents to take over custody.

In April, a federal judge found that an undocumented woman’s constitutional rights had been violated when she was detained for an additional 19 hours beyond her two-day jail sentence while ICE agents were alerted to her immigration status. The decision made the county liable for legal damages for detaining the woman beyond her completed sentence without evidence, probable cause or a warrant from a judge.

It did not take long before sheriffs and counties began fleeing from the policy.

“It had a domino effect for the rest of the country,” said the ACLU’s Pasquarella.

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Counties within California were the first to fight back against Secured Communities when the program was in its infancy. Santa Clara County set up a policy in 2011 to limit the scope of its cooperation with ICE detention requests.

“Our county really made a great – I thought courageous – stance in saying that our county is a county of immigrants and we’re going to protect them,” said Charisse Domingo, community organizer with Silicon Valley De-Bug and the FIRE Coalition.

The act of defiance against the feds builds on a series of immigration laws throughout California designed to undermine the federal deportation machine. California’s TRUST Act, enacted earlier this year, made initial steps to limit the Secure Communities program statewide.

It was not always that way. Twenty years ago, a California ballot initiative enacted draconian anti-immigration laws that cut nearly all social services off for undocumented immigrants in the state. The landmark initiative – which passed with wide public support in 1994 – denied undocumented immigrants, including children, basic health care and education.

The vote inevitably backfired on Republicans in the state as outrage over the laws mobilized Latino communities. In the years since, California – and its crucial 55 electoral votes – have become a reliably blue state for Democrats with a Latino population that tops [5.9 million eligible voters](#) in the state.

Home to a population that is nearly 38% Latino, Los Angeles has now dealt a significant blow to Secure Communities, one that advocates hope will dismantle an entire system that’s deporting droves immigrants every day.

“We should definitely see fewer people removed out of these communities. This takes one tool out of their tool belt,” said Grisel Ruiz, an attorney for the Immigrant Legal Resource Center. “Secure Communities really casts a wide net. Advocates really want to see these programs tailored or gone.”

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