

# Suit against immigration detainers to go forward

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A federal judge in Chicago ruled Tuesday that a lawsuit filed by the Heartland Alliance's National Immigrant Justice Center against the government's use of immigration detainers may proceed.

U.S. District Judge John Z. Lee ruled that the plaintiffs, including U.S. citizen Jose Jimenez Moreno, may sue the government, the NIJC said in a statement.

The NIJC said that the case may expand to become a class-action suit on behalf of thousands of people who were unjustly held in prison and placed at the disposition of U.S. Immigration and Customs Enforcement.

Jimenez Moreno, 34, was mistakenly held for six months in jail in Winnebago County, Illinois, on suspicion of being an undocumented immigrant.

Another U.S. citizen claims to have been held for almost a year in a maximum security prison without ICE agents investigating his legal status.

The suit questions the procedure of allowing presumed undocumented immigrants to be held in jail beyond the period established by judges and prosecutors within which their immigration status must be verified.

It says that these ICE procedures, with the cooperation of local law enforcement agencies, are "illegal and unconstitutional."

"This is an important ruling that overcomes a significant obstacle that advocates around the nation have faced as we try to hold the government accountable for its unconstitutional use of immigration detainers," NIJC National Litigation Coordinator Mark Fleming said.

"The government cannot simply cancel wrongful detainers in order to duck legal action that challenges this practice," he said.

The NIJC says that the detainers are a key component of the Secure Communities program that would facilitate thousands of annual deportations of undocumented foreigners arrested for minor crimes.

According to information obtained by the center, the Department of Homeland Security issued 271,000 detainers during fiscal year 2009 and more than 201,000 in the first 11 months of fiscal 2010. EFE

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