



HUMAN
RIGHTS
WATCH

THE DEPORTED

Uprooted from the Country They Call Home



The Deported

Immigrants Uprooted from the Country They Call Home

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Summary

Every day, people who call the United States home—including mothers, fathers, and spouses of US citizens; tax-paying employees; and respected community members—are arrested, locked up, and placed in a deportation system that rarely considers their deep and longstanding ties to the United States before summarily removing them from the country. Under President Donald Trump, border-crossings and thus deportations at the border are down, but immigration arrests and deportations from the interior of the country have skyrocketed—showing the Trump administration’s disregard for the rights of individuals who have built their lives and families here.

Donald Trump launched his campaign for president in 2015 promising a major crackdown on undocumented immigrants, whom he characterized as “bringing crime” and as “rapists.” He told voters that as president he would repeal Deferred Action for Child Arrivals (DACA), a temporary protection from deportation for nearly 800,000 immigrants who arrived in the US as children, build a massive wall along the US-Mexico border, and create “a massive deportation force” to remove millions of people living in the United States without papers.

After President Trump’s inauguration, this anti-immigrant rhetoric was soon reflected in official policy. During his second term in office, President Barack Obama had taken a series of executive actions that offered many unauthorized immigrants with longstanding ties to the US some degree of protection from deportation. Upon assuming office, President Trump moved to reverse all of this, quickly signing two executive orders that made nearly all unauthorized immigrants living in the US priority targets for arrest, detention, and deportation, and revoking Obama administration guidance that prioritized noncitizens who had committed crimes or who were recent border-crossers. Then, in September, the Trump administration repealed DACA, exposing hundreds of thousands of young immigrants who grew up in the US to potential deportation.

The impact of these actions has been immediate and severe. All undocumented people in the US now have reason to fear deportation, regardless of the strength of their ties to the US. And while the number of new border-crossers, and thus summary deportations at the border, has decreased markedly since Trump took office, the number of people seized in

the interior of the country—wrenched from their families and communities—has increased sharply. The most dramatic such increase has been among undocumented people without criminal convictions: 28,011 were arrested between inauguration day and the beginning of September, nearly triple the 10,031 in arrested during the same seven-and-a-half-month period in 2016.

This report sets forth the 2017 official data on immigration arrests and deportations and details the often-wrenching human impact of Trump’s policies on undocumented immigrants, their families, and their US communities. The latter analysis draws heavily on 43 in-depth Human Rights Watch interviews with long-term immigrants deported since Trump’s election. Taken together, the data and firsthand accounts illustrate how the enforcement machine President Trump has moved so eagerly to accelerate rarely ever considers people’s deep and longstanding ties to the United States before deporting them.

There is no recognized human right to migrate to another country and obtain legal status, and governments have considerable leeway under international law to remove non-citizens from their territory, particularly when they are unauthorized. But this discretion is not without limits. The United States has obligations to protect basic rights, including the right to family unity and the right to due process. However, these rights are routinely violated within the US immigration and deportation system, which in most cases gives no airing or weight to immigrants’ ties to home and family. Even when immigrants are able to secure an individualized hearing, under US law these factors are in most cases of no legal relevance in deciding whether the person should be removed from the country.

Since the mid-1990s, the US government has deported approximately five million people under a harsh legal framework that provides for automatic or fast-track deportations and routine and widespread detention. The Obama administration’s record was marred by its early aggressive enforcement of these laws, resulting in the separation of millions of families, including the families of many immigrants who had only minor criminal convictions or none at all.

Starting in 2010, however, the Obama administration began a major shift in immigration enforcement, announcing a series of policies that focused deportation efforts on recent

border-crossers and people with criminal convictions. In 2012, the Obama administration created a program that granted people who came to the US as children a temporary legal status through a program known as Deferred Action for Childhood Arrivals (DACA). In 2014, Obama announced more targeted priorities for immigration enforcement and attempted to expand temporary protection to some parents of US citizens (the latter effort was blocked by the courts).

Because of these new policies, arrests and deportations of immigrants living in the United States fell. This did not change the fact that US law and administration policy still unjustly criminalized immigrants and did not provide adequate consideration to the family ties of long-term residents or to the asylum claims of recent border crossers. But the Obama enforcement priorities provided most of the millions of deeply-rooted unauthorized immigrants living in the US some assurance that the government would not arbitrarily tear them from their homes and loved ones.

That progress has now been erased. In the first seven months of the Trump administration, total arrests of immigrants in the interior of the US increased by 43 percent from what they had been from late January to early September in 2016 under the Obama administration, from 68,256 to 97,482. Many of these are people uprooted from communities where they have families and deep roots.

This increase is driven in part by a staggering leap in arrests of immigrants with no criminal convictions at all, as noted above.

During those months, US Immigration and Customs Enforcement (ICE) officers also made 19 percent more interior arrests of non-citizens with criminal convictions than they did during the same period last year. This increase, too, raises concerns because there are good reasons to believe that most of those deported as criminals pose no threat to public safety, and many have equally strong ties to the United States. The government has not released data detailing the criminal convictions of deported immigrants since the end of February 2017. Between early October 2016 and the end of February 2017, mostly under Obama's more targeted enforcement policies, two-thirds of those deported with criminal convictions had convictions for non-violent and non-predatory behavior, including immigration offenses (including entering the country without papers), traffic violations (including running a red light) or drug offenses (including possession of a controlled substance).

The Trump administration's deportation surge is affecting people who have lived for decades in the US, often with no criminal convictions, or with only immigration, traffic, or drug offenses, including drug possession, on their records. Some have grown up in the United States. They have US citizen children, spouses, parents, and grandparents. They have worked in a wide range of industries, like construction, landscaping, and agriculture. They are business owners and US military veterans.

Twenty-year-old Alexis G. had been living in the United States almost his entire life when he was deported in June to Nuevo Laredo, south of the Rio Grande, to a country he barely knew. "My parents brought me [to the US], and I grew up in the United States. If I were to sing an anthem right now, it would be the Star-Spangled Banner—I don't know the Mexican anthem," he said.

The impact on families is often devastating. In an interview after her deportation to Mexico, Lucia H. told Human Rights Watch her five-year-old son stopped eating and was hospitalized, her husband had to leave his job working in the fields in California to take care of him, and their 14-year-old son suffered a breakdown and is now receiving therapy. "My little one tells me, 'come back, mami. I'm not going to eat anymore. I don't want to live because you don't come back,'" she said.

To meet US obligations under international human rights law, US immigration authorities would need to allow for individualized hearings that consider not only the government's interest in deporting an immigrant but also the immigrant's family ties and connections to the United States—including the extent to which the country is in truth his or her "home"—when deciding whether to remove the immigrant. There is simply no provision in US law that would allow deeply rooted immigrants to avoid deportation and gain legal status, except in rare cases. Even in those rare cases where immigration law treats an immigrant's ties to the US as a relevant consideration, people facing deportation are often unable to benefit from this because they cannot access accurate and reliable legal advice.

The Trump administration should reverse its efforts to ramp up deportations of people who have made their homes in the US. To stem the harm, the US Congress should decline any requests to increase funding to executive agencies involved in haphazard and harmful enforcement and to abusive detention facilities.

To truly fix the problem, through legislation and executive discretion, US law should be changed to offer a fair, individualized hearing to anyone facing deportation, in which the person's ties to US families and communities can be weighed against the government's interest in deporting the person. And to effectively address the widespread threat of deportation faced by millions, the US Congress should create a fair and inclusive legalization program for unauthorized immigrants that accords due weight to immigrants' ties to the United States.

President Trump has requested \$7.5 billion dollars to expand the immigration enforcement and deportation system. Each day that passes, more deeply rooted immigrants, including those who once had DACA or other temporary protection, become vulnerable to deportation. The stories of the deported contained in this report describe serious harms that—without action—could very well increase dramatically in the coming years.

Methodology

This report is based on recent government deportation data and on Human Rights Watch interviews with 43 people recently deported from the US.

The data includes publicly available data from the US government and data provided to Human Rights Watch by US Immigration and Customs Enforcement regarding arrests, deportations, and returns during the first seven and a half months of the Trump administration. Data for 2016 and 2017 was provided by ICE aggregated for the time period from January 22 through September 2 in 2017 and January 24 through September 3 in 2016. For 2016 and for earlier years, we also analyzed data that was aggregated at the monthly level. In comparing trends over time, data from earlier years was filtered from February through August, the closest comparable time frame to the aggregated data. Publicly available data from US Customs and Border Protection was also analyzed. We also examined data from the Mexican government. As described in the report, these data show a striking increase in deportations of immigrants arrested inside the United States.

To understand the meaning of these numbers, we analyzed 43 interviews with recently deported individuals in Tijuana, Baja California, and Nuevo Laredo, Tamaulipas, from April to October 2017, which were published on the blog “The Deported.”¹ We focused on individuals with strong ties to the United States whose right to family unity and ties to home are at stake. In all but five of the accounts we published we were able to corroborate at least some aspects of the account in court documents or in other public records, or were able to speak separately with family members, employers, attorneys, or others who knew the deported immigrant and could corroborate at least some aspects of their accounts. Our goal in these accounts was not to prove that any particular individual should not have been deported, but to show that in each case there were significant human rights at stake that the US immigration authorities utterly neglected to weigh.

Interviews were conducted in person or by telephone, and in English and Spanish by Human Rights Watch staff fluent in these languages. All participants were informed of the purpose of the interview and consented orally or in writing. No interviewee received

¹ “The Deported” (blog), Human Rights Watch, <https://www.hrw.org/blog-feed/the-deported>.

compensation for providing information. Where appropriate, Human Rights Watch provided interviewees with contact information for individuals and organizations providing legal, counseling, or other supportive services at the conclusion of the interview. We have used first names and last initials to protect the privacy of individuals and their families, or pseudonyms at the request of some individuals. Where we have done so, we have indicated the use of the pseudonym by placing the name in quotation marks.

Policy Changes and Data on Deportations in 2017

Major Shifts in Policy from Obama to Trump

The Pre-Existing Machinery of Deportation

United States immigration law and policy were flawed long before President Trump came into office. Beginning in 2011, the Obama administration worked to move some aspects of immigration enforcement policy in the right direction, particularly by deprioritizing deportations of some deeply-rooted immigrants. This long overdue policy shift has now been abandoned under President Trump.

Since the mid-1990s, the US has developed what former Immigration and Naturalization Service commissioner Doris Meissner has called a “formidable machinery” of immigration enforcement.² Between 1996 (when a particularly harsh set of deportation laws were passed) and 2016, the amount of the federal budget allocated to immigration enforcement increased seven-fold.³

The Obama administration used this enforcement apparatus to deport nearly three million people and to criminally prosecute hundreds of thousands for the act of crossing the border illegally.⁴ Deportations under Obama included hundreds of thousands of people deported for minor crimes, people who had no convictions at all but were nevertheless swept up in immigration enforcement, and hundreds of thousands of people whose most

² Doris Meissner et al., “Immigration Enforcement in the United States: The Rise of a Formidable Machinery,” Migration Policy Institute, January 2013, <https://www.migrationpolicy.org/research/immigration-enforcement-united-states-rise-formidable-machinery> (accessed November 19, 2017).

³ These laws include the Antiterrorism and Effective Death Penalty Act, Pub. L. N. 104-132, 110 Stat. 1214 (1996) and the Illegal Immigration Reform and Immigrant Responsibility Act, Pub. L. 104-208, 110 Stat. 3009-546 (1996).

The FY 2018 budget includes the budgets for ICE, CBP and USCIS, totaling \$28,771,840,000. The FY 1996 INS budget totals \$4,156.6 million in adjusted 2017 dollars. The 1996 budget was converted into September 2017 dollars using the Department of Labor’s CPI inflation calculator (https://www.bls.gov/data/inflation_calculator.htm). The 1996 INS budget source is US Department of Justice, Budget Trend Data, https://www.justice.gov/archive/jmd/1975_2002/2002/html/page104-108.htm. The FY2018 “President’s budget” source is US Department of Homeland Security, FY2018 Budget-in-Brief, <https://www.dhs.gov/sites/default/files/publications/DHS%20FY18%20BIB%20Final.pdf>.

⁴ Human Rights Watch, Turning Migrants into Criminals: The Harmful Impact of US Border Prosecutions, May 2013, <http://www.hrw.org/reports/2013/05/22/turning-migrants-criminals-o>.

serious crime was an immigration violation.⁵ The *New York Times* found in 2014 that two-thirds of the nearly 2 million people the Obama administration had by then deported from the border and the interior of the country were people who had committed minor infractions, including traffic violations, or had no criminal record.⁶ Human Rights Watch analyses of US government data in 2009, 2013, and 2015 showed that hundreds of thousands of people with minor nonviolent criminal convictions, many with strong family ties in the US, were swept up into detention and deportation.⁷

In 2010, the Obama administration began shifting immigration enforcement policy in a new direction, seeking to provide a measure of security to many deeply-rooted undocumented immigrants that they would not be uprooted from their homes.

The two main policies that provided this security were Deferred Action for Child Arrivals (DACA) and guidance to immigration agents on how to exercise their discretion over who to

⁵ Charlotte Alter, “Most Immigrants Deported Under Obama Had Thin or No Criminal Record,” *Time*, April 7, 2017, <http://time.com/51518/obama-deportations-immigration/> (accessed November 19, 2017).

⁶ Ginger Thompson and Sarah Cohen, “More Deportations Follow Minor Crimes, Records Show,” *New York Times*, April 6, 2014, https://www.nytimes.com/2014/04/07/us/more-deportations-follow-minor-crimes-data-shows.html?_r=0 (accessed November 19, 2017).

⁷ Human Rights Watch, *Forced Apart: By the Numbers*, April 2009, <https://www.hrw.org/report/2009/04/15/forced-apart-numbers/non-citizens-deported-mostly-nonviolent-offenses>; *Turning Migrants into Criminals*, May 2013, <https://www.hrw.org/report/2013/05/22/turning-migrants-criminals/harmful-impact-us-border-prosecutions>; *A Price Too High: US Families Torn Apart by Deportations for Drug Offenses*, May 2015, <https://www.hrw.org/report/2015/06/16/price-too-high/us-families-torn-apart-deportations-drug-offenses>.

A large proportion of these nonviolent offenses involved immigration offenses and drugs. From 2007 to 2012, Human Rights Watch calculated that ICE deportations of people whose most serious conviction was for drug possession increased by 43 percent. These deportations often involved people whose crime had occurred in the distant past. For example, the Obama administration put Ricardo Fuenzalida, a lawful permanent resident, into deportation proceedings in 2013 for two marijuana possession convictions from 13 years prior. See Human Rights Watch, *A Price Too High*.

The Obama administration also ended up prosecuting and deporting as criminals many people whose only crime was crossing the border illegally. During fiscal year 2016, criminal prosecutions for illegal entry, illegal re-entry, and similar immigration violations made up 52 percent of all federal prosecutions for all crimes (immigration-related or not), totaling 69,636 cases. Human Rights Watch documented how these prosecutions criminalized people who were trying to return to lives and families they had already established in the United States, and how, once convicted, they became priorities for deportation as “criminals.” See Transactional Records Access Clearinghouse, “Immigration Now 52 Percent of All Federal Criminal Prosecutions,” November 28, 2016, <http://trac.syr.edu/tracreports/crim/446/> (accessed November 19, 2017); Human Rights Watch, *Turning Migrants Into Criminals*.

In terms of deportations, the Obama administration’s other main priority category was recent border crossers. This, too, swept up some people with deep ties to the United States. Human Rights Watch documented that many migrants who get caught while crossing the border are returning to family with whom they have built lives in the US. Based on an analysis of government data, Human Rights Watch has estimated that 15 percent of migrants arrested at the border in 2011 and 2012 were the parents of US citizens. Human Rights Watch, “Border Enforcement Policies Ensnare Parents of US Citizen Children,” January 8, 2015, <https://www.hrw.org/news/2015/01/08/border-enforcement-policies-ensnare-parents-us-citizen-children>.

deport. Announced in 2012, DACA gave unauthorized immigrants who came to the US before age 16—a group sometimes called “Dreamers”—a chance to stay in the U. to study or work provided they met certain conditions such as being enrolled in high school or having a high school degree or GED equivalent, and not having a serious criminal conviction.⁸ Those approved for the program were given a work permit and protection from deportation for two years, and could apply for renewal.

In addition, beginning in 2014, the Obama administration issued guidelines to prioritize enforcement at the border and people with criminal convictions it considered most serious.⁹ The guidelines further stated that an immigrant in one of the priority categories should be removed, but could be granted prosecutorial discretion, and that such a decision should be made based on such factors as “extenuating circumstances involving the offense of conviction; extended length of time since the offense of conviction; length of time in the United States; military service; family or community ties in the United States; status as a victim, witness or plaintiff in civil or criminal proceedings; or compelling humanitarian factors such as poor health, age, pregnancy, a young child, or a seriously ill relative.”¹⁰

Trump Policy Changes

In the first week of his administration, President Trump signed two executive orders that began the process of putting the US government’s deportation machinery into overdrive. Premised on the false and dangerous conflation of illegal immigration and crime inside the United States, Trump’s first order called for hiring 10,000 new interior enforcement officers and deputizing more local law enforcement agencies as immigration agents, and threatened to take away federal funding from jurisdictions that limit local law enforcement collaboration with ICE.¹¹ The order essentially eliminated priorities so that enforcement

⁸ US Citizenship and Immigration Services, “Consideration of Deferred Action for Childhood Arrivals,” archived content, <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca#guidelines> (accessed November 19, 2017).

⁹ Memorandum of Jeh Johnson, US Department of Homeland Security Secretary, to Thomas S. Winkowski, US Immigration and Customs Enforcement Acting Director, et al., “Secure Communities,” November 20, 2014, https://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf (accessed November 19, 2017).

¹⁰ Ibid.

¹¹ The White House, The Office of the Press Secretary, “Executive Order: Enhancing Public Safety in the Interior of the United States,” press release, January 25, 2017, <https://www.whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united> (accessed November 19, 2017).

now encompasses deeply rooted immigrants living in the interior of the country, including those with no criminal convictions.

In a second order focused on the border, Trump called for the construction of a wall between the US and Mexico and directed immigration authorities to massively increase detention of immigrants in removal proceedings, expand the use of fast-track deportation procedures, increase the number of local jurisdictions deputized to enforce immigration law, and prioritize criminal prosecution of immigrants for illegal entry.¹²

Some of the directives contained in the executive orders—like a massive increase in the number of immigration enforcement officers—were and remain aspirational unless and until they receive funding from Congress.

In February, the Department of Homeland Security (DHS) issued two memorandums that marked a fundamental shift away from the Obama’s administration guidelines on immigration enforcement.¹³ In particular, the DHS memos revoked Obama administration guidance directing immigration enforcement resources primarily toward people with criminal convictions and recent border-crossers.

The Trump interior enforcement memo states, “The Department will no longer exempt classes or categories of removable aliens from potential enforcement.”¹⁴ The priorities listed are noncitizens who:

1. Have been convicted of any criminal offense;

¹² The White House, The Office of the Press Secretary, “Executive Order: Border Security and Immigration Enforcement Improvements,” press release, January 25, 2017, <https://www.whitehouse.gov/the-press-office/2017/01/25/executive-order-border-security-and-immigration-enforcement-improvements> (accessed November 19, 2017).

¹³ Human Rights Watch, “Questions and Answers: The Trump Administration’s Immigration Enforcement Memos,” March 2, 2017, <https://www.hrw.org/news/2017/03/02/questions-and-answers-trump-administrations-immigration-enforcement-memos>; Memorandum of John Kelly, US Department of Homeland Security Secretary, to Kevin McAleenan, US Customs and Border Protection Acting Commissioner, et al., “Implementing the President’s Border Security and Immigration Enforcement Improvements Policies,” February 20, 2017, <https://www.dhs.gov/publication/implementing-presidents-border-security-and-immigration-enforcement-improvement-policies> (accessed November 19, 2017); Memorandum of John Kelly, US Department of Homeland Security Secretary, to Kevin McAleenan, US Customs and Border Protection Acting Commissioner, et al., “Enforcement of the Immigration Laws to Serve the National Interest,” February 20, 2017, <https://www.dhs.gov/publication/enforcement-immigration-laws-serve-national-interest> (accessed November 19, 2017).

¹⁴ Memorandum of John Kelly, US Department of Homeland Security Secretary, to Kevin McAleenan, US Customs and Border Protection Acting Commissioner, et al., “Enforcement of the Immigration Laws to Serve the National Interest,” *ibid.*

2. Have been charged with any criminal offense that has not been resolved;
3. Have committed acts that constitute a chargeable criminal offense;
4. Have engaged in fraud or willful misrepresentation in connection with any official matter before a governmental agency;
5. Have abused any program related to receipt of public benefits;
6. Are subject to a final order of removal but have not departed the US;
7. In the judgment of an immigration officer, otherwise pose a risk to public safety or national security.

The priority category of those who have committed “[a]cts which constitute a chargeable criminal offense” is so broad that it would encompass anyone who has ever jaywalked or driven without a license or entered the country illegally. Combined with the border security memorandum’s call for increased criminal prosecutions for immigration offenses, this indicates that anyone who ever entered the US without a visa, about half of all undocumented immigrants in the US, would be considered a priority for deportation (most of the others overstayed visas, which is not a crime but a civil offense). Anyone who has “engaged in fraud or willful misrepresentation” could include anyone who ever claimed to have work authorization to get a job—which would include nearly everyone without legal status who has worked in the US. The catch-all, anyone who “in the judgment of an immigration officer, otherwise pose[s] a risk to public safety or national security,” without any additional guidance as to what that might mean, makes clear these priorities are not really priorities at all, but are intended to encompass any one of the millions of people who are technically removable.

In its analysis of US data earlier this year, the Transactional Records Access Clearinghouse (TRAC) at Syracuse University, a data research organization, found that the Trump Administration sharply decreased the number of immigrants granted discretionary relief from deportation (relief usually granted based on strong ties to the US) during the first five months of 2017. During those months, discretionary closures of deportation cases

precipitously dropped to fewer than 100 per month from an average of around 2,400 per month during the same five-month period in 2016.¹⁵

In early September, the Trump administration made a move that could potentially dramatically expand the number of deeply-rooted immigrants vulnerable to deportation: it announced that it would roll back DACA, the temporary status held by over 790,000 immigrants who came to the US as children. Attorney General Jeff Sessions announced that current DACA recipients would retain currently held work authorizations, which expire sometime in the next two years, and those up for renewal before March 2018 would be able to apply for renewal within one month of the announcement. Although the lion's share of DACA recipients retain their status as of the time of writing, a CNN analysis of DHS data found that, starting in March 2018, as many as 983 undocumented people previously covered under DACA would lose their protected status every day until 2020 – nearly 30,000 people a month.¹⁶

President Trump has at times expressed a desire to see Congress replace DACA with functionally equivalent legislation, but he has also held open the possibility of conditioning his approval of any such bill on support for his administration's larger restrictive immigration agenda. In October, the White House released "Immigration Principles and Policies," a list of changes it cast as necessary components of any legislative deal that would provide protection for unauthorized immigrants who came to the US as children.¹⁷ The list includes major changes weakening protections for child migrants and refugees, as well as significant increases in funding for immigration agents and immigration detention.¹⁸

Even while DACA was in force, many young people who were eligible for it did not receive or did not maintain their status. A 2014 Pew Research Center estimate found that about 1.1 million unauthorized immigrants were eligible for DACA, and that only 78 percent of those

¹⁵ Transactional Records Access Clearinghouse, "Immigration Court Dispositions Drop 9 Percent Under Trump," July 17, 2017, <http://trac.syr.edu/immigration/reports/474/> (accessed November 19, 2017).

¹⁶ Ryan Struyk and Tal Kopan, "938 would lose protection per day: What a DACA phase-out would look like," *CNN*, September 9, 2017, <http://www.cnn.com/2017/09/09/politics/daca-phase-out-numbers/index.html> (accessed November 19, 2017).

¹⁷ The White House, The Office of the Press Secretary, "President Donald J. Trump's Letter to House and Senate Leaders & Immigration Principles and Policies," press release, October 8, 2017, <https://www.whitehouse.gov/the-press-office/2017/10/08/president-donald-j-trumps-letter-house-and-senate-leaders-immigration> (accessed November 22, 2017).

¹⁸ Human Rights Watch, "Q&A: White House Immigration Principles and Policies," October 13, 2017, <https://www.hrw.org/news/2017/10/13/q-white-house-immigration-principles-and-policies>.

potentially eligible had applied to the program.¹⁹ DACA renewal fees totaled nearly \$500 every two years, and some who gained status within the program subsequently let it lapse for lack of funds.

Arrests and Deportations of Immigrants Living in the US Interior Have Increased Dramatically Under Trump

During the first seven and a half months of the Trump administration, its rollback of Obama's second-term reforms triggered an immediate increase and widening of enforcement activity, with profound implications for families and communities across the United States.

This section analyzes multiple datasets, as well as aggregate data released by ICE to Human Rights Watch and other publications.²⁰

The number of deportations from the interior of the country, as well as the proportion of deportations involving people apprehended in the interior, shot up towards levels not seen for several years. In particular:

- The number of interior arrests of non-citizens never convicted of any crime has almost tripled. Between late January and early September 2017, ICE arrested 28,011 immigrants with no criminal convictions from inside the US, up from 10,031 during the same period in 2016.
- The number of interior arrests of non-citizens with criminal convictions increased 19 percent between late January and early September 2017, compared to the same time period in 2016.
- Overall, interior arrests are up by about 43 percent during the same seven-month time period. Extending the time frame over the last two years of the Obama administration, average monthly interior arrests are up 40 percent, from about 9,400 per month under Obama to nearly 13,200 per month under Trump.

¹⁹ Pew Research Center, "If original DACA program is a guide, many eligible immigrants will apply for deportation relief," December 5, 2014, <http://www.pewresearch.org/fact-tank/2014/12/05/if-original-daca-program-is-a-guide-many-eligible-immigrants-will-apply-for-deportation-relief/> (accessed November 19, 2017).

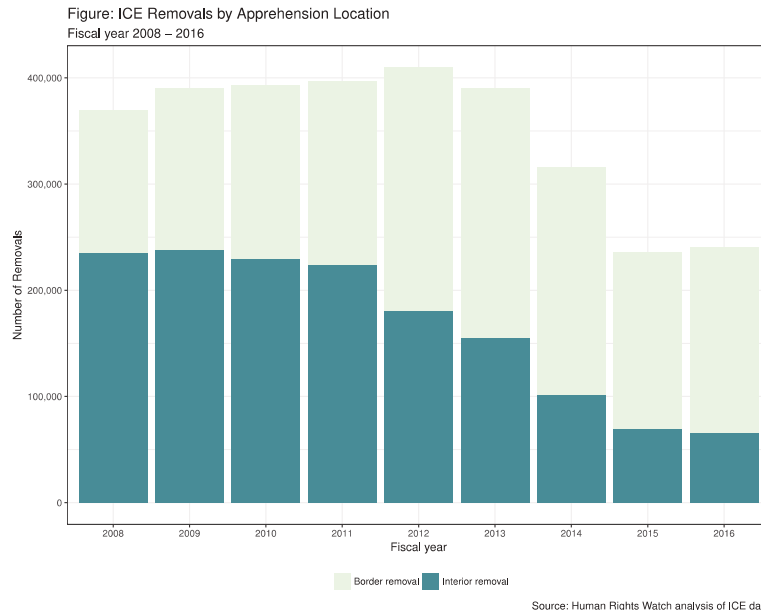
²⁰ All of the data analyses use identical time periods when possible. While most analyses use monthly data, some aggregated data released by ICE covers the late January 22 through early September time period.

- With the decrease in apprehensions at the border, the increase in interior arrests has significantly increased the proportion of people who are removed from the interior versus the border. In the last year of the Obama administration, only 27 percent of all removals were of people arrested in the interior of the US. In the first seven months of the Trump administration, the proportion shot up to 40 percent.

These statistics should be understood in the context of policy and migration shifts under the Trump administration.

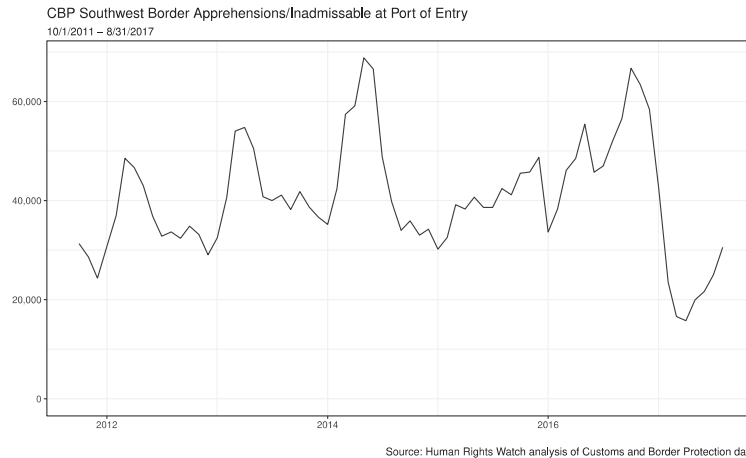
Total Removals

During the first seven months of the Trump administration, the overall number of deportations was down compared to the same period in 2016 due to decreases in arrivals to, and removals from, the US border. Total deportation figures are a combination of deportations of people who are arrested by Customs and Border Protection (CBP), usually soon after they cross the border or arrive by plane, and people arrested in the interior of the country by Immigration and Customs Enforcement (ICE). In 2009, the year President Obama entered office, officials deported about 369,000 people. That annual figure would stay consistent through his first term, peaking in 2012 when nearly 410,000 were removed. By 2013, the number of annual removals had begun decreasing. In the last two years of the Obama administration, annual removals had decreased by nearly half (43 percent) from the 2012 peak to plateau at 235,000-240,000 per year.



According to aggregated data on removals during the first seven months of the Trump administration released by ICE, between January 22 and September 9, ICE made 130,277 removals, a 15 percent decrease from the same time period in 2016 and nearly the same number as was deported during an equivalent time period in 2015.

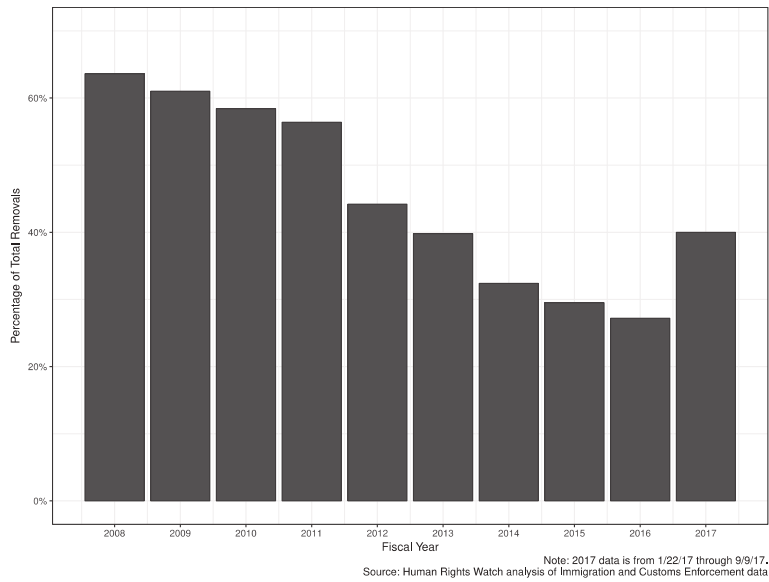
However, much of this reduction is likely due to a decrease in border crossings and therefore border removals. Border crossings, and therefore arrests, have traditionally followed seasonal trends with increases in the late winter and early spring months each year. This seasonal migration trend peaked in 2014 with a surge in arrests, especially of unaccompanied minor children. Following the response to this surge, border arrests were historically low in 2015 and began to increase again in 2016. Border arrests reached another peak of over 66,000 in the month prior to the November 2016 election. Following the 2016 election, crossings plummeted to levels not seen in years.



Interior Arrests

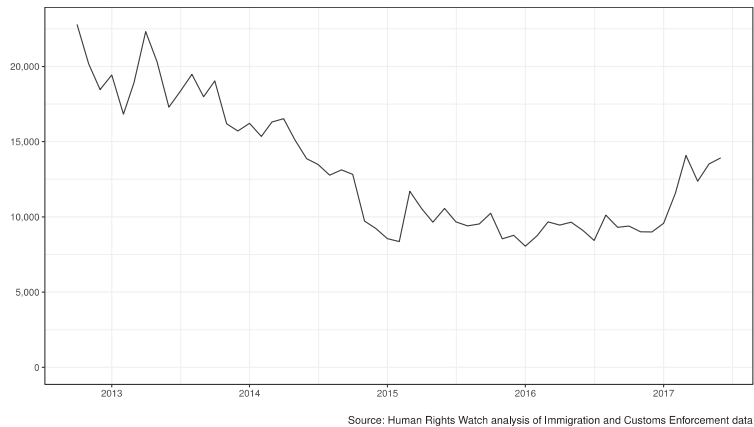
The decrease in removals from the border, combined with an increase in the number of interior arrests, has resulted in a larger proportion of deported people under Trump originating from the interior. When Obama took office, the proportion of total removals comprising people arrested in the interior of the US was 64 percent. This proportion decreased rapidly during Obama's second term in office as the administration focused government resources on removing people recently arrested at the border. In fiscal year 2016, the last year of the Obama administration, only 27 percent of all removals were of people arrested in the interior of the US. Under the Trump administration, with the decrease in border arrests, as noted above, the proportion has shot back up to 40 percent.

Proportion of Removals from the Interior of the US



From November 2014 through January 2017, ICE made an average of 9,400 interior arrests per month. In the first seven months of the Trump administration, that number increased to nearly 13,200 per month on average.

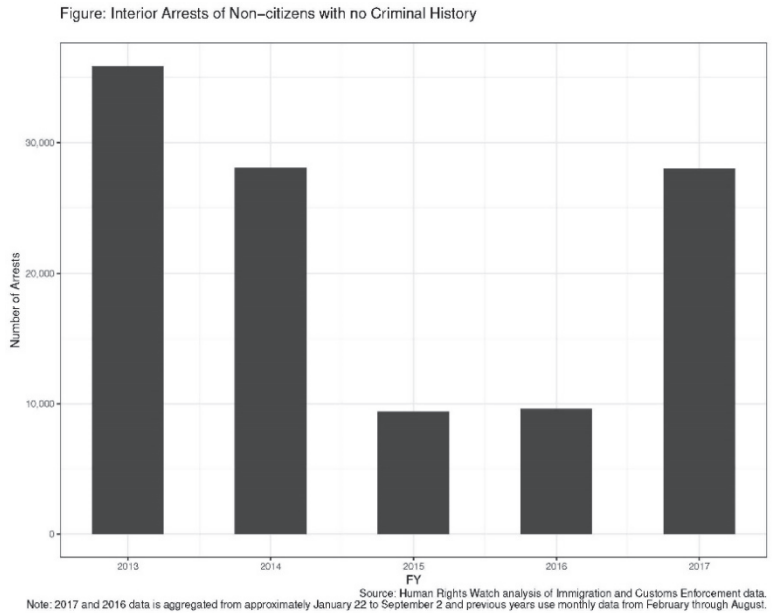
ICE Interior Arrests



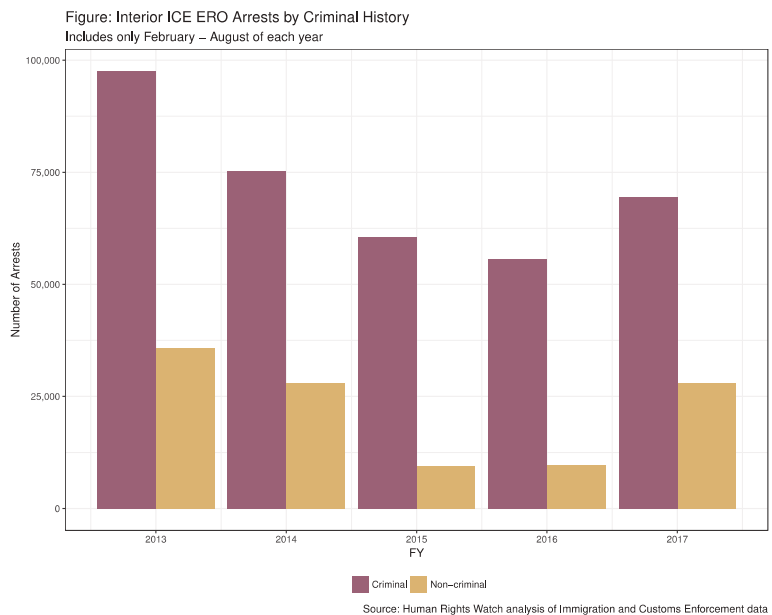
Criminal Records of People Deported

One of the starkest changes under Trump has been the increase in the number of people arrested with no criminal convictions, which corresponds to administrative officials' statements that no category of people is exempt from enforcement.

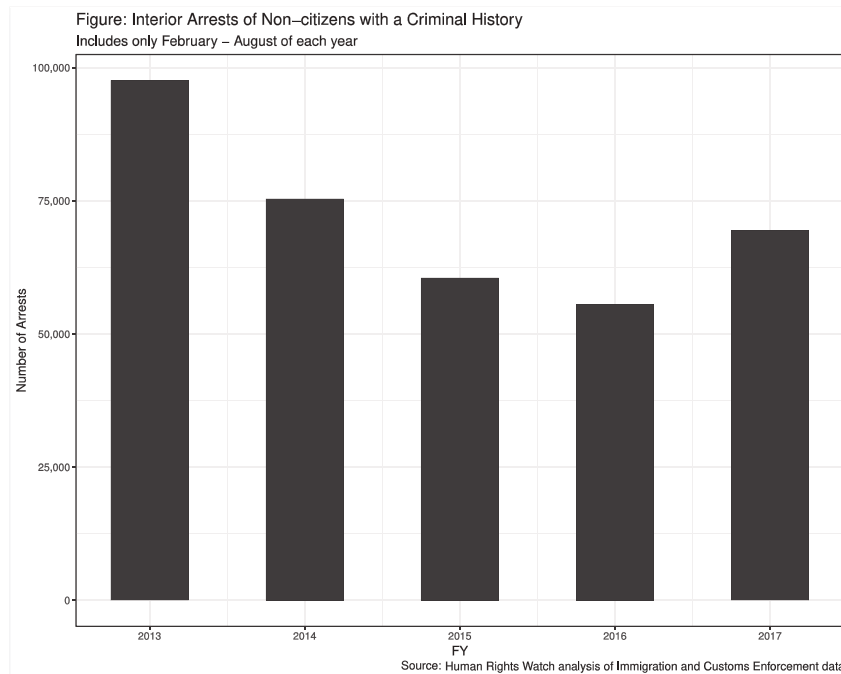
From late January to early September, 28,011 people with no criminal convictions were arrested, nearly triple the 10,031 arrested during the same seven-and-a-half-month period in 2016.



Looking at interior arrests of non-citizens with no criminal convictions in earlier years makes clear 2016 was not an anomaly, but part of a downward trend in the last years of the Obama administration.



ICE has also made 19 percent more interior arrests of non-citizens with criminal convictions than it did during the same period in 2016.



As Human Rights Watch analysis has revealed in previous years, the large majority of people removed with “criminal” arrest or conviction records are not the dangerous, violent criminals highlighted in the president’s rhetoric and in ICE press releases.²¹ In the most recent data available, which only covers one month of the Trump administration, strikingly few of the non-citizens arrested by ICE who had criminal convictions had been convicted of crimes of a violent or dangerous nature.²² One in three “criminal” arrests involved someone whose most serious crime was an immigration offense, almost always the act of entering the country illegally. About 16 percent had been convicted of a drug offense and another 15 percent had a traffic offense as their most serious crime. Fewer than 1 percent had been convicted of a homicide, and the most serious offense of only 19 percent, fewer than one in five, included violent or potentially violent crimes. This is consistent with Human Rights Watch analyses of deportations in prior years that found only a small

²¹ Alice Speri, “Top Trump Official John Kelly Ordered ICE to Portray Immigrants as Criminals to Justify Raids,” *The Intercept*, October 16, 2017, <https://theintercept.com/2017/10/16/top-trump-official-john-kelly-ordered-ice-to-portray-immigrants-as-criminals-to-justify-raids/> (accessed November 19, 2017).

²² The most recent year of data available runs from March 2016 – February 2017 and includes approximately 135,000 arrests.

percentage of the most serious crimes committed by non-citizens arrested by ICE were violent or potentially violent.²³

Despite these facts, ICE appears to have an internal policy aimed at bolstering the narrative of the “dangerous” criminal immigrant, as evidenced by press releases that regularly focus on the most grievous cases and ignore the vast majority of non-citizens caught in enforcement actions.²⁴ In fact, in February 2017, then-Secretary of Homeland Security John Kelly ordered ICE chiefs-of-staff around the country to identify the “most egregious” cases, apparently for communications with the media following the first weeks of enforcement under the new administration. At least some ICE staff reportedly struggled to do so.²⁵

The data released by ICE thus far is insufficient to fully gauge the impact that Trump administration changes in immigration enforcement practices are having on American communities. For example, there is no information available to understand, at the aggregate level, the ties that deported non-citizens have to communities in the US, including their length of residence in the US; how many US citizen children, parents, or other family members they have; their years of military service; their employment or other economic contributions; their educational history; or their immigration status at time of deportation. Human Rights Watch has recently filed a Freedom of Information Act (FOIA) request seeking some of this information.²⁶

²³ See Human Rights Watch, *Forced Apart (By the Numbers)* and *Turning Migrants into Criminals*.

²⁴ See US Immigration and Customs Enforcement, https://www.ice.gov/news/all?date_filter_type=time&created=All&field_published_date_value%5Bmin%5D%5Bdate%5D=&field_published_date_value%5Bmax%5D%5Bdate%5D=&field_news_release_topics_tag_tid=356&location_filter_type=state&province=All&country_limited=All&keyword=&sort_by=field_published_date_value&sort_order=DESC&sort_order=DESC, press releases (accessed November 19, 2017).

²⁵ Speri, “Top Trump Official John Kelly Ordered ICE to Portray Immigrants as Criminals to Justify Raids,” *The Intercept*.

²⁶ Human Rights Watch filed a FOIA request with ICE on October 11, 2017, requesting a wide variety of information about non-citizens arrested by ICE including information related to community ties. As of publication, we have yet to receive a response from the ICE FOIA office.

Profiles of Deportees

Many immigrants facing deportation from the US have much stronger ties to the US than to their countries of origin, but these ties receive almost no consideration in deportation proceedings.²⁷ The following analysis is based on accounts of 43 people recently deported from the US whose accounts Human Rights Watch published on our blog “The Deported.”

Lengthy Residence in the United States

Prior to their deportation in 2017, many people interviewed by Human Rights Watch had lived in the US for years and even decades, some since they were young children. Eighteen arrived as children under 18; seven before they had turned five years old. “I don’t have family here in Mexico,” “Diego L.”, 26, said in English, when Human Rights Watch researchers met him at a deportee reception center in Nuevo Laredo, Mexico. He was born in Mexico City, the youngest of five children, and carried north by his parents when he was two.²⁸

Given the depth of their ties to the United States, many of these immigrants were deeply disoriented upon their return to Mexico. “I don’t even know how to buy something to eat here,” said David B.²⁹ “I feel as if I came here [to Mexico] without papers,” Ruben R. told Human Rights Watch. “Whenever I buy a bottle of soda and they tell me that it costs 10

²⁷ The common themes in our published accounts are not rare or atypical. For example, our previous research on deportations from the state of California, based on data obtained from ICE via a Freedom of Information Act request, found that nearly half of deportees had a US citizen child. Human Rights Watch, “I Still Need You”: The Detention and Deportation of Californian Parents, May 2017, <https://www.hrw.org/report/2017/05/15/i-still-need-you/detention-and-deportation-californian-parents>. In the most recent year of data available, also obtained through the same FOIA request, only ten percent of deportees had been convicted of a crime that could be categorized as violent or potentially violent. Human Rights Watch analysis of ICE data, on file with Human Rights Watch. Data includes 247,854 deportees from March 2016 through February 2017, 25,932 of whom had a conviction that could be categorized as violent or potentially violent. According to the Pew Research Center, immigrants make up 17 percent of the US civilian labor force with 8 million undocumented non-citizens accounting for 5 percent of the total labor force; and two of three unauthorized adults have lived in the US for ten years or more. Pew Research Center, “Key findings about US immigrants,” May 3, 2017, <http://www.pewresearch.org/fact-tank/2017/05/03/key-findings-about-u-s-immigrants/> and “Unauthorized immigrant population stable for half a decade,” September 21, 2016, <http://www.pewresearch.org/fact-tank/2016/09/21/unauthorized-immigrant-population-stable-for-half-a-decade/> (accessed November 19, 2017).

²⁸ “Desperate to ‘Come Home,’” post to “The Deported” (blog), Human Rights Watch, July 27, 2017, <https://www.hrw.org/content/307221>.

²⁹ “We Cry Daily for Him,” post to “The Deported” (blog), Human Rights Watch, October 23, 2017, <https://www.hrw.org/content/310328>.

pesos, I think, how much is that in dollars? 15 cents? 10 cents? I don't know."³⁰ Twenty-year-old Alexis G. had been living in the United States almost his entire life when he was deported in June to Nuevo Laredo, south of the Rio Grande, in a country he barely knew. "My parents brought me [to the US], and I grew up in the United States. If I were to sing an anthem right now, it would be the Star-Spangled Banner—I don't know the Mexican anthem," he said.³¹



Alexis G. and his wife in an undated photograph.

© Private

Several of the people we interviewed would have or did at some point qualify for DACA, an Obama-era program to grant young immigrants protection for deportation which President Trump rescinded in early September 2017. Some said they had never been able to afford the \$500 application fee; others told us that they had been unable to renew their work permits for lack of funds.³²

Families Uprooted and Separated

One of the harshest consequences of deportation is family separation. Over recent decades, hundreds of thousands of families throughout the United States have been forced apart by punitive and inflexible US deportation policies. Although some families decide to leave the US and join the deported family member abroad, many families make the difficult decision to keep some or all of the remaining family members in the US because of the challenges these family members would face abroad.

- A US citizen named Laura told Human Rights Watch that the deportation of her common-law husband Omar G. is depriving her not only of her partner but also her

³⁰ "Deported After Years Spent Saving for a Home," post to "The Deported" (blog), Human Rights Watch, August 16, 2017, <https://www.hrw.org/content/307806>.

³¹ "Young Couple's Dreams on Hold," post to "The Deported" (blog), Human Rights Watch, July 24, 2017, <https://www.hrw.org/content/307018>.

³² Ibid.



Omar G. and his wife, Laura, speak with Human Rights Watch researchers at the Instituto Tamaulipeco in Nuevo Laredo, Mexico. © 2017 Human Rights Watch

caregiver.³³ In 2008, she said crippling pain in her arms—whether arthritis, carpal tunnel syndrome, or nerve damage has not been determined—disabled her, and she said a surgery two years later did not help. At times when Laura could not even bathe herself, she said Omar, who first arrived in the US over 20 years ago, cared for her. The couple told Human Rights Watch they were planning to marry legally in an attempt to return to their Waco, Texas home. Unfortunately, under current law, Omar’s deportations and reentries

are likely to have made it extremely difficult for him to return to the US legally. “It’s not a good feeling, being deported from your home place,” Laura said. “You may not have been born there, but you’ve had your whole life there—and a part of me will never be over there if Omar’s not.”

Deportations also cause whole families to be uprooted.

- Human Rights Watch met Ohio-born Leah in Mexico, where she had gone to join her deported husband. She described Marco G.—her husband of 16 years and the only boyfriend she has ever had—as the “smartest man ever.” She said Marco crossed the US-Mexico border illegally when he was 18, which would have made it nearly impossible for him to get a green card through his wife, especially after his repeated deportations. “He’s more of an American than what some people up there are,” Leah says of Marco, waving a hand northward toward the far side of the Rio Grande, “because he works hard and takes care of his family, and you can’t say that about everybody up there.”³⁴

³³ “An American Who Desperately Needs Her Husband,” post to “The Deported” (blog), Human Rights Watch, July 31, 2017, <https://www.hrw.org/content/307342>.

³⁴ “Family Fights to Stay Together,” post to “The Deported” (blog), Human Rights Watch, July 18, 2017, <https://www.hrw.org/content/306735>.

Children Left Behind

Parents of young children are often deported from the United States. Their anxiety over the harm that their children are suffering as a result of the deportation and extended separation permeated many of our interviews. We spoke with many such parents. In most of the cases, the children left behind were US citizens.

- “I have to be patient,” “José R.,” the father of a four-year-old US citizen boy, told us, eyes welling. “Being without my wife and son is awful...I don’t have any idea how to get back, but I have to do it. I miss them so much.”³⁵
- Santiago H. choked up and sunk his face in his hands as he described family life in Michigan. He took a deep breath to collect himself: “We used to go out to dinner and a movie or we’d order food and have movie night at home...It’s the first time they have been without me,” he said.³⁶
- When “Andres L.” was deported to Mexico in July, one of the first things he did was tattoo his US-born son Anthony’s name and birthdate on his wrist. “I want him always to be with me. He’s my world,” Andres said. Throughout his ordeal, memories of Anthony have sustained Andres. “Anthony loves playing in water,” he said, with a smile. “I used to give him a bath, and he would spend hours splashing and waving his hands around.”³⁷
- “Lucia H.” told Human Rights Watch that after repeated deportations left her unable to rejoin her family in the US, her 5-year-old stopped eating and was hospitalized, her husband had to leave his job working in the fields to take care of him, and their eldest son, 14, suffered a breakdown and is now receiving therapy.



Marco G. and Leah in an undated photograph. © Private

³⁵ “Being Without My Wife and Son is Awful,” post to “The Deported” (blog), Human Rights Watch, August 2, 2017, <https://www.hrw.org/content/307344>.

³⁶ “A Happy Home Life Ends in Deportation,” post to “The Deported” (blog), Human Rights Watch, August 28, 2017, <https://www.hrw.org/content/308175>.

³⁷ “Determined to See His Two-Year-Old Son Again,” post to “The Deported” (blog), Human Rights Watch, October 19, 2017, <https://www.hrw.org/content/310323>.

“My little one tells me, ‘come back, mami. I’m not going to eat anymore. I don’t want to live because you don’t come back,’” she said.³⁸

- Since Sonia H.’s deportation in August, her nine-year-old US-citizen son “David” has been living with nuns at a children’s home in Laredo, Texas. Sonia felt that leaving her son with the nuns to continue his education in the US was her best option. “It’s hard, so hard,” she said. “But I’ll just have to be here, seeing him whenever I can.”³⁹
- “Marco T.” showed a photo of his three children to a Human Rights Watch researcher. The kids are pictured embracing, the 10-year-old pulling funny faces. His hands shook a bit and his eyes teared up as he showed off his family. “It hurts,” he said. “Not that they send us back, but that they are separating us from our family.”⁴⁰
- Deported migrants worry about who will pay the bills for their families without their contributions.⁴¹ Maria, the wife of “Jose R.” and mother of their four-year old US citizen son, gave up the family apartment in Kansas City after Jose’s deportation and rented a room in a house with her child. “My wife has to be two people now to take care of our son,” Jose said.

Workers, Taxpayers, Businesses Owners, Military Veterans, Community Members Deported

Immigrants are a crucial part of the US economy, as taxpayers, homeowners, valued employees, and entrepreneurs.⁴² The recent deportees we interviewed had spent years or

³⁸ “Mother Deported 7 Times Trying to Return to Her Children,” post to “The Deported” (blog), Human Rights Watch, September 28, 2017, <https://www.hrw.org/content/309607>.

³⁹ “Mother Worried about Nine-Year-Old Son in Children’s Home,” post to “The Deported” (blog), Human Rights Watch, October 12, 2017, <https://www.hrw.org/content/310079>.

⁴⁰ “Father of 3 Deported from US After 20 Years,” post to “The Deported” (blog), Human Rights Watch, June 19, 2017, <https://www.hrw.org/content/305287>.

⁴¹ “Recovery from Accident Followed by Rapid Deportation,” post to “The Deported” (blog), Human Rights Watch, June 27, 2017, <https://www.hrw.org/content/305709>; “Being Without My Wife and Son is Awful,” post to “The Deported” (blog), Human Rights Watch; “After 12 Years, Deported from US Home and Family,” post to “The Deported” (blog), Human Rights Watch, July 13, 2017, <https://www.hrw.org/content/306502>.

⁴² Avianne Tan, “Without immigrants, the US economy would be a ‘disaster,’ experts say,” *ABC News*, February 16, 2017, <http://abcnews.go.com/US/immigrants-us-economy-disaster-experts/story?id=45533028> (accessed November 19, 2017). Some industries depend heavily on unauthorized labor. For example, the US government estimates about 50 percent of farm workers are unauthorized immigrants. Unofficial estimates suggest the number is much higher, and close to 80 or 90 percent in California.

decades working in restaurants, agriculture, construction, and other industries; had paid taxes; had started and owned businesses; and had bought homes.

- “Manuel P.” told us that during his 12 years in the US he was careful to pay rent and taxes on time and launched two of his own businesses, a handyman operation and a construction company. His business card shows a high-end outdoor fireplace that he designed and built for a client. That card offers a pocket-sized glimpse into the immigrant story: for Spanish speakers, it says, call Manuel; for English, call his son Carlos.⁴³
- Many of the deported told us they worked backbreaking jobs for years. Born in Mexico, Lucía H. first came to the US in 1999. For more than 10 years, she worked with her husband to harvest lettuce in the California countryside. “The pain was terrible, but I kept at it,” Lucía said. “I didn’t mind working 14 hours a day to get my children ahead.”⁴⁴
- When he got to Houston in 2001, Carlos G., 34, found work in remodeling. He learned painting, stucco work, and other crafts, and eventually opened up his own business, T’NO’s Painting. At the peak of T’NO’s operations, Carlos owned his own equipment and employed five other craftsmen.⁴⁵
- “Santiago H.” told Human Rights Watch that he owned a construction company with his brother in Pontiac, Michigan, that employed seven other people, predominantly family members.⁴⁶
- José Luis O. told Human Rights Watch he is worried about how his mom, alone since his stepfather died, will manage after his deportation. A US citizen, she gets Social Security benefits, but José Luis used to help her with income he earned as an Uber driver.⁴⁷

⁴³ “After 12 Years, Deported from US Home and Family,” post to “The Deported” (blog), Human Rights Watch.

⁴⁴ “Mother Deported 7 Times Trying to Return to Her Children,” post to “The Deported” (blog), Human Rights Watch.

⁴⁵ “Sixteen Years of Hard Work in the US,” post to “The Deported” (blog), Human Rights Watch, August 14, 2017, <https://www.hrw.org/content/307692>.

⁴⁶ “A Happy Home Life Ends with Deportation,” post to “The Deported” (blog), Human Rights Watch.

⁴⁷ “Green Card Holder Deported for Over Decade-Old Minor Crimes,” post to “The Deported” (blog), Human Rights Watch, June 19, 2017, <https://www.hrw.org/content/305278>.



José Luis O. was deported from Texas to Nuevo Laredo, Mexico in 2017, separating him from his wife and two stepdaughters. Human Rights Watch researchers spoke with José Luis in Nuevo Laredo after his deportation. He shared three photographs of himself with his family taken before he was deported.

- The first thing “Orlando” wanted Human Rights Watch to know was that his last tax payment to the US government was \$17,655. As he told the story of his 33 years living on and off in the US, he kept returning to the theme of having never, “cost the United States a nickel...I never asked for anything.” He said he owns a building in Fort Worth, Texas, worth, he estimates, \$500,000. “My wife and I each have \$500,000 life insurance because if we die I don’t want to give the United States any trouble,” he sobbed. “What did I do? What did I do?”⁴⁸

- After serving in the Army in Guam during the 1990s, Sergio H. received an honorable discharge and opened an auto body shop in Dallas. He worked hard all his life, he says, to raise two United States-born children, one of whom is now a pediatrician, the other in business administration. But like many aging veterans, Sergio, now 50, has struggled with drug dependency. His dependency worsened in 2012 and two years later, Sergio was convicted of possession of cocaine with intent to distribute. He received parole after serving two-and-a-half years of a five-year sentence but instead of being released he was stripped of his green card and deported to Mexico. “I’m clean now,” he says. “The worst thing is that I wasted years of my life.”⁴⁹
- Manuel G. led a group of 25 regulars—five nights a week—for meetings of the Nueva Vida office of Alcoholics Anonymous in Tulsa, Oklahoma, for years. In 2011, police stopped a friend’s car in which Manuel was riding, and arrested Manuel for public intoxication, he said. He served two months in Tulsa County Jail, was deported, but soon crossed the border again to return to his family. That’s when he stopped drinking, he said, and Laura joined him as a leader in the AA movement,

⁴⁸ “Deported Business Owner Proud of His Contributions to the US,” post to “The Deported” (blog), Human Rights Watch, September 14, 2017, <https://www.hrw.org/content/308939>.

⁴⁹ “Army Veteran Deported After Struggling with Drug Dependency,” post to “The Deported” (blog), Human Rights Watch, June 19, 2017, <https://www.hrw.org/content/305287>.

sharing her experiences as the wife of an alcoholic. “I really like helping people who are drinking because I remember what it’s like,” he told Human Rights Watch researchers in the Tamaulipas Institute for Migrants reception center in Nuevo Laredo, Mexico. His co-leader of the Alcoholics Anonymous group in Tulsa, Nancy Munoz, described Manuel as a “man of faith” and praised his “passion to help others.” Manuel has not had a drink in five years, he said, and he lived an orderly life in Tulsa. “I opened my own business, detailing cars, a year ago and I had just bought a trailer that my wife and I were remodeling.”⁵⁰

Minor Criminal Histories or Undocumented Status Alone Lead to Deportation

Some of the long-term migrants we spoke with had criminal convictions but most of the convictions were drug-, traffic-, or immigration-related.

- “Moises R.” told Human Rights Watch he had no other way to get to his restaurant job than driving the family’s Honda the half hour from his apartment complex in South Minneapolis to the nearby town of Eden Prairie. On the night of June 3, 2017, as he was heading home from work at 2 a.m., Eden Prairie police stopped him because the license plate had a June expiration date. The car was in the name of Moises’s wife, “Zoraida,” whose driver’s license was suspended – and they soon discovered that Moises’s license was suspended too. Since 2003, undocumented immigrants have been barred from receiving drivers’ licenses in Minnesota, and Moises and Zoraida were unable to get new, valid licenses. Moises said a judge released him after two days in Hennepin County jail—despite a previous arrest in 2013 for driving without a license—but immigration agents were waiting for him. Moises was deported to Nuevo Laredo, Mexico, on June 21.⁵¹
- One night in April, “Marco T.” was driving to his Dallas-area home from his factory job recycling dangerous chemicals, where he had worked for two years. He said he may have been going too fast. A sheriff pulled him over. Marco was arrested and

⁵⁰ “Father, Husband, and Community Leader Deported,” post to “The Deported” (blog), Human Rights Watch, November 13, 2017, <https://www.hrw.org/content/311346>.

⁵¹ “Twenty-Three Years in the US Ends with a Traffic Stop,” post to “The Deported” (blog), Human Rights Watch, August 9, 2017, <https://www.hrw.org/content/307469>.

charged with driving without a license. Within days of his arrest, Marco was in ICE custody facing deportation from the country he has lived in since 1997.⁵²

- Lucía H.’s criminal record stems from trying eight times in less than two years to get back to her children in the US. In 2013, after 14 years in the US, she returned to Mexico to care for her mother who was ill with cervical cancer. Because she had been undocumented, she could not re-enter the US legally. Separated from her children, she repeatedly tried to enter but was caught each time and sent back to Mexico. In January 2016, she was criminally prosecuted for illegal reentry. “They brought me to the Aransas County prison in Rockport, Texas, where they gave me a three-month sentence.” She was then transferred to a private immigration detention center in Houston, where she was locked up for 10 months while she tried to find a way to remain in the US, but she was ultimately deported in April 2017.⁵³

Other people we spoke with were deported for reasons having nothing to do with any kind of criminal offense.

- “Sonia H.” told Human Rights Watch that she was stopped by Border Patrol agents in July as she got off a city bus. It happened to her at 3 a.m. as she made her way home from a shift at Denny’s. Immigration and Customs Enforcement locked her in immigration detention and deported her 10 days later. “I’ve never committed a crime, I’ve never been in jail,” Sonia said. “I didn’t drive because I didn’t have a license; I never broke the law except by not having papers.” She blinked back tears. “Trump shouldn’t kick out people who are just taking care of their families.”⁵⁴
- On April 18, 2017, Linda and her mother were taking Justin to the doctor when the Dallas police stopped her Ford Explorer. “I don’t think I was speeding—I was with my mom and kid—but they said I was going 45 in a 40-mile-an-hour zone,” Linda said. As Justin cried and begged—“Please don’t take my mother!”—they arrested

⁵² “Father of 3 Deported from US After 20 Years,” post to “The Deported” (blog), Human Rights Watch.

⁵³ “Mother Deported 7 Times Trying to Return to Her Children,” post to “The Deported” (blog), Human Rights Watch.

⁵⁴ “Mother Worried about Nine-Year-Old Son in Children’s Home,” post to “The Deported” (blog), Human Rights Watch.

Linda for driving without a license. After three days in Richardson County Jail, and 25 years living in the United States, Linda was deported.⁵⁵

- Manuel G. was giving a friend a ride back to his hotel from an Alcoholics Anonymous event in Tulsa, Oklahoma, when was stopped by police, he said, for making a wide U-turn. That stop led to Manuel’s deportation from the country that had been his home for 29 years.⁵⁶

⁵⁵ “Mother of Three Deported After Traffic Stop,” post to “The Deported,” Human Rights Watch, June 28, 2017, <https://www.hrw.org/content/305702>.

⁵⁶ “Father, Husband, and Community Leader Deported,” post to “The Deported” (blog), Human Rights Watch.

Serious Flaws in Deportation Procedures

Inadequate Opportunity to Defend Against Deportation

The US system of deportation looks and feels like a criminal justice system. Many immigrants are detained in jail-like settings and deportation is a “punishment” that feels more severe to many immigrants than any prison sentence. Yet the system lacks key protections accorded many or all criminal defendants, such as court-appointed counsel for those who cannot afford lawyers, regular opportunities for bail, and meaningful protections against illegal searches and seizure.

Mired in a massive backlog, the immigration court system fails to provide timely, consistent decisions.⁵⁷ And the vast majority of cases in which the government issues formal removal orders—83 percent as of 2013—never reach the immigration courts. The lion’s share of deportations are reinstatements of prior removal orders, expedited removals “issued by front-line immigration officers acting as investigator, prosecutor, and judge, thus bypassing the immigration courts entirely.”⁵⁸

Detention has a particularly pernicious impact on due process. In late 2016, the immigration detention system hit a record high, with more than 41,000 people detained on average each day, many of whom were subject to detention with no opportunity for release on bond.

Few detained immigrants—only 14 percent from 2007 to 2012—have legal representation.⁵⁹ People are not entitled to a court-appointed attorney in immigration court, despite the enormous complexities of immigration law, and low-income immigrants cannot afford to

⁵⁷ Human Rights First, “New Report On Immigration Court Backlog Reveals Administration’s Efforts to Undermine Asylum System,” press release, October 13, 2017, <https://www.humanrightsfirst.org/press-release/new-report-immigration-court-backlog-reveals-administration-s-efforts-undermine-asylum> (accessed November 19, 2017).

⁵⁸ Jennifer Lee Koh, “Removal in the Shadows of Immigration Court,” 90 Southern California Law Review 181 (2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2769620 (accessed November 19, 2017).

⁵⁹ Ingrid Eagly & Mark Schafer, “A National Study of Access to Counsel in Immigration Court,” University of Pennsylvania Law Review 164, no. 1 (December 2015): 1–91, http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9502&context=penn_law_review (accessed November 19, 2017).

hire an attorney on their own. One immigration judge compared immigration hearings to “death penalty cases heard in traffic court settings.”⁶⁰

Conditions in immigration detention are often poor and even abusive. And for ailing detainees they can be deadly due to inadequate and substandard medical care.⁶¹ Numerous individuals and practitioners have reported to Human Rights Watch over the years that the prospect of prolonged detention in such conditions leads many detainees to accept immediate removal rather than wait for a full hearing before a judge.⁶²

- Alexis G., married to a US citizen, described how the immigration detention center he was held in was so full, he and his brother, arrested at the same time, slept under a staircase. His brother, who had been deported twice before, advised him to sign for voluntary removal. Alexis said, “I think a few years ago, you really were able to fight a case and have a fair trial, and they’d give you a chance. Now I think they’re just deporting us for anything. It’s not worth staying in detention.”⁶³

Lack of Individualized Consideration of Immigrants’ Deep Ties to the US

US immigration law is an inherently harsh and unyielding framework, and it is being applied in a particularly rigid and draconian manner by the Trump administration. US immigration law affords extremely limited opportunities for individualized consideration of immigrants’ deep ties to US communities and families. The president, however, has discretion that can be used to influence which and how many people are put in removal proceedings to begin with.

During President Obama’s second term, new policies directed federal officials to de-prioritize the deportations of long-term non-criminal unauthorized immigrants. As

⁶⁰ Dana Leigh Marks, “Immigration judge: Death penalty cases in traffic court setting,” *CNN*, June 26, 2014, <http://www.cnn.com/2014/06/26/opinion/immigration-judge-broken-system/index.html> (accessed November 19, 2017).

⁶¹ Human Rights Watch, *Systemic Indifference: Dangerous & Substandard Medical Care in US Immigration Detention*, May 2017, <https://www.hrw.org/report/2017/05/08/systemic-indifference/dangerous-substandard-medical-care-us-immigration-detention>.

⁶² In the criminal justice context, research indicates pretrial detention coerces people to plead guilty to get out of detention. Human Rights Watch, “Not in It for Justice”: How California’s Pretrial Detention and Bail System Unfairly Punishes Poor People,” April 2017, <https://www.hrw.org/report/2017/04/11/not-it-justice/how-californias-pretrial-detention-and-bail-system-unfairly>.

⁶³ “Young Couple’s Dreams on Hold,” post to “The Deported” (blog), Human Rights Watch.

described above, the Trump administration has rolled these back and effectively made all unauthorized immigrants “priority” targets for deportation. This change under Trump has resulted in the well-publicized deportations of many immigrants who had been “checking in” with ICE on a regular basis without being removed from the country.⁶⁴

⁶⁴ These include Long Island father of three American-born children with US-citizen wife, Eber Garcia Vasquez, 54, deported 13 days after an annual check-in with ICE in Manhattan. He lived on Long Island for 27 years working as a member Teamsters Local 813 and had no criminal history with two green card applications pending through his wife and son. Ginger Adams Otis, “Long Island Teamster deported to Guatemala determined to return to U.S. family,” *New York Daily News*, September 9, 2017, <http://www.nydailynews.com/new-york/teamster-deported-guatemala-determined-return-u-s-article-1.3477791> (accessed November 1, 2017).

San Diego mother of four children—three of which were born in the US, two are minors, and one of the minors has a learning disability—deported after 24 years in the US following a check-in meeting with ICE. In 2009, she and her husband were convicted of a felony after being charged with perjury relating to their driver’s license applications, which led to her husband’s deportation.

Kate Morrissey, “Single mother to be deported after ICE check in,” *San Diego Union Tribune*, October 18, 2017, <http://www.sandiegouniontribune.com/news/immigration/sd-me-deported-mother-20171018-story.html> (accessed November 1, 2017).

Ohio mother of four young US-citizen children, Maribel Trujillo Diaz, deported after an ICE check-in. She had no criminal convictions, but was ordered deported in 2014 after she was caught up in a 2007 immigration raid. Samantha Schmidt, “A noncriminal mother of four was deported. Now in Mexico, she fears for her safety,” April 28, 2017, *Washington Post*, https://www.washingtonpost.com/news/morning-mix/wp/2017/04/28/a-non-criminal-mother-of-four-was-deported-now-in-mexico-she-fears-for-her-safety/?utm_term=.d887c9b249a1 (accessed November 22, 2017). See also, Clara Long, “Mom of Four US Citizens Scheduled for Deportation,” Human Rights Watch Dispatch, April 19, 2017, <https://www.hrw.org/news/2017/04/19/mom-four-us-citizens-scheduled-deportation>

Fifty-year-old mother of six US-citizen children married to US-citizen husband, Francisca Lino, was given deportation notice at check-in after years of ICE check-ins with no issues. The article states that Lino “is among about a half dozen people across the country who have been deported or scheduled for deportation after their check-ins in the past two months, according to news reports.”

Marwa Eltagouri, “More immigrants afraid to show up for ICE check-ins,” *Chicago Tribune*, April 4, 2017, <http://www.chicagotribune.com/news/immigration/ct-immigration-check-ins-met-20170404-story.html> (accessed November 1, 2017).

Chicago single father of three US-citizen children, Juan Carlos Fomperosa Garcia, 44, deported day after check-in with ICE after 20 years in the United States. ICE says Fomperosa Garcia has been deported three times, was convicted of a federal misdemeanor and had a deportation order.

Griselda Nevarez, “Single father from Mexico in US for 20 years deported after Ice ‘check-in,’” *Guardian*, March 4, 2017, <https://www.theguardian.com/us-news/2017/mar/04/single-father-mexico-deported-ice-check-in-arizona-phoenix> (accessed November 1, 2017).

Houston father of two American children, Jose Escobar, 31, who was living in the country since he was 15 and who had a temporary delay of deportation deported after annual check-in with ICE. He had no criminal record prior to being deported back to El Salvador.

Lomi Kriel, “Local immigrant facing deportation after checking in with authorities,” *Houston Chronicle*, February 23, 2017, <http://www.houstonchronicle.com/news/houston-texas/houston/article/Local-immigrant-facing-deportation-after-checking-10955725.php> (accessed November 1, 2017).

For example, Maribel Trujillo Diaz was ordered deported in 2014, after she was caught up in a 2007 immigration raid at Koch Foods.⁶⁵ In recognition of the impact her deportation would have on her children, Immigration and Customs Enforcement (ICE) decided not to enforce the order and scheduled her for yearly check-ins under a supervision order. Trujillo has four young US citizen children, aged 14, 12, 10, and 3. She was the main breadwinner for her household and had lived in the United States since 2002. She was undocumented but had no criminal convictions. Yet the Trump administration decided to deport her in March.

As of 2014, about 900,000 people with deportation orders from an immigration court had not been deported.⁶⁶ Under the Trump administration, people like Trujillo, who check in with immigration authorities regularly, are “low-hanging fruit,” said Trujillo’s immigration attorney, Emily Brown. “The reason these people are on orders of supervision is that they have compelling circumstances that make them good candidates for discretion,” she told Human Rights Watch.

Some of the people Human Rights Watch spoke to in Mexico after their deportations should have been considered for such exercise of discretion.

- For example, “Alberto Z,” who is the father of three young US citizen children, had been checking in with ICE for five years until the agency decided to deport him at a check-in February.⁶⁷ Alberto’s application for immigration relief based on his long residence in the US and his US citizen family was denied in 2016.

Mother of two US citizen children who came to the US at 14 and lived in Arizona for 21 years, Guadalupe García de Rayos, deported after eight years of routine check-ins with ICE. There was a deportation order against her in 2013, but it was not carried out for four years.

Fernanda Santos, “She Showed Up Yearly to Meet Immigration Agents. Now They’ve Deported Her,” *New York Times*, February 8, 2017, <https://www.nytimes.com/2017/02/08/us/phoenix-guadalupe-garcia-de-rayos.html> (accessed November 1, 2017).

⁶⁵ Andrea Hopkins, “Immigration raids Koch Foods Ohio Chicken Plant,” Reuters, August 28, 2007, <http://www.reuters.com/article/us-immigration-koch-idUSN2825845020070828> (accessed November 19, 2017).

⁶⁶ This number includes individuals who ICE deprioritized for removal as well as those who cannot be removed because their countries of origin have declined to issue them travel documents. US Immigration and Customs Enforcement, “Weekly Departures and Detention Report, as of September 22, 2014,” https://cis.org/sites/cis.org/files/wrd-9-22-14_o.pdf (accessed November 19, 2017).

⁶⁷ “Father of Three Deported After ICE Check-In,” post to “The Deported” (blog), Human Rights Watch, July 10, 2017, <https://www.hrw.org/content/306215>.



Alberto Z. speaks with Human Rights Watch researchers at the Instituto Tamaulipeco in Nuevo Laredo, Mexico. © 2017 Human Rights Watch

- “Marco T.” might have been the kind of person who qualified for such discretionary treatment under the Obama administration. He said he has three US-born children—10- and 14-year-old sons and a 7-year-old daughter who he described as pretty typical American kids—no prior deportations, and no prior criminal convictions. He entered ICE custody after a traffic stop near Dallas. “It’s just that the government now is very harsh,” he told Human Rights Watch. “Sooner or later they will get you for a minor offense. And then the consequence is deportation.”⁶⁸

⁶⁸ “Father of Three Deported from US After 20 Years,” post to “The Deported” (blog), Human Rights Watch.

International Standards

There is no recognized human right to migrate to another country and obtain legal status, and states enjoy considerable leeway to remove non-citizens from their territory—particularly those who are present unlawfully.⁶⁹ But this discretion is not unlimited, and the US should ensure its immigration policies meet its obligations under international human rights law. In particular, US law should take into account the often profound human rights impacts of deportation, and weigh those in the balance against its interest in deporting a person. US law does not, at present, allow meaningful scope for this except in very limited circumstances.

The accounts described above—and in far greater depth in the appendix below—demonstrate how the current US immigration system fails to meet these obligations and responsibilities. Our aim is not to prove that any particular individual should not have been deported, but to show that in each case there were significant human rights equities that the US immigration utterly neglected to weigh. The individual accounts are evidence of the urgent need for reform of immigration enforcement priorities and for a fair legalization program.

Human Rights, Family and Home

Human rights treaties binding on the United States protect the right to family unity. Article 17 of the ICCPR states that no one shall be “subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence.” Article 23 provides that “[t]he family is the natural and fundamental group unit of society and is entitled to protection by society

⁶⁹ Article 13 of the International Covenant on Civil and Political Rights (ICCPR) provides that non-citizens “lawfully present in the territory of a state party” may be only be expelled pursuant to a decision made “in accordance with law,” and that the person in question should have the opportunity to have their case reviewed before some “competent authority or a person or persons especially designated by the competent authority.” Article 13 explicitly allows a limited exception to these obligations where “compelling reasons of national security otherwise require,” and excludes from its scope all immigrants who articulate no claim that their presence on the state party’s territory is “lawful.” International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966). 999 U.N.T.S. 171, entered into force March 23, 1976. The United States ratified the ICCPR in 1992.

and the state,” and that all men and women have the right “to marry and to found a family.” The right to found a family includes the right “to live together.”⁷⁰

The UN Human Rights Committee, the expert body that interprets and monitors state party compliance with the ICCPR, has explicitly stated that the right to family unity entails limits on states’ power to regulate immigration.⁷¹ In *Winata v. Australia*, the HRC found a violation where Australia sought to deport two Indonesian nationals whose 13-year-old son, Barry, had been born in, and had become a citizen of, Australia. Under these circumstances, the Committee found, the state would have to identify government interests beyond the “simple enforcement” of Australia’s immigration laws to justify the deportation of both of the child’s parents. Because it did not do so, Australia’s attempts to remove the child’s parents constituted an arbitrary interference with the right to family unity.⁷²

The HRC has since applied the same analysis in other cases, with varying results.⁷³ One clear constant in the HRC’s jurisprudence is that any interference with a person’s family caused by deportation is inevitably “arbitrary” if the state fails to weigh that human rights impact in the balance against its own interests in deporting the person. This is precisely what US immigration law does as a matter of routine.

The UN special rapporteur on the rights on non-citizens has stated, “[D]eportation is justified only if the interference with family life is not excessive compared to the public interest to be protected.”⁷⁴

Even without strong family ties, an undocumented individual develops stronger ties to the country of immigration over time. Children brought as unauthorized immigrants to the United States, popularly known as Dreamers, often have no ties at all to their country of origin, other than birth, yet are subject to deportation without consideration of their ties to the US.

⁷⁰ UN Human Rights Committee, General Comment No. 19, “Protection of the Family, the right to marriage and equality of the spouses,” U.N. Doc. HRI/GEN/1/Rev.6 at 149 (2003), <http://www1.umn.edu/humanrts/gencomm/hrcom19.htm> (accessed July 1, 2010), para. 5

⁷¹ UN Human Rights Committee, General Comment No. 15, paras. 5 and 7.

⁷² *Winata v. Australia*, Communication No. 930/2000, UN Doc CCPR/C/72/D/930/2000 (2001).

⁷³ See, e.g., *Madaferri v. Australia*, Communication No. 1011/2001, UN Doc CCPR/C/81/D/1011/2001 (2004). See also *Husseini v. Denmark*, Communication No. 2243/2013, UN Doc CCPR/C/112/D/2243/2013 (2014); *MGC v. Australia*, Communication No. 1875/2009, UN Doc CCPR/C/113/D/1875/2009 (2015).

⁷⁴ UN Office of the High Commissioner for Human Rights (OHCHR), *The Rights of Non-Citizens*, 2006, HR/PUB/06/11, <http://www.refworld.org/docid/46ceabb22.html> (accessed 3 December 2017).

Article 12(4) of the ICCPR requires that “no one shall be arbitrarily deprived of the right to enter his own country,” and the Human Rights Committee has found that the definition of “one’s own country” is broader than the concept of a person’s country of nationality.⁷⁵ In two cases involving people who were brought to Australia and Canada from other countries as young children, the Committee found a violation of Article 12(4) where the state sought to deport those individuals later on in life.⁷⁶ The facts in both of these cases are closely analogous to the situation of US “Dreamers.”

Article 17 of the ICCPR provides that “[n]o one shall be subjected to arbitrary or unlawful interference with his privacy ... home or correspondence.... Everyone has the right to the protection of the law against such interference or attacks.” The Human Rights Committee has stated that the term “home” is “to be understood to indicate the place where a person resides or carries out his usual occupation.”⁷⁷

Children’s Rights

International standards also explicitly protect children’s right to be raised by their parents. These standards should be reflected in immigration proceedings to counsel against the separation of children from their parents through deportation. According to the Pew Hispanic Center, about half of all unauthorized immigrants have minor children.⁷⁸ These children’s rights are given little consideration in US immigration law.

Article 24 of the International Covenant on Civil and Political Rights, to which the United States is a party, entitles children “to such measures of protection as are required by [their] status as a minor, on the part of the family, society and the state.” The Convention on the Rights of the Child, signed but not ratified by the United States, provides useful guidance on the measures of protection required by children—including children who may

⁷⁵ UN Human Rights Committee, General Comment No. 27, Freedom of Movement (Art. 12), U.N. Doc. CCPR/C/21/Rev.1/Add.9 (1999), Para. 20.

⁷⁶ UN Human Rights Committee, *Nystrom v. Australia*, Communication No. 1557/07, U.N. Doc. CCPR/C/102/D/1557/2007; UN Human Rights Committee, *Warsame v. Canada*, Communication No. 1959/10, U.N. Doc. CCPR/C/102/D/1959/2010 (2011).

⁷⁷ UN Human Rights Committee, General Comment No. 16, “The right to respect of privacy, family, home and correspondence, and protection of honour and reputation,” U.N. Doc. HRI/GEN/1/Rev.6 at 142 (2003), <http://www1.umn.edu/humanrts/gencomm/hrcom16.htm> (accessed July 1, 2010), para. 5.

⁷⁸ Pew Research Center, “A Portrait of Unauthorized Immigrants in the United States,” April 14, 2009, <http://www.pewhispanic.org/2009/04/14/a-portrait-of-unauthorized-immigrants-in-the-united-states/> (accessed November 19, 2017).

be affected by the deportation of a parent. The convention recognizes the family as “the fundamental group of society” and states that children “should grow up in a family environment.”⁷⁹ Article 9 of the convention provides that “States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when ... such separation is necessary for the best interests of the child.”⁸⁰

To give effect to the best interest principle and to protect children’s right not to be deprived of a family, the Committee on the Rights of the Child has called on states to “refrain from detaining and/or deporting parents if their children are nationals.” The committee has stated:

“Instead, their regularisation should be considered. Children should be granted the right to be heard in proceedings concerning their parents’ admission, residence, or expulsion, and have access to administrative and judicial remedies against their parents’ detention and/or deportation order, to ensure that decisions do not negate their best interests. Alternatives to detention and deportation in accordance with the child’s best interests, including regularisation, should be established by law and through practice.”⁸¹

⁷⁹ Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 UN GAOR Supp. (No. 49) at 167, UN Doc A/44/49 (1989), entered into force September 2, 1990, signed by the United States, on February 16, 1995.

⁸⁰ Ibid.

⁸¹ Committee on the Rights of the Child, Report of the 2012 Day of General Discussion on the Rights of All Children in the Context of International Migration, September 28, 2012.

Recommendations

To US President Donald J. Trump

- Commit to protecting the human rights of everyone in the United States, including by ending the use of xenophobic rhetoric and the scapegoating of immigrants as criminals;
- In order to ensure fair and rights-respecting US immigration and deportation policies, direct the Department of Homeland Security to ensure that noncitizens' ties to the United States are examined and considered before they are identified as priorities for removal from the country, and that such consideration is not automatically precluded for people with criminal convictions;
- Publicly back a fair and inclusive legalization program that provides legal status for unauthorized immigrants in the US who meet a clearly defined set of criteria and that aims to integrate those with strong family and community ties to the US;
- As an immediate step toward such reform, rescind the October 8, 2017 "Immigration Principles and Policies" and support passage of a "clean" DREAM Act with no harmful enforcement tradeoffs;
- In order to ensure due process and fair treatment of immigrants in US immigration courts, continue to work with Congress to ensure immigration courts have adequate resources to provide fair and unbiased resolution of immigration claims.

To the US Congress

In the immediate term:

- Pass a "clean" DREAM Act with no accompanying harmful tradeoffs, such as those described in the White House's "Immigration Principles and Policies," which call for weakening protections for children and asylum seekers and major increases in personnel and detention capacity;
- Decline to increase funding to the detention and deportation system, unless such funding increases are for systemic reforms to improve detention conditions and increased transparency and accountability.

In order to move towards rights-respecting immigration policies in the United States:

- Implement a fair and inclusive legalization program that provides legal status for unauthorized immigrants in the US who meet a clearly defined set of criteria and that aims to integrate those with strong family and community ties to the US;
- Enact reforms giving immigration judges discretion, when making any removal decision, to consider a person's family and other ties to the US and the impact of potential deportation on family members (especially children);
- Enact reforms aimed at moving the US step-by-step toward a system in which all individuals facing deportation are able to secure a fair, individualized hearing before an impartial judge in which the human rights equities are properly weighed.
- Create avenues for immigrants who are currently inadmissible or who are unauthorized and barred from the United States, including those barred for immigration offenses or who have criminal convictions, to apply for permission to gain legal status if they are able to offer evidence of current good moral character, long residence in the United States, military service, lawfully present close family members in the US, or other similar factors in their favor.
- Repeal laws that provide for automatic deportation of immigrants with a wide range of criminal convictions, including minor and old offenses, without any consideration of their family and other ties to the US.

To the Department of Homeland Security, including ICE and CBP

- Institute immigration enforcement policies that do not target unauthorized immigrants living in the US interior except where there is a compelling government interest in removing such individuals independent of their unauthorized status;
- Exercise discretion, wherever available, to release from detention immigrants who do not pose a flight risk or danger to the community;
- Provide improved due process and fair treatment to people held in remote and isolated immigration detention centers, including by substantially reducing the number of people held in detention, ensuring access to legal information, expanding pilot programs providing legal counsel, rigorously enforcing the right of detainees to challenge the legality of their detention, and ensuring access to detention centers by local stakeholders and media;

- Utilize existing discretionary powers to ensure fair treatment of immigrants who call the United States home by not conducting enforcement actions in “sensitive locations” such as schools, hospitals, or places of worship, and by refraining from arrests of “collateral” people encountered during targeted enforcement actions;
- Regularly publish and disseminate accurate statistics on the types of noncitizens removed from and detained by the United States, with detailed information about their actual criminal histories, family relationships, immigration status, and record of employment.

To States and Localities

- Build trust with immigrant communities by separating local policing from immigration enforcement and limiting the situations in which contact with local law enforcement officials leads to deportation;
- As far as feasible, ensure that indigent immigrants, especially those who are detained locally, are provided counsel when they are unable to retain counsel themselves.

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Appendix

Interviews with Recently Deported Individuals in Tijuana, Baja California and Nuevo Laredo, Tamaulipas from April to October 2017, originally published on the blog “The Deported.”

1. "Adriana P.": “Wife and Mother of US Citizens Desperate to Return to Children”⁸²

Twenty-three-year-old “Adriana P.” was living in the Mexican state of Michoacán two years ago when she and her US-citizen husband, “Ricardo,” decided it was time to move to the United States. Violence among the cartels, and between the cartels and police, was becoming intolerable in their region, and they feared for their 2-year-old daughter, “Rosie,” who was born in Michoacán.

“It wasn’t so much that we wanted to earn more,” Adriana told Human Rights Watch researchers in a migrant aid center in Nuevo Laredo, Mexico, on September 1, the day of her deportation. “We needed to get away from the killings.”

Adriana, Ricardo, and Rosie each took a different route into the US. Ricardo showed his passport at a border station, Rosie crossed in an automobile with a family friend, and Adriana walked for eight days through the desert. When asked why her US citizen husband didn’t petition for her, she said, “He didn’t know how to fight on my behalf.”

They reunited in Houston, where Adriana’s father, brother, and other relatives live, and soon moved to a small town in Texas, about 200 miles away. Ricardo opened a tree-trimming business. Adriana sold home-cooked food out of her little kitchen. A second daughter, “Riley,” came along in March 2016. Life was good.

Like many immigrant families, Adriana and Ricardo opened their home now and then to friends and family members in need. In January 2017, Ricardo’s brother, “Tom,” was

⁸² “Wife and Mother of US Citizens Desperate to Return to Children,” post to “The Deported” (blog), Human Rights Watch, November 28, 2017, <https://www.hrw.org/content/311900>.

staying with them when police officers knocked on the door. The officers seemed to know exactly what they were after, Adriana said – and they found a small amount of marijuana in Tom’s room. Adriana was in her own room taking care of the children. Police arrested not only Tom, but Ricardo and Adriana.

Adriana served a month in jail, then spent six months in immigration detention. “I was breastfeeding Riley at the time, and it didn’t matter to them at all,” she said. Adriana signed an order of voluntary removal, but on the day she arrived in Mexico, she knew she wouldn’t stay.

“Of course I’m going back to the US,” she said. “My children are there.”

2. “Alberto Z.”: “Father of Three Deported After ICE Check-in”⁸³

For 18 years, “Alberto Z.” was “getting ahead” in suburban Atlanta: marrying, having kids, and on the salary of a mechanic at a used car dealership, moving up from a trailer to a ranch house and acquiring an SUV and a pickup. One day in mid-June, we found him in the Tamaulipas Institute for Migrants, following his second deportation in three months, trying to get a message through to his wife, “Marta” – and to his son, “Thomas,” who was turning 13 the next day in Georgia.

“I’m going to call Marta and tell her I’m okay, and talk, because, really I don’t know what to do,” Alberto said. “I have houses, mortgages, my taxes in order, three kids born in Georgia... The judge said the only thing that might help me is that if one of them had a chronic disease, I might get a humanitarian visa. But – thank god – none does.”

Alberto left Cuernavaca, Mexico, when he was 21 and hitchhiked up to the United States, knowing nobody. He and Marta, who is also undocumented, met when he was a cook and she was a waitress in a Mexican restaurant in suburban Atlanta. They married, moved to Sugar Hill, and started a family.

With their three children, the family attended a Pentecostalist church on Sundays, whiled away weekends in the park, and took short family vacations to Savannah, Georgia, or

⁸³ “Father of Three Deported After ICE Check-in,” post to “The Deported” (blog), Human Rights Watch, July 10, 2017, <https://www.hrw.org/blog-feed/the-deported#blog-306215>.

Clearwater, Florida. Their baby, “Natalia,” was born last November, around the same time that the boys – Thomas and “Nelson,” who is 10 – got black belts in mixed martial arts.

Alberto’s job was only ten minutes from their house, but five years ago, on the way home from work, he was stopped at a police checkpoint. The police saw he had no driver’s license – Georgia doesn’t issue them to undocumented immigrants – and detained him for three days, until Immigration and Customs Enforcement (ICE) showed up and took him to the detention center in Irwin County, Georgia. “My mortgages, my taxes – everything was in order,” Alberto says. He had a DUI from 2007 but had completed all requirements to put it behind him. His lawyer applied for “cancellation of removal,” which allows some people who have lived in the US for at least 10 years without status and whose US citizen family would suffer “exceptional and unusual hardship” if the person were deported, to remain in the US. While his case was pending, Alberto received a temporary work permit, renewable each year.

In 2016, however, Alberto had his hearing for cancellation and it was denied. When the appeal was denied, he continued to check in, as required by ICE. On February 18, when Alberto checked in, ICE arrested him immediately, detained him in a cell for a couple of weeks, and flew him to Brownsville, Texas, to deport him to Matamoros, Mexico.

In early June, Alberto paid US\$7,000 to cross the Rio Grande in a boat and be guided through the desert. After three nights and two days of walking in stifling heat, his group of five separated, and he was left with a fellow migrant who was exhausted and fading. “I had to get him out to the highway,” Alberto says – and that’s where the Border Patrol caught him.

Back in Georgia, the family has been living on Alberto’s savings and the proceeds from selling his pickup. Their church gives out fruit and other food once a week.

“I want to arrange things legally now,” Alberto told us. “It may seem faster to cross illegally, but you can die of dehydration or snakebite.” Unfortunately, under current US law, it will be nearly impossible for Alberto to return to live with his family legally.

3. “Alejandro D.”: “Father of Six American Children Deported”⁸⁴

“Alejandro D.” broke into tears, unable to answer a question about his family back in Fort Worth, Texas. The 40-year-old house-painter had just been deported to Nuevo Laredo, Mexico and the words simply wouldn’t come.

Born in San Luis Potosi, Mexico, he was 18 when he first crossed into the United States, without documents, in 1995. He found work in Fort Worth as a painter, married “Claudia,” also from Mexico, and started a family. With five US-born children – ages 15, 10, 8, 7, and 4 – Alejandro and Claudia had a full and very active life.

Alejandro counted off on his fingers the stops he made each morning on the way to work: 8:00 a.m. at the elementary school, 8:30 a.m. at a kindergarten nearby, and 8:45 a.m. at the high school – then onward to a 9:00 a.m. painting job.

By the time he got off work, he said, the kids were home and helping their mother with chores and preparing dinner. Every night, they ate together around the dinner table. Alejandro took pride in being a good provider – in addition to supporting Claudia and the five kids under his roof, he had payments withdrawn from every paycheck to support another US-born child from an earlier relationship.

It was in 2013, Alejandro recalls, that he was first separated from his family. His ordeal began when Fort Worth police pulled him over for driving without a license plate on his car and found he didn’t have a drivers’ license (Texas doesn’t issue them to undocumented immigrants). The officer ran his name, and an arrest warrant appeared for non-payment of child support. Alejandro said that in 2012, the company for which he had been working had laid off all of their undocumented employees. According to him, there had been a lapse in support payments while he moved into a new job. After the lapse was discovered, he worked with a probation officer to make payments every month. When the Fort Worth officer pulled him over, Alejandro asked him to review the record, believing it would show he had been in compliance.

⁸⁴ “Father of Six American Children Deported,” post to “The Deported” (blog), Human Rights Watch, August 21, 2017, <https://www.hrw.org/content/307942>.

Instead, police turned him over to agents of Immigration and Customs Enforcement (ICE), who deported him. Needing his family and knowing they needed him, he told us crossed the border a few days later, reunited with his family, and resumed his busy Fort Worth routine.

In June, Alejandro said, a neighbor in their apartment complex got angry that Alejandro's children were making a racket while playing outside and had splashed water on his front steps. Alejandro says he tried to placate him, but the neighbor called the police and said that Alejandro had shoved him. Police arrested him and brought him to Tarrant County jail but he was not charged with any crime. (A criminal record check corroborates his claim no charges were brought.) But in the course of booking him, he said, they discovered he was undocumented and turned him over to ICE agents, who took him into custody as he left the jailhouse.

Three days later, a border once again separated Alejandro from his family.

4. Alejandro S.: “Who Will Feed My Wife and Son?”⁸⁵

The day “Alejandro S.” was deported to Mexico, his first concern was for his family back home.

Alejandro, a 49-year-old snow plow operator and landscaper, hurried to the phones at the Tamaulipas Institute for Migrants in Nuevo Laredo, and called his Colombian wife, “Anna” – who is also undocumented – and his 15-year-old US-citizen son, “Daniel.”

“I told Daniel, ‘You’re the man of the house now,’” Alejandro told Human Rights Watch researchers. “But I have to get back.”

Alejandro first entered the United States in 1998, flying from Mexico City to New York on a tourist visa. He found a well-paid job with a landscaping company in Waterbury, Connecticut.

Alejandro met Anna in Connecticut. They married, rented an apartment, and had Anthony in 2002. They lived what Antonio described as a “totally American” life. “I was earning good money,” he said. “I paid a lot of taxes.”

⁸⁵ “Who Will Feed My Wife and Son?”, post to “The Deported” (blog), Human Rights Watch, November 28, 2017, <https://www.hrw.org/content/311913>.

Little Daniel loved following his father around at work, with a child-sized rake in his hands. They both loved building snowmen and forts from the mountains of snow Antonio would pile up in the corners of parking lots. Anna and Alejandro spoke Spanish at home, but Daniel, once he started school, would answer them in English.

In 2005, Alejandro was charged with driving without a license. Someone saw him sitting in his car in front of his brother's house in Waterbury, Connecticut, he said, and called the police. He didn't have a license to show the officers who pulled up – it would be another 10 years before Connecticut started issuing driver's licenses to undocumented immigrants. That seemingly minor charge would come back to haunt him.

In 2015, a shopping mall security guard overheard Alejandro and Anna arguing in Spanish while looking for a parking space. Anna felt Alejandro was working too many hours, Alejandro remembered. The guard called the police, Alejandro said, and the officers found an open bottle of tequila in the car. Alejandro hadn't been drinking, he said, and he passed all of the officers' sobriety tests. But they took him to Waterbury Jail for an hour.

This is often all it takes – the briefest, most insignificant-seeming contact with law enforcement at any level can end with being handed over to Immigration and Customs Enforcement (ICE) and eventual deportation.

A judge released Alejandro on \$1,000 bail, he said, and for two years, his hearings kept getting postponed. At the last one, on March 23 this year, the judge ordered Alejandro to attend a three-week Alcoholics Anonymous program. The day that Alejandro was going to start, an ICE agent took him into custody.

Once in immigration custody, an immigration judge noted Alejandro's 12-year-old driving-without-a-license charge in addition to the open-alcohol-container charge, he said, and denied him bond while awaiting deportation.

In September, after two months in detention, ICE agents manacled Alejandro's wrists and ankles to a chain around his waist for a five-day journey by bus and plane to Laredo, Texas, where his group of deportees finally crossed the bridge into Mexico. In the migrant center, he pantomimed trying to eat with his hands chained to his waist.

Anna has left her work at a fast-food restaurant, Alejandro said, because she is afraid of showing her face in public; she is getting house-cleaning jobs when she can. Alejandro stared at his hands. “Who will feed my wife and son?” he asked.

5. “Alexis G.”: “Young Couple’s Dreams on Hold”⁸⁶

Twenty-year-old Alexis G. had been living in the United States almost his entire life when he was deported in June to Nuevo Laredo, south of the Rio Grande, in a country he barely knew.

“My parents brought me [to the US], and I grew up in the United States. If I were to sing an anthem right now, it would be the Star-Spangled Banner – I don’t know the Mexican anthem,” he said in an interview.

From pre-kindergarten through high school, Alexis studied in Dallas-area public schools. One of his most poignant memories is of the arrest of his undocumented, single mother, when he was in 7th grade. She had gone to make good on unpaid traffic tickets, not knowing authorities had issued a warrant for her arrest because of them. Immigration authorities released her five days later to go home to her four sons – Alexis is the youngest of the boys – and her US-born daughter. He doesn’t know exactly how she avoided deportation.

“I cried in school for five days,” says Alexis, “and the teachers kept asking what was wrong, but I was too embarrassed to say... I felt ashamed.”

An honor-roll student, Alexis played baritone in his high-school marching band and electric bass in another school band. When he started junior year, he qualified for Deferred Action for Childhood Arrival (DACA) status, which allowed him to work in a supermarket after school. He said he finished in the top 15 percent of his class.

He met his US-citizen wife, Maryjo, online after high school, and moved to San Antonio, Texas, for a while to be near her “amazing” old-San Antonio, German-Mexican family. But the high-paid stucco work of Dallas drew him back, and Maryjo went with him. The move was expensive, Alexis had no work for a month-and-a-half, and he didn’t have the US\$500 for his two-year DACA renewal in 2016.

⁸⁶ “Young Couple’s Dreams on Hold,” post to “The Deported” (blog), Human Rights Watch, July 24, 2017, <https://www.hrw.org/content/307018>.

Still, by March 2017, he and Maryjo managed to get married. Their honeymoon ended on June 4, when a fight broke out at a flea market and carnival. Alexis had gone with his brothers, Francisco and Andres, and Andres's family. He says that he doesn't know exactly what happened, but that as Andres stepped off a ride with his 3-year-old, the operator shoved him. In the scuffle that followed, Alexis said his sister-in-law, with a baby strapped to her chest, was knocked down, and he "snapped," shoving a security guard. He was arrested by police, charged with assault, and handed over to ICE.

The immigration detention center was so full that night that Alexis and Andres, arrested at the same time, slept under a staircase. It was Alexis's first time in immigration detention, and Andres, who had been deported twice before, advised him to sign for voluntary removal. He did.

"I think a few years ago, you really were able to fight a case and have a fair trial, and they'd give you a chance. Now I think they're just deporting us for anything. It's not worth staying in detention." He thinks the assault charges were dropped; a criminal record check turned up nothing.

His wife Maryjo told Human Rights Watch that since Alexis's deportation, they talk on the phone every day. "We want ... to go to school together, start a family, get a house," she said, plans which are for now on hold.

"It's tough," Alexis told us. "Sometimes you feel like you don't belong anywhere, you're stuck in the middle. Growing up, I met kids from Mexico who arrived during their teen years, and they'd say, 'You're not Mexican.' And then you've got the other side telling you you're not American because you don't have papers. It hurts. Do I not count?"

6. "Alfonso B.": "Unfair Arrest Leads to Deportation"⁸⁷

For 29-year-old "Alfonso B." and his US-citizen wife, "Rebecca," there's a cruel irony to his deportation: the chain of events that led to it began with an argument over him needing to spend more time with the family.

⁸⁷ "Unfair Arrest Leads to Deportation," post to "The Deported" (blog), Human Rights Watch, November 28, 2017, <https://www.hrw.org/content/311915>.

Alfonso ran a cleaning company in Houston that employed 25 people. The contracts often required night work, and he was a hands-on employer. “I had to be boss, secretary, supervisor, and cleaner. With all that, it could come to 70 hours a week,” he told Human Rights Watch researchers in Nuevo Laredo on September 20, the day he was deported.

What set off his deportation troubles in 2016 was his own call to police, after Rebecca confronted him outside their apartment about the excessive hours he was working. She was speaking loudly. “I tried to pull her inside, because I knew a neighbor might get mad, and then I called the police myself, because I thought that would go better,” he said.

“It was the only thing we argued about,” Rebecca said in a telephone interview. “He would work till 3 a.m. sometimes, and then he’d need rest. But the kids wanted to go out. They wanted him to play. It got to me now and then.”

When police arrived, Rebecca said she insisted she was fine – he never hit her – and when that didn’t keep him from being arrested on a domestic violence misdemeanor charge, she wrote a letter to the court. By the time of his arrest, Alfonso had only one more step, they said, in the process of regularizing his immigration status on the grounds of his marriage to a citizen. He said his lawyer advised him there was no way to beat the charge and that the only way to put it behind him would be to plead guilty and serve the sentence – nine days – which is what he ended up doing.

Alfonso had come to the United States from Mexico City as soon as he turned 18, and quickly found work in a butcher shop. But it was his night job, cleaning several YMCAs, that he discovered he really liked. He met Rebecca when they were both cleaning at a Honda dealership, and after dating for two years, they married in 2012, and he became the sole provider. Rebecca’s daughter from a previous relationship, “Alison,” now 7, had never known a father, and Alfonso stepped into that role. “Jamie” was born in 2013, around the same time that Alfonso started his own cleaning business. His record was clean except for one drunk driving charge – and the charges that stemmed from the argument with Rebecca.

Rebecca was leaving to take Alison and Jamie to school on August 23 when immigration authorities arrived at their apartment to arrest Alfonso, initially claiming to be the police. (ICE’s practice of identifying themselves as ‘police’ has been controversial – some elected officials have objected, calling it misleading, especially where local law enforcement has

been working to differentiate themselves from immigration enforcement to engender trust in immigrant communities.) Alfonso explained that the domestic violence charge was resolved, but he said the agents told him it wasn't as far as they were concerned.

Hurricane Harvey bore down on Houston while Alfonso was in immigration detention there, and he called Rebecca constantly, she said, as she and the children made their way from their flood-prone neighborhood and rode out the storm in the relative safety of Rebecca's mother's home an hour from the city.

"The kids miss him," Rebecca said, as she packed up the apartment to move with the children to Mexico City to be with Alfonso.

Rebecca is afraid of the gangs in Mexico City and believes the schools will be worse. The children, both US citizens, don't want to leave their teachers and friends, she said. But Alfonso's lawyer suggested that Alfonso would have a better chance at gaining legal residency in the US, Rebecca said, if he filed the papers from Mexico.

"They ask me where he is, and the little one asks why the police took him," Rebecca says. "That's all Jamie thinks about – that they came to the house and took him. That's the image they have, and it breaks my heart."

7. "Alfredo R.": "Young Utah Man Desperate to Return to Family and American Life"⁸⁸

It was a son's devotion that left Alfredo R. on the wrong side of the border, separated from his family and the country that had been home to him since he was a baby.

Alfredo, now 22, came to the US from Mexico as a toddler and grew up in Provo, Utah. But when he was 17, his father became seriously ill back in Mexico. The family thought it was heart trouble, and Alfredo went to take care of him. By the time his father was on the mend, Alfredo was stuck. There was no legal way for him to return to the US.

⁸⁸ "Young Utah Man Desperate to Return to Family and American Life," post to "The Deported" (blog), Human Rights Watch, June 19, 2017, <https://www.hrw.org/content/305284>.

That hasn't stopped him trying – in April he was arrested and deported after his fifth attempt to cross the border and get back home to his family in Provo.

Despite his warm feelings for his adopted home, Alfredo's life in the US was marked by struggle and tragedy. In May, 2008, a truck pulling a trailer T-boned his mother's Pontiac Grand Am in Provo canyon, ejecting and killing his 8-year-old sister, Jennifer, and 7-year-old brother, Daniel. Alfredo, 13 at the time, escaped with minor injuries. His mother, who was driving, was seriously hurt and emotionally devastated.

"It's been nine years, and it still feels like it was yesterday," he wrote recently in English in a Facebook post to his deceased siblings. "I wish I could hold you and hug you with all my heart. I would give my life for you to be here."

Alfredo's mother, Maria, said in an interview the accident "affected him a lot" and kicked off a difficult adolescence. He spent a year in foster care, receiving therapy for grief and trauma.

"I was having some problems," Alfredo told Human Rights Watch in Nuevo Laredo, Mexico. "I wasn't going to school, and they started taking me to truancy court."

Eventually, with the support of family and therapists, things started looking up for Alfredo. He played linebacker on the high school football team and paid more attention in school. Had Alfredo made it on any of the five dashes through the desert and across the wire, he would have headed straight back to Provo, to finish high school and support his mother and siblings.

These days he works at Zipcar's customer service call center in Guadalajara, Mexico. He bides his time, thinking constantly of how to get back and resume the only life he knows.

"I had my whole life over there. Now, if I cross again, I'm probably going to jail."

8. “Andres L.”: “Determined to See His 2-Year-Old Son Again”⁸⁹

When “Andres L.” was deported back to Mexico in July, one of the first things he did was to tattoo his US-born son Anthony’s name and birth date on his wrist.

“I want him always to be with me. He’s my world,” Andres said.

Andres was born in Mexico City and raised in the nearby Mexican state of Michoacán. His family lived on a little ranch with access to a deep well. That blessing became a curse, Andres said.

The availability of water, combined with the fact that his brother was a municipal police officer, made the family a target for the cartels, Andres said.

He lifted up both of his pant legs to show scars. “I got a bullet in each ankle.”

One by one, in 2000, Andres’s brother was able to get all of the family out of Mexico – to Houston, Texas. Andres found work with a roofer, but the job soon turned sour. Sometimes he wasn’t paid in full – he was owed roughly \$1,500 in total, he estimated – and ultimately he suffered physical blows from the boss.

After three years, Andres couldn’t take the bullying and cheating anymore, he said, and he walked off the job, which nearly led to homelessness. That’s when he met “Raymundo,” who took him in, gave him a room in his own house and eventually work in Raymundo’s store. “Raymundo is like my father,” he said.

Raymundo continued to believe in Andres despite two brushes with the law. In 2005, after being pulled over for speeding, Andres served 10 days in jail and paid a \$1,000 fine for possession of marijuana he says a friend left in the glove compartment of his truck. And in 2014, Andres was ticketed for drag racing.

Andres never married Anthony’s mother, “Karen,” but he tried to create a stable home, not only for Anthony but for Karen and her six children from a previous relationship. The

⁸⁹ “Determined to See His 2-Year-Old Son Again,” post to “The Deported” (blog), Human Rights Watch, October 19, 2017, <https://www.hrw.org/content/310323>.

problem, for Andres, was that Karen kept returning to her former partner, he said. In September 2016, Andres came home from work to find Karen preparing to go out and they argued, he said, and both ended up calling the police. His goal was to keep Karen from taking Anthony to visit the ex, who he felt was a bad person. He was questioned by police and charged with interfering with a 911 call – a charge that was later dropped.

The day after his arrest, Andres paid his bail. But instead of releasing him, he was taken upstairs in the Harris County Jail to Immigration and Customs Enforcement (ICE). ICE agents transferred him to the Houston immigration detention center, and on September 21, 2016, Andres entered the Rio Grande Detention Center, where he fought his case for nearly 10 months until he was deported on July 14.

Throughout his ordeal, memories of Anthony have sustained Andres. “Anthony loves playing in water,” he said, with a smile. “I used to give him a bath, and he would spend hours splashing and waving his hands around.”

Andres doesn’t know how long it will take him to get back to Houston, but he is determined to see his son again.

9. “Benjamin M.”: “Longed to Join the Marines, but Now Deported to Mexico”⁹⁰

Benjamin M. checked his phone constantly at the migrant reception center in Nuevo Laredo, Mexico - he had just been deported that August day, and was following the progress of his mother and wife, who were driving from Dallas to meet him.

“I have an amazing marriage and two beautiful kids,” said the 26-year-old, holding up a photo of his beaming family gathered around a birthday cake with one candle.

“Camille”, Benjamin’s US-citizen wife, would get to spend only a few hours with him in Nuevo Laredo, before returning to be with their two-year-old son and one-year-old daughter. But his mother, a legal resident of the United States, was planning to ride the

⁹⁰ “Longed to Join the Marines, But Now Deported to Mexico,” post to “The Deported” (blog), Human Rights Watch, November 28, 2017, <https://www.hrw.org/content/311919>.

bus with Benjamin to help keep him safe on the way to staying with relatives in Toluca, near Mexico City.

All of Benjamin's seven brothers and sisters have legal status in the United States, whether as citizens or holders of visas or Deferred Action for Childhood Arrival permits, and Benjamin, the youngest, was hoping, within a year, to get legal status, as Camille's husband.

To him, Mexico felt like a foreign country.

When Benjamin was 11, his widowed mother moved him from Toluca to Dallas to be near the older children who had emigrated. He quickly learned English to escape bullying in elementary school, he said. By middle school, "I could defend myself with words," he said, and in high school, he found his passion: the Reserve Officers Training Corp. "It was the best experience of my life," he said. "I was always good at school, and I would never skateboard or hang out, I was just into school and ROTC." He served on the color guard, the rifle team, and an award-winning physical training group. His best friend, a year older, joined the Marines after graduating, and Benjamin got recruited too. He trained with the Marines during senior year, and then came the biggest disappointment of his life: without legal status, he learned, he would not be able to join.

As his friend shipped out to California and then Japan, Benjamin spiraled into depression. He doesn't know why he didn't apply for DACA, except that he was "so down at being rejected [from the Marines]." For the first time, he started drinking. "My mom and my brothers kept telling me to stop, that there were other ways, but I was too depressed to hear them."

In 2013, after a cook-out at a friend's house, he said police stopped him for driving 10 miles-an-hour over the limit on a freeway and arrested him for driving while intoxicated. He paid the \$750 fine and served a two-year probation, appearing for monthly drug and alcohol tests and completing classes. It was while he was on probation that he met and married Camille, and they started their family.

Benjamin worked as a glazier, installing glass at the Cowboys' stadium in Frisco and at other commercial sites. His mother, who lived with them, helped out at home, and they all enjoyed dinners together, outings, and going to church. But when Camille was pregnant

with their daughter, Benjamin hit another rough spot. “I was working from 4 a.m. to 9 p.m., sometimes 7 days a week, and my wife was on me for not spending time with them, so I was frustrated and tired.” For the first time since his probation, Benjamin stopped by a friend’s house in July 2016, and drank a beer “then another, and another,” he said, “and there you go.” Police stopped him for driving five miles over the limit on the freeway on the way home, and arrested him for another DWI.

Probation didn’t make sense this time, he said, as ICE was by now picking up lots of people at probation check-ins. He said he knew that people who are deported with sentences that they haven’t finished serving have a hard time returning to the US legally. So he took a lawyer’s advice to do the time. After three months in Tarrant County Jail, he was transferred to ICE detention in Johnson County Jail, where he said conditions were terrible. He sighed and wiped a tear when he spoke of a Chinese friend locked up there for more than a year who had no idea when he would be released or deported. “I feel really bad for him,” he said.

But Benjamin hopes he has a chance to return legally, though under current US law, he faces a 10-year bar to applying for a visa for having lived in the US without legal status for over a year. “I don’t want anything to stand in my way,” he said. “I have to go back.”

10. “Braulio Q.”: “Criminally Prosecuted Multiple Times for Trying to Get Back to His Son”⁹¹

Forty-five-year-old “Braulio Q.” has spent more of his life in the United States than in Mexico. But after 10 months in immigration detention and his fifth deportation in September, his US-citizen son, “Miguel,” told him to wait in Mexico. Someday, his son said, there will be a way to arrange legal passage back to the US.

“I am so tired of being a prisoner,” Braulio told Human Rights Watch researchers in Nuevo Laredo, Mexico, the day after his September 30 deportation.

⁹¹ “Criminally Prosecuted Multiple Times for Trying to Get Back to His Son,” post to “The Deported” (blog), Human Rights Watch, November 20, 2017, <https://www.hrw.org/content/305709>.

Braulio was 21 when he left rural Ignacio Zaragosa, Chihuahua, in 1993, and headed to the US, answering a call from a Texas rancher who needed a trainer for trick horses. “Ever since I was a kid, I loved horses and worked with them,” he said. Braulio took charge of seven horses on a ranch near El Paso, teaching them to dance, lie down, answer commands, and paw “yes” and “no.” At the ranch that same year, he met another rider, “Rosa,” a Mexican with US residency, and they eventually married; Rosa gave birth to Miguel four years later.

Braulio worked dawn to dusk, seven days a week, he said. “I never got to do anything in the city – I was always with the horses – but Rosa and Miguel would come see me at work.” By 2005, they were able to buy a house in El Paso – and three years ago, Braulio bought a property where he boarded clients’ horses.

“It was awesome, growing up with him as a dad,” said Miguel, who is now a landscaper, during a phone call from Clint, Texas. An older son of Braulio’s – born in Michoacan state in Mexico to an earlier wife – came to live with them, Miguel said, and their dad was a patient and energetic role model for both boys. “He showed us all kinds of things, not only how to work with horses, but how to build a house from top to bottom, how to do landscaping, how to save money, really how to take care of life.”

But by the time Braulio had his own horse property in 2014, he had been deported several times. In 2008, coming home from a fiesta, he was stopped by police, charged with driving while intoxicated, and deported. In 2013, he was ticketed for driving without a license – Texas doesn’t issue licenses to undocumented people – and later that same year, he got into a disagreement with his mother-in-law, who was living with him and his family.

His mother-in-law, upset, called immigration authorities, he said. According to federal records, Braulio was prosecuted for illegal reentry after deportation; he spent nine weeks in US Marshal’s custody and was deported. In 2014, he tried to cross the border, was caught and prosecuted for illegal reentry again, and sentenced to 10 months before being deported again. He managed to cross in 2015, and went back to his life in Texas, until he received notice that his ticket for driving without a license had not been resolved, as he had thought, before his 2013 deportation. When he went to clear that up, on November 14, 2016, immigration authorities arrested him.

After 10 months in detention, he was held even longer, he said, while authorities insisted that he had asked for asylum. He denied it, but the confusion took five days to clear up; he was finally allowed to sign withdrawal of a request to apply for asylum and was deported.

His plans, for the moment, were to head for Madera, Chihuahua. “I have work lined up— with cows,” he said. “I have to start somewhere.”

Miguel, now 20, married last year, and he and his wife are expecting a son. “I’m upset that I can’t have my dad here with me and my family,” he said. “I’m not going to live without seeing him. I’ll have to take off a day of work every week to visit him. It will take an hour or two to get to where he is – and crossing back – two or three hours more.”

11. “Calixto L.”: “Recovery From Accident Followed by Rapid Deportation”⁹²

One morning in late April, Calixto L. was driving to work, ready to start another early shift at his factory job making chlorine tablets for swimming pools. By evening, he was back in Mexico, deported to a country he hadn’t seen in more than a decade.

Calixto, 39, and his 8-year-old daughter Emily left home that day at 5:30 a.m. to get her to before-school childcare so his wife Blanca could work her shift at Taco Bell. About five blocks from home, he noticed a car was following him. A few blocks later, as he rolled to a halt at a stop sign, another car and a van came out of a side street.

They were full of Immigration and Customs Enforcement (ICE) agents. When Calixto couldn’t produce a driver’s license, the agents ran his fingerprints through the database and told him he was being arrested for being in the country illegally after a prior deportation in 2004 after he was caught working with false papers. His US citizen daughter was left alone in the car, guarded by strangers in black uniforms, until her aunt picked her up. “They didn’t even let him say goodbye to her,” Blanca told us. “She was so scared.”

Calixto and his family had been through some hard times recently, but things seemed to be looking up. In early September 2015, while driving his daughter and now 15-year-old US citizen son Erik home from another child’s birthday party, he swerved his Honda Accord to

⁹² “Recovery From Accident Followed by Rapid Deportation,” post to “The Deported” (blog), Human Rights Watch, June 26, 2017, <https://www.hrw.org/content/305709>.

avoid another car, careening down an embankment and into a tree. The accident severely injured his back and left him bedridden, but more upsetting for him was that his daughter broke her left femur. Making matters worse, he had been drinking with another father at the party. Calixto was convicted for causing serious bodily injury while driving under the influence and sentenced to probation, community service, and a US\$6,400 fine.

It was a long road to recovery for both Calixto and his daughter. His injuries made continuing to work as a tree cutter impossible. “I spent two months in the hospital and three months in rehab,” he said. “I saw a movie about a boxer who was in the same situation. He did exercises to get better and so I also did that. And I got better.”

It took a year and a half, but when his final court date for the DUI came in February 2017, Calixto had a new job and Emily was walking without a hitch. “She does have a scar,” he told us. “She’s not going to want to wear skirts.” Blanca told us that Emily cries and asks when her father is coming back after his deportation. “She’s very close to him.”

In ICE custody, agents asked Calixto to sign a paper, and he obeyed. He told us that when he realized soon after that he might have signed his own deportation papers, he asked to speak to the officer who had told him to sign. Not possible, the agents said, and a couple of hours later, he was on a bus to the border.

That evening in Tijuana, Calixto’s mind raced on what would come next for his family. They were struggling to pay the rent already because of his court fines. What if they were evicted? How would they make ends meet?

12. “Carlos G.”: “Sixteen Years of Hard Work in the US”⁹³

In 2001, 34-year-old Carlos G. passed through the Mexican border city of Nuevo Laredo on his way north to enter the United States without papers. Sixteen years later, he found himself back in the same town, telling his story to Human Rights Watch researchers in a deportee reception center.

⁹³ “Sixteen Years of Hard Work in the US,” post to “The Deported” (blog), Human Rights Watch, August 14, 2017, <https://www.hrw.org/content/307692>.

When he reached Houston in 2001, Carlos found work in remodeling. He learned painting, stucco work, and other crafts, and eventually opened up his own business, T'NO's Painting. At the peak of T'NO's operations, Carlos owned his own equipment and employed five other craftsmen. Unfortunately, his business didn't last, and he went back to working for others; he liked his new bosses, who were fair, he said, and gave him good work.

In December of 2015, Carlos went to a cousin's house to watch a soccer game between the US and Mexico. He thinks he left the house to head home through Houston at about 2 a.m. and says he was completely sober. When he saw emergency lights in his rearview mirror, he didn't worry, because there was another car behind him, driving – from what he could tell from glances in his rearview mirror – slightly erratically. He figured the police were stopping that vehicle. But Carlos was stopped and charged with evading arrest.

Carlos was jailed for two months. Then, his bosses helped him pay his bond, and he spent six months in and out of court hearings. His records indicate prosecution was deferred. In August of 2016, he began a three-year probationary period, appearing every month, he says, never missing once.

On April 27, 2017, he showed up to see his probation officer, as always. Just inside the door, a man dressed in an ICE uniform asked him for his name – and cuffed him.

After seven weeks in the Houston CCA immigration detention center, he was deported in June. At the Tamaulipas Institute for Migrants, he was still fretting about a painting job left undone in Texas – his boss's house. All he had left was the roof trimming.

13. David B.: “We Cry Daily for Him”⁹⁴

David B. feels more comfortable speaking English than Spanish. He was born in Guanajuato, Mexico, but when he was two-and-a-half years old, he was brought to the United States by his parents. They settled in Victoria, Texas, where David's two brothers and sister were born, and David never returned to Mexico—until he was deported, at age 31, on June 22.

⁹⁴ “We Cry Daily for Him,” post to “The Deported” (blog), Human Rights Watch, October 23, 2017, <https://www.hrw.org/content/310328>.

“I don’t even know how to buy something to eat here,” he said, looking around the fluorescent-lit deportee reception center in Nuevo Laredo. “I’ve got to get back to my family,” he said, shaking his head.

After high school, David worked in renovating houses. He and Melissa, a US citizen, began living together in 2008 (eventually getting married in 2012) and became a devoted step-dad to her two daughters—3 and 6 years old at the time. David became the family’s sole financial provider, not only for Melissa and his step-daughters but for the two children—a son and daughter—who came next. As the family grew, they fell into a pleasant routine of church on Sundays, followed by visits to the park, or weekend trips to Corpus Christi.

David and his mother were both working to get their residency—he said his father is already a citizen.

In 2005, David was pulled over while driving to a soccer game with some friends. He says he doesn’t remember why. Police discovered that he was driving without a license, which led immigration authorities to get involved.

While being held for a couple of weeks at an Immigration and Customs Enforcement (ICE) detention center in Corpus Christi, he bonded with one of the guards, who was from Victoria, Texas, like him. The guard said he would release him if his family could get there in a couple hours. Unsure of what was happening, David agreed, signed whatever paper was put in front of him, and left with his parents.

Looking back, he figures he must have signed an agreement to voluntarily depart the US. But he didn’t leave.

Everything was fine until one evening this summer when he was driving with Melissa and their children to look at a new home. Making a turn at the light, neither he nor Melissa noticed his emergency blinkers were on until he was pulled over by a Victoria police officer. Again, the officer discovered that he was driving without a license—but this time, he learned that he was on immigration’s radar, after they never received notification of his voluntary departure—a departure that never occurred.

David was sent straight to a private detention center in Houston, where he was held for three weeks. His family was able to visit him only once. His two-year-old daughter pushed on the glass that separated them and began to cry; she didn't understand why she couldn't touch her daddy.

Marooned in the border town of Nuevo Laredo now following his deportation, David is visibly afraid. "I've always known that I came from Mexico. But I have no memories of it, and they say it's dangerous."

Back in Texas, Melissa is struggling to find a job and keep her family together. "We cry daily for him. It doesn't get easier with time."

14. "Diego L.": "Desperate to 'Come Home'"⁹⁵

Twenty-eight-year-old "Diego L." took a break from his flooring job in Amarillo, Texas, one chilly January afternoon to fill the tank of his Ford Focus at a nearby convenience store. As he rolled out of the parking lot to head back to work, Diego said an Amarillo police officer pulled him over, saying he had failed to yield properly. That stop led to his deportation in June, eighteen months later.

"I don't have family here in Mexico," he said in English, when Human Rights Watch researchers met him at a deportee reception center in Nuevo Laredo, Mexico. He was born in Mexico City, the youngest of five children, and carried north with the family when he was two. "My parents still live in California – they sew for a factory in Santa Ana."

Diego's US-born wife, "Amanda," is desperately seeking legal remedies to get him back – her 9-year-old daughter and 7-year-old son miss him terribly. "He's a good step-dad," she told researchers by phone from Amarillo. "He's never really done anything wrong. He was just born somewhere else."

Diego's immigration troubles started in 2012 when he and Amanda were arguing in their apartment – only verbally, they both insist – and a neighbor called the police. Diego said he calmly went out to meet them, and allowed himself to be cuffed. He pleaded guilty to

⁹⁵ "Desperate to 'Come Home'," post to "The Deported" (blog), Human Rights Watch, July 27, 2017, <https://www.hrw.org/content/307221>.

obstructing police because, he said, “I didn’t know what I was doing. I wasn’t able to talk to anybody.” Diego served two months in Potter County Jail, and then a Border Patrol officer collected him. “They threatened me that if I didn’t sign a paper, I was going to go to prison and would never see my family again,” Diego says. “I didn’t read the paper, I just signed.”

That first deportation was hard on Diego, who got caught twice trying to cross back. “I didn’t know nobody,” Diego says. “I got robbed in Mexico, they took all my money, about US\$100. When I was walking in the desert, I saw two dead bodies, lying in the dirt.”

When police stopped Diego at the convenience store on that January day, he couldn’t produce a drivers’ license – Texas doesn’t issue them to undocumented migrants. Police also found a small amount of methamphetamine in the car, which Diego says he has used occasionally in recent years, “like Red Bull,” to stay awake at work. This time, his stay in the Potter County Jail lasted nine months, and he was released to Immigration and Customs Enforcement, only to spend nine more months in detention. Although Amanda urged him not to sign anything – she was seeking ways to help him stay legally – Diego signed deportation papers.

Amanda said the first choice for them both is to get him back to Amarillo legally. But for the time being, Diego is fending for himself in a strange country. “This time, I got to know an old man in detention with me, so I feel a little safer,” he said, as he waited to use a phone at the deportee reception center. “He’s going to let me stay at his house.” “His instinct,” said Amanda of Diego, “is just to come home.”

15. “Diego R.”: “Deported to a Country He Hasn’t Seen Since He Was Three”⁹⁶

At 2 a.m. on August 28, guards at the federal immigration detention center in Cleburne, Texas, woke 24-year-old “Diego R,” and loaded him onto a bus full of Mexican migrants. They all sat with their wrists and ankles chained together. As the bus drove south to the border, Diego thought of his daughter, who was turning four years old that day.

⁹⁶ “Deported to a Country He Hasn’t Seen Since He Was Three,” post to “The Deported” (blog), Human Rights Watch, November 28, 2017, <https://www.hrw.org/content/311922>.

“My wife bought some gifts to give her from me, so that she does not forget that she has a dad,” Diego told a Human Rights Watch researcher at a deportee reception center in Nuevo Laredo, Mexico, the day after he arrived.

The bus reached the border at noon and the migrants were left to cross the Rio Grande on a footbridge into Mexico, a country Diego had not seen since he was three years old.

Diego’s parents had taken him and his sister, then seven years old, to the United States legally, with a visa that eventually expired. Diego attended school in Lewisville, Texas, but dropped out in 7th grade. He started working as a painter, making about US\$300 a week – on good weeks. He contributed about a third of the cash to the family’s household expenses. Diego later worked at a notary public and as a forklift operator in a factory. At 19, he met his wife, Michelle, a US citizen, and they have been together ever since.

Diego worked at any job he could find to support his family: landscaping, construction, and lately welding, his best-paying job so far. “I have always liked to work,” he said. “I was doing very well.” He and Michelle were expecting their third child.

On Christmas Day, 2016, Diego was driving to his parents’ house when a police car stopped him. An officer asked him whether he had drunk alcohol. He said he had had two beers at a friend’s house six hours earlier. Police conducted a sobriety test, and said he failed. Diego asked repeatedly for a breath test, but was not given one. Police found a single marijuana cigarette in his car. Diego says one of his friends must have dropped it.

Police took Diego to the station. They administered a blood test which, he said, found no evidence of alcohol or drugs. In Texas, as in many other states, you can be charged with driving while intoxicated even if you are below a certain blood alcohol level.

Diego was still in jail when his son was born in January. “I was disappointed not to be present.” He was also very anxious about his mounting legal fees, the cost of many collect phone calls and the cost of the food he had to buy in jail. The family savings quickly evaporated. His lawyer told him he would be deported even if he was found not guilty of the drunk driving and drug possession charges – the arrests had brought him to the attention of Immigration and Customs Enforcement. Diego agreed to plead guilty to the

drunk driving charge and the prosecutor dropped the other charge. He signed a voluntary removal order.

When Human Rights Watch interviewed him, Diego was trying to see if members of his wife’s Mexican family could come to pick him up. “I don’t know what to do now.”

16. Elio H.: “Separated from His Family When Hurricane Harvey Hit”⁹⁷

When Hurricane Harvey slammed the Texas coast in late August, Elio wasn’t at home with his wife and two sons in Houston – he was in an immigration detention center in Laredo, Texas, awaiting deportation.

“Thank God our home is in a raised area,” said the 33-year-old waiter as he stood in line to buy a bus ticket in Nuevo Laredo, Mexico. “The water stopped a ten-minute drive away.”

Elio left Mexico City and went to the United States at age 15 to join family working in landscaping in Montgomery, Alabama. His two brothers eventually became legal residents, through their US-citizen wives, but Elio married “Juana,” who is Mexican. “I had opportunities to marry citizens,” he said, with a smile, “but I fell in love with Juana.” They eventually had two boys – “Tom,” now 11, and eight-year-old “Quinn.”

in Houston took the family to Texas five years ago, and life was good there, Elio said. Juana was a stay-at-home Mom, and Elio’s 60 hours of work at the restaurant didn’t preclude seeing movies, eating out, playing football in the park with the boys, and attending Mass on Sundays.

“Work was good too,” he said. “I had lots of customers, people who knew me well, and they’ve been asking, ‘when is Elio going to come back?’ I know lots of good people up there.” He paused, looking down at his hands. “I understand it’s the law, but I don’t think it’s fair how they deported me – after 15 years, just one mistake.”

⁹⁷ “Separated from His Family When Hurricane Harvey Hit,” post to “The Deported” (blog), Human Rights Watch, October 2, 2017, <https://www.hrw.org/content/309733>.

The “mistake” in question happened last summer. Elio had drunk four beers in two hours at a friend’s house, he said, on the summer afternoon when police pulled him over in his pickup. He doesn’t believe he was drunk, but he has flat feet, he said, and tends to have bad balance when he walks. He would have taken a breathalyzer or blood test instead of walking the line, he said, but when he tried to explain, the officer recorded it as refusing all tests. After his jail sentence, he was transferred to immigration detention and deported on July 30. “I ended up signing for voluntary repatriation – they said it wasn’t a deportation – but when they were taking my fingerprints, I saw on the paper that it said deportation.”

Elio tried to get back to his family, floating across the Rio Grande on an inner tube in August, but Border Patrol agents caught him within an hour. After 15 days in immigration detention in Laredo, sleeping on a mattress on the floor with no blanket, he said, he was deported again.

Up in Houston, Juana, who has legal resident status, was looking for work when the hurricane hit, Elio said – she and the boys are frightened and desperate for his return. At the migrant reception center, Elio bought a bus ticket for Mexico City, where he still has relatives, but when asked what he would do next, he teared up. “I have no idea,” he said.

17. “Fabio G.”: “Robbed by Gangs Immediately After Deportation”⁹⁸

It took less than 24 hours after his deportation for gang members in Mexico to find and rob “Fabio G.”

After his deportation on September 19, Fabio spent the night in a shelter before heading out, with three other deportees, to a bank on Nuevo Laredo’s central square to collect money sent by his family back in Saint Paul, Minnesota. As the deportees left the bank, a pickup came screeching to a halt in front of them, Fabio said. Two burly men jumped out, telling them to hand over their money or be kidnapped.

“We knew they had us covered with guns and probably more people around the square, so we paid,” Fabio told Human Rights Watch researchers at the Tamaulipas Institute for Migrants in Nuevo Laredo, shortly after the assault. “We were terrified. I’ve never been

⁹⁸ “Robbed by Gangs Immediately After Deportation,” post to “The Deported” (blog), Human Rights Watch, November 22, 2017, <https://www.hrw.org/content/309733>.

attacked before.” The institute, which is dedicated to protecting deportees and other migrants, stepped in to pay for Fabio’s \$80 ticket to visit relatives in Jiquilpan, Michoacan. Fabio hadn’t yet told his US-citizen wife, “Lara,” about the robbery, and she was already plenty stressed, he said, since his drunk driving arrest in March set off a cascade of immigration troubles. They had just bought a house, he said, and had lots of bills to pay, supporting his three children and her two, as well as their daughter “Mia,” all US citizens except for his oldest, who he said has temporary status under the Deferred Action for Childhood Arrivals program.

Fabio left Mexico and went to Saint Paul 14 years ago, when he was 25. He found work in all kinds of construction – roofing, siding, landscaping – and recently, he was substituting as a container loader. “I worked night and day, often 18 hours,” he said. “I’d get home, take a bath, and go to another job. On Sundays, I could go out with the family – or sleep – because I only get two hours of sleep sometimes.”

Fabio and Lara met in 2009, and within a few years, they had blended their families. Fabio’s first wife lived near them in Saint Paul, Fabio said, so that their three children, now 17, 13, and 11, could go back and forth between their parents easily. The father of Lara’s 11-year-old son and 14-year-old daughter is not in the picture, Fabio said, and they look to Fabio as their father. Mia, Fabio and Lara’s 4-year-old daughter, is the delight of the older children, he said. The videos and photos on his cell phone range from the oldest’s lavish quinceañera celebration and kids burying each other in sand at a lake beach, to Mia belting out the song “Happy.”

When Fabio was arrested in March for driving under the influence, he spent about 48 hours in Saint Paul’s Ramsey County Jail. Authorities saw that he had one earlier DUI, from eight years ago, and several tickets he had paid for driving without a license – undocumented immigrants can’t get a drivers’ license in Minnesota. They let Fabio out on a \$1,200 bail, and he went back to his family – until immigration authorities arrested him at work about six weeks later. (Police in some states tip off immigration authorities when they arrest an undocumented person, so that even after local violations or charges have been cleared, immigration agents may make their own arrest.)

After 67 days in the immigration detention center in Albert Lea, Minnesota, Fabio was freed again, on May 3, on a \$7,500 bond – and wearing an electronic bracelet. But on June 17,

immigration authorities picked him up, he said, having revoked the bond. Three months later, they deported him.

Fabio has been in the process of arranging legal residency since 2013, he said, on the grounds of his marriage to a US citizen, and he prayed for good results from an appointment at the US consulate in Juarez, Mexico, scheduled for January. “I hope to God everything goes well,” he said, “and I’ll be able to be back with my kids in January.”

18. “Grace B.”: “Domestic Violence Survivor Deported Away from Her Children”⁹⁹

Within 24 hours of being deported, “Grace B.,” a mother of two, was back at the Tamaulipas Institute for Migrants, offering hugs and words of comfort to another mother, fresh off the deportee bus. On June 22, the day Grace herself was deported, she had been trying so hard to hold back tears that she couldn’t speak.

She said she had filed eight police reports when she lived in Houston, Texas, against “Esteban,” her abusive husband, but for years the police did nothing. The scars on her hand and head were testimony to 16 years of beatings. Even after she refused Esteban access to the apartment she shared with their two sons, she told Human Rights Watch, he broke the windows on six occasions to get to her.

Grace and Esteban left Guerrero, Mexico, soon after marrying in 2001, and headed to Texas, where she said his jealousy became her prison. She was hardly allowed to leave the apartment, and she gradually realized that, although he left in the morning wearing a mechanic’s uniform, he was dealing drugs. She lived in fear of his beatings, and in spite – or because – of that, kept giving him another chance, especially after “Billy” was born in 2002 and “Jim” in 2006.

When Esteban went to prison, in 2008, Grace told us, she got a new life, learning to drive and finding work as a waitress at an Italian restaurant. But a little more than four years later, his sentence served, Esteban was deported to Mexico – and he soon crossed the

⁹⁹ “Domestic Violence Survivor Deported Away from Her Children,” post to “The Deported” (blog), Human Rights Watch, October 26, 2017, <https://www.hrw.org/content/310332>.

border and returned to Houston. He had found God and changed, he told her, and was ready to make their marriage work. But within two weeks, the old patterns of drunken rages and beatings re-emerged – and now, he added threats to send a cartel against her family. Grace resumed her visits to the police – battered, bruised, and bloody – and to a Houston organization called AVDA – Aid to Victims of Domestic Violence – that also photographed her wounds.

Billy developed twitches, and after his father’s attacks on his mother, would experience paralysis. He was eventually diagnosed with Tourette Syndrome, Grace said, related to the stress.

It wasn’t until December 10, 2016, that Esteban was arrested in response to Grace’s complaints. Twelve days later, Grace was herself arrested. Driving home after a friend’s birthday celebration at work, she was stopped, charged with driving while intoxicated, and held at the Harris County Jail. Immigration and Customs Enforcement took custody of her, and she spent Christmas in the private immigration detention center known as the CCA Houston Processing Center.

Her case was complicated by an offense from 10 years earlier, when a neighbor who had argued with her husband called the police to complain about a barbecue at Grace’s home. She said there was alcohol, but no one was drunk and the children were never in danger. But she ended up pleading guilty to a drinking-related felony charge of endangering the children. Her advisers at the time, she recalled, said, “Better to sign than go before a judge – nothing will happen.”

This time, Grace fought her deportation case for six months, filing an application, on the basis of Esteban’s abuse, for a U Visa – intended to encourage immigrant victims of crimes to report them to the police, which Grace had done consistently for years. She was deported, she said, before that application could be reviewed.

Grace intends to pursue her application for the U Visa from Mexico. She worries that Esteban will send a gang to harm her – or return to Mexico himself – and she cries every time she mentions Billy and Jim. But she is immensely grateful to her green card holding parents in Houston – “the best parents in the world,” she calls them – for caring for the

boys until her return. (Her parents were able to gain legal residence through a son, who gained status through marriage.)

“Normally, I’m a happy person, very sociable,” she says. “But now I feel a terrible depression – sadness ... and desperation.”

19. Guadalupe G.: “A Grandmother and Farmworker Trying to Return to Her Family”¹⁰⁰

After 27 years living in the United States, Guadalupe’s life was undone by a fateful decision to return to Mexico and visit her aging siblings.

After a trip to Oaxaca this summer, Guadalupe, 56, got caught twice in early August trying to return to the US and was deported both times. She has every intention of returning to her family in Alabama.

It’s not the first time she’s been separated from her loved ones. At the age of 30, after her parents had both died, she left her three sons with her ex’s mother in Tanivet, Oaxaca, and headed for the US to earn enough money to support them – and eventually bring them north.

Guadalupe wiped a tear from her cheek as she described the years far from her sons, cutting weeds in irrigation ditches in Phoenix, tending corn in Indiana, harvesting apples and Halloween pumpkins in Virginia, and cutting tobacco in North Carolina, where the sticky, pungent leaves made workers vomit.

Finally, when Guadalupe had settled into cutting and packing poultry in an export business in Alabama, she was able to bring her teenage sons to join her – “Fernando” was sent up by relatives in 2003, when he was 15, and Guadalupe went south in 2007 to bring “Oscar,” at 18, and “Emiliano,” at 15. Bandits robbed them at gunpoint on the first attempt to cross the border – and the Border Patrol caught them twice. But they eventually made it home to Arborville, Alabama. “To have them there with me, all three of them, was such a pleasure –

¹⁰⁰ “A Grandmother and Farmworker Trying to Return to Her Family,” post to “The Deported” (blog), Human Rights Watch, October 9, 2017, <https://www.hrw.org/content/309976>.

such an honor. I had supported them, and saved money to bring them, and now I could house them.”

Fernando became a mason, Oscar went into restaurant work, and Emiliano got a job at a body shop. Oscar eventually moved back to Mazatlan, Mexico, but his brothers stayed on, marrying and starting families in Alabama. Guadalupe is eager to get back to be with her children and grandchildren.

During the hot, dry days of late summer, the crossing is dangerous, she said, and the odds of getting caught are high. But for Guadalupe, it isn't a matter of whether she'll attempt it – only when. “I've got to go,” she said.

20. Jorge S.: “Father Determined to Return to Wife and 4-Year-Old Son”¹⁰¹

After nearly six months in Houston's Harris County Jail, the first thing 30-year-old Jorge S. wanted to do after he was deported to Mexico was find a phone and call his US-citizen wife, Kaitlynn.

“I need to find out what is going on with my baby,” he told us as he sat down at a desk with a phone at the Tamaulipas Institute for Migrants, a Mexican state agency that is the deportees' second stop after Mexican Immigration. “I had about four months when I had no contact with them at all.”

Jorge went from Mexico to Houston five years ago, and after working eight months at a carwash, worked his way up to earning more than US\$120 a day building wooden fences. He met Kaitlynn a year after arriving, when she came to help Jorge and his roommates with housekeeping and laundry. Because she has a grandmother from Mexico, she spoke a little Spanish. When they first got acquainted, they used the internet's automatic translators to chat, teaching each other their native tongues.

Their baby, Ja,dan – Kaitlynn wanted a unique name – was born prematurely in Houston in February 2016, but he was soon off the respirator, and was crawling around by 8 months,

¹⁰¹ “Father Determined to Return to Wife and 4-Year-Old Son,” post to “The Deported” (blog), Human Rights Watch, July 5, 2017, <https://www.hrw.org/content/305843>.

following Jorge around, and amazing his parents with his rapid development. He was smiling, as his father remembers it, “all the time.”

Jorge sometimes worked six days a week, but the family would walk to the Parker Road park. On weeknights, Kaitlynn and Jorge would help each other understand TV shows in English or Spanish – *La Rosa de Guadalupe* was a favorite of Kaitlynn’s.

On November 22, Jorge was arrested – he says for the first time in his life. He was drinking a beer while driving the car, he told us ruefully, and went through a stop sign in Houston without waiting the requisite three seconds. An officer stopped him, got him out of the car, and later accused Jorge of hitting him. “I didn’t,” Jorge says. “He pushed me to get my arms up, and I ducked. He told me to turn around, shoved me to the ground – smashing my mouth – cuffed me, and took me to jail. But he said I resisted.”

Jorge received a reduced, misdemeanor sentence of six months and served his time in maximum security, earning privileges that eventually allowed him to work in the laundry, washing the orange uniforms. That entitled him to receive an extra plate of food and – above all – free use of the phones, so that he could talk with Kaitlynn. At the end, when he was delivered to Immigration and Customs Enforcement (ICE), he signed up for voluntary repatriation because he couldn’t afford a lawyer to fight deportation.

When we saw him, Jorge was first planning to go to his parents in Tuzantla, Michoacán and then attempt to return to Kaitlynn and Ja,dan. “I had wanted to get citizenship, but now, with the misdemeanor, getting papers will be more complicated,” he told us. “I want to be with my baby. If God’s willing... a friend I met in jail knows how to get guides for crossing.”

21. José Luis O.: “Green Card Holder Deported for Over Decade-Old Minor Crimes”¹⁰²

On their way home from a trip to Mexico last December, 36-year-old José Luis O. and his wife – then girlfriend – Estefania got in line to go through immigration at Houston’s George

¹⁰² “Green Card Holder Deported for Over Decade-Old Minor Crimes,” post to “The Deported” (blog), Human Rights Watch, June 19, 2017, <https://www.hrw.org/content/305278>.

Bush Intercontinental Airport. Estefania, a United States citizen, entered with no problem, but José Luis was detained and five months later was deported to Nuevo Laredo, Mexico.

At the time, he had no idea why. Though born in Mexico, José Luis had been living in Houston since he was 3, had an up-to-date green card, and had traveled to Mexico and back just a few months earlier without incident. What he didn't realize was that two scrapes with the law as a young man had remained on his record like hidden time bombs, waiting for the right combination of circumstances to explode.

José Luis O. was deported from Texas to Nuevo Laredo, Mexico in 2017, separating him from his wife and two stepdaughters. Human Rights Watch researchers spoke with José Luis in Nuevo Laredo after his deportation. He shared three photographs of himself with his family taken before he was deported.

José Luis's record included a sentence for burglary, at 17, after he took some clothing from a house; when a friend was caught, José Luis turned himself in. Later, when he was 26, police arrested José Luis as he waited outside a friend's apartment, and he served 15 days for misdemeanor trespass. On neither occasion was José Luis deported.

After that, he stayed out of trouble, getting a GED (high school equivalency diploma), taking community college classes, working as a car salesman and Uber driver, and helping raise his two stepchildren and two children – all of whom are United States citizens. His green card allowed him to make visits to Mexico and return to the US easily – until last December.

That's when he learned that green cards – permanent resident visas – aren't necessarily permanent; they can be revoked, even for old, minor offenses. José Luis spent five months in immigration detention, fighting unsuccessfully to hold onto his green card and return to his family in Houston.

When he talks about his stepdaughters Christina, age 9, and Violet, who will turn 4 next month, his eyes light up and he laughs. "Little Violet calls me 'babe,'" he chuckles during an interview in Nuevo Laredo, "because that's what she always hears her mom call me." He misses all of his kids, including two from previous relationships – an 18-year-old son and a 7-year-old daughter, who also live in Houston.

He worries about how his absence is affecting them. His son visited him once while he was detained, but started crying and had to leave the room. He is most worried, though, about how his mom, alone since José Luis's stepfather died, will manage. She gets social security, but José Luis used to help her with everything. He told the immigration judge how much she needed him. "I guess it didn't matter," he says. José Luis might have been eligible for a discretionary benefit allowing the judge to cancel his deportation, but he just missed a cut off that required him to have his green card for seven years before his first conviction.

When we met him, José Luis was on his way to Acapulco to stay with his dad, whom he barely knows, and figure out options for returning to his family in Houston.

22. "Jose R.": "Being Without My Wife and Son is Awful"¹⁰³

"Jose R." sleeps on the streets of Nuevo Laredo when he can't earn enough pesos to get a bed for the night. The 42-year-old construction worker has been hoarding what little he saves while working in a Mexican port city since being deported in March, and he has been biding his time for an opportunity to cross the Rio Grande and return to his wife and 4-year-old son in Kansas City, Missouri. He stopped by the Tamaulipas Institute for Migrants to borrow a phone and call them.

"I have to be patient," he told us, eyes welling. "But being without my wife and son is awful."

Jose, who is from Chiapas in southern Mexico, said he was first deported when he tried to cross alone in 2009. He tried again in 2012, after marrying "Maria," and this time they made it. Jose found remodeling work in Laredo and then San Antonio, Texas, where Maria gave birth to their son, "Santiago." Eventually, they made their way to Kansas City in search of better opportunities, and settled in. Jose became a loyal fan of the Royals and the Chiefs – though he'd still rather play or watch soccer – and the couple enjoyed taking Santiago to Lexington Park, near their apartment. Their term of endearment for Santiago is in English: "We call him *Happy Boy*," Jose said with a wistful smile.

Jose rotated among three employers, earning about US\$100 a day, getting rides to work from the bosses so that he could leave the family Hyundai for Maria. On a Saturday in early

¹⁰³ "Being Without My Wife and Son is Awful," post to "The Deported" (blog), Human Rights Watch, August 2, 2017, <https://www.hrw.org/content/307344>.

February, Kansas City police stopped an employer's car that was transporting Jose and three others home. "I don't know why," Jose said. "Maybe the driver had tickets – or just – he was a *moreno* [a dark-skinned man]. They let him go and arrested the rest of us for not having identification."

After two days in Jackson County Jail and two weeks in an immigration detention facility in Missouri, Jose was stripped of his belt and shoelaces and flown – shackled and manacled – to Alexandria, Louisiana, where he received his final deportation order.

Back in Kansas City, Maria has gone to work as a housekeeper. She and 4-year-old Santiago have given up the apartment to save money and rented a room in a house, but she is barely making ends meet. "My wife has to be two people now to take care of our son," Jose says. He is worried that Maria, too, will be deported. "If they take her, what will become of Santiago?" He stepped out onto the sidewalk, heading for a bus that could take him to a Nuevo Laredo construction site where he might earn the equivalent of about US\$2.25 a day.

"I don't have any idea how to get back," he told us, "but I have to do it. I miss them so much."

23. Josefina C.: "Freed from Detention, but Separated from her Family"¹⁰⁴

Josefina C. was released from 18 months of detention the day she turned 49. Instead of joy, she felt only sadness. Release was followed quickly by deportation and separation from her two daughters and 20 years of her life in the United States.

From all her years in this country, all she was able to bring with her to Mexico were five coins and a pair of letters her eldest daughter sent to her from Emory and Henry College, where her daughter had received a full scholarship.

"It's all I have," she said as she looks at the letters and coins that she put on the desk where Human Rights Watch interviewed her.

¹⁰⁴ "Freed from Detention, but Separated from her Family," post to "The Deported" (blog), Human Rights Watch, August 24, 2017, <https://www.hrw.org/content/308112>.

She had been deported previously, and like many undocumented mothers who try to return to their families, Josefina found herself lost in the desert and nearly on the brink of death from dehydration when she was apprehended in September 2015.

She was sentenced to 10 months in federal prison for attempting to re-enter the United States, then spent additional time in immigration detention awaiting deportation. Josefina wanted to fight to stay in the US and applied for asylum. However, her claim was denied. Josefina said she was first deported in August 2015 after an arrest three months earlier for using someone else's social security number to apply for public assistance.

She explained she felt the need to do this because her husband had an accident, resulting in an injured back that left him unable to work. "I made the mistake of applying for food stamps and public assistance, but with the nine dollars [an hour] I was earning, I couldn't support my two daughters and cover his medical expenses. I made a mistake, but I felt I needed to do it," she said.

She tried to return to the US, but after walking for three days, she injured her ankle and the group with which she was traveling abandoned her in the desert.

Josefina said she had decided to return to North Carolina to help her two daughters, "Elena," 17 and "Laura," 19. Since her husband's accident in 2014, she had been her family's sole breadwinner. "For my daughters, I had to come back."

Elena loves everything related to computers and technology. "She's been fixing computers since she was little. Our neighbors would bring devices to her, and she would fix them." "Laura loves medicine. This year she was given a full scholarship so she can follow her dreams of becoming a doctor...they are my pride and joy," she says as a smile comes to her face for the first time.

Josefina had worked in a factory packing plastic. In July 2014, she said her bosses and coworkers organized a little celebration to congratulate her on her hard work and six years of service.

As she described the details of her life in North Carolina, she took out postcards from her daughter's university and says that she imagines her walking through the hallways of the school.

But for Josefina, the future does not appear as bright as her daughter's.

24. Juan L.: “Unforgiving Laws Denied Him a Green Card”¹⁰⁵

Juan L. had no idea that pursuing legal status through marriage to his US-citizen wife would lead to separation from his family and a cycle of deportations.

“I have a wife, a business, and three daughters over there [US],” he said, with no hint of an accent, as he stood in the deportee reception center in Nuevo Laredo. “The older two are in college, one at Stanford, which cost me US\$40,000 last year.”

Juan left Mexico and travelled to Connecticut when he was 16, to work in landscaping and masonry. He married Monica, and started a family.

By 2000, when Juan's oldest daughter was four, he had started his own business with a rotating roster of Mexican and US-citizen employees.

He applied for a green card in 2004. “It took me until then because I didn't feel like an immigrant. I had my own business and American-born children. I think I thought I was already a citizen.”

USCIS waited eight years to act on Juan's green-card application, informing him in 2012 he would have to be interviewed and the interview must take place outside the US. Juan traveled to Ciudad Juarez, just over the border from El Paso, Texas, in 2014.

“They asked me if I'd ever left the US in all my time there and I told them the truth,” he said with a sad shrug. “My grandmother died 15 years ago, I went to the funeral in Jalisco, and I went back into the US illegally.”

¹⁰⁵ “Unforgiving Laws Denied Him a Green Card,” post to “The Deported” (blog), Human Rights Watch, October 5, 2017, <https://www.hrw.org/content/309875>.

By leaving and re-entering illegally, Juan Luis had closed off any chance of getting legal status. “They wouldn’t give me the green card. They wouldn’t even let me go back to Connecticut.”

So, starting in the fall of 2014, Juan began travelling back over the border into the US to reunite with his family. He would get caught and deported – then would return again, only to be caught, and deported, again. Despite it all, he remains determined to get back to his family: “I’m going back.”

25. “Juan S.”: “A Lifetime of Work in the US”¹⁰⁶

As the youngest of five children of a single mother, “Juan S.” never got to go to school. He became his mother’s partner in maintaining the home and earning wages in San Miguel de Allende, Mexico. “We didn’t have money,” he said; “what we had, as they say, was hunger.”

Although Juan has spent his adult life working in the United States, crossing over the border at the age of 15 to find work, he remained close to his mother. So when she died last November back in Mexico, the 53-year-old carpenter said he got drunk after work at a friend’s house in Marshall, Texas. Heading home, he grazed a tree. He scratched his Chevy Malibu, and the accident earned Juan a drunk driving charge. By his June 18 court date, Juan said he had made several payments on a US\$1,500 fine. As he left the courthouse, he was planning on starting classes and 140 hours of community service that would complete his obligations under his sentence. But immigration authorities were waiting for him outside the courthouse, and on June 22, he was deported to Nuevo Laredo, Mexico.

Juan said he left behind a house he had rented for 10 years and the kind of work that had allowed him to support five children, now ranging in age from 19 to 29, who grew up in the care of his wife and mother back in Mexico. Like millions of Mexican men, he lived separate from his wife and children, who remain in Mexico while the fathers live and work in the US in order to earn enough to support them. His arrest, ironically, fell on Father’s Day.

Juan told Human Rights Watch at a migrant reception center in Nuevo Laredo, Mexico, that when he first went to the US, he found jobs in Texas and Louisiana, harvesting

¹⁰⁶ “A Lifetime of Work in the US,” post to “The Deported” (blog), Human Rights Watch, August 7, 2017, <https://www.hrw.org/content/307427>.

watermelon, tending horses – work he’d learned in Mexico – and raising turkeys. He moved on to laying cable for television in Georgia and working as a framer on building projects in Tennessee. In Marshall, he said he became a high-end carpenter, doing finish work and building furniture on his own, which he proudly shows in photos on his phone.

This wasn’t the first time he had been deported. The Border Patrol caught Juan in 2009, after he was visiting his family, but he soon crossed again. “Better to try crossing than to die of hunger,” he said. Where he comes from, it’s hard to find work without getting tangled up in organized crime, he said.

Now, his friends will sell the Chevy Malibu with the tree-scratched door for him, and they will collect the belongings he was never allowed to recover when he left them in the courthouse parking lot. Meanwhile, Juan said he will head for San Miguel de Allende, and after a family visit, he will probably try to cross again to seek a family-sustaining wage north of the Rio Grande.

26. Lucía H.: “Mother Deported 7 Times Trying to Return to Her Children”¹⁰⁷

Lucía H. is planning to try to slip across the border into the United States – for the eighth time in less than two years.

For Lucia, there is no choice. Her children are waiting for her.

Lucia described how her family suffers in her absence. Her 5-year-old has stopped eating and was hospitalized, her husband had to leave his job working in the fields to take care of him, and their eldest son suffered a breakdown at 14 and is now receiving therapy.

“My little one tells me, ‘come back, mami. I’m not going to eat anymore. I don’t want to live because you don’t come back,’” said Lucía.

Born in Mexico, Lucía first came to the US in 1999. For more than 10 years, she worked with her husband to harvest lettuce in the California countryside. “The pain was terrible, but I kept at it,” Lucía said. “I didn’t mind working 14 hours a day to get my children ahead.”

¹⁰⁷ “Mother Deported 7 Times Trying to Return to Her Children,” post to “The Deported” (blog), Human Rights Watch, September 28, 2017, <https://www.hrw.org/content/309607>.

When her mother was diagnosed with cervical cancer in October 2013, she went back to Oaxaca with her three children. For two years, she cared for her mother. She thought about staying, but her children had difficulty adjusting to life in Mexico. They were often sick and missed their home in the California countryside.

In December 2015, after Lucía's mother health had improved, the family set out to return to California. The children crossed legally because, born in the US, they're citizens. "They were crying, begging me not to leave them; they wanted to cross the desert with me," recalled the mother.

Lucía could not imagine that she would never hug them again.

On December 25, she first tried to cross the border to join her children in the US. She was repeatedly caught and sent back to Mexico. She believes that the smugglers had used her as "bait" – people they give up to border agents to distract them while others cross.

In January 2016, she was criminally prosecuted for illegal reentry. "They brought me to the Aransas County prison in Rockport, Texas, where they gave me a three-month sentence." She was then transferred to a private immigration detention center in Houston, where she was locked up for 10 months while she tried to find a way to remain in the US, but she was ultimately deported in April 2017.

Now, she's planning to make another attempt to reunite with her family.

Talking on the phone to her 11-year-old daughter can be excruciating. "Last Friday, she graduated from school. She does not believe that I love my children as much as I say I do. She tells me simply that I don't want to come back for them. How do I not want to be with them if I've tried more than seven times?"

Lucía looked down at her hands, played with a ring given to her by her children, and firmly said, "I have to try again. It's no longer what I want to do, it's what I have to do. The judge told me that when my children turn 21, they can petition for me... Twenty-one, when they are grown adults? And for what? They need me now!"

27. Manuel C.: “Caught Off Guard by Deportation”¹⁰⁸

After years of looking for ways to regularize his status in the United States, Manuel C. was clearly still in shock at finding himself back in Mexico.

“The deportation notice came as a complete surprise,” he said, as he waited to use the phones in a migrant reception center in Nuevo Laredo, Mexico, after walking the pedestrian bridge across the Rio Grande with a group of deportees. “I thought everything was going well.”

Manuel left Veracruz, Mexico, in 2009, and headed to Des Moines, Iowa, where he found steady work in construction. One Sunday in 2010, he met his wife, “Amber” at church – also, coincidentally, from Veracruz. When he saw her across the room, he knew he had to talk to her. Not long after, they married; their daughter, “Daniela,” was born in 2013.

Manuel was charged with drunk driving in 2014; he said he completed a probation program. He submitted an application for asylum in the US that same year, arguing he feared violence from gang members in Veracruz. At the end of 2016, he said, a judge gave him a court date – for late 2017, which he fully intended to attend. But in the spring, his sister-in-law, who had paid his bond, received a “Notice to Obligor to Deliver Alien,” indicating that he had failed to appear for a hearing and was now slated for deportation. He thought that he must have been assigned a new hearing date, the notice for which he never saw and perhaps never received. People who miss their court hearings are often ordered deported *in absentia*.

On July 14, Manuel turned himself in at the immigration offices in Des Moines, and after nearly two weeks in detention, he was deported.

Amber cries every time she hears his voice on the phone, Manuel said. She is worried she won’t be able to support herself and 4-year-old Daniela on her wages as a janitor in a dentist’s office.

¹⁰⁸ “Caught Off Guard by Deportation,” post to “The Deported” (blog), Human Rights Watch, November 2, 2017, <https://www.hrw.org/content/310891>.

The story Amber told during their last phone call nearly broke Manuel's heart: At a relative's baby shower, the children took turns striking a piñata – one of Daniela's favorite party games. The piñata broke, the candies scattered, and Daniela gathered up as many as her little hands could carry.

"It's for my daddy," she explained to Amber, "for when he comes home."

28. Manuel G.: "Father, Husband, and Community Leader Deported"¹⁰⁹

For years, Manuel G. led a group of 25 regulars—five nights a week—for meetings of the Nueva Vida office of Alcoholics Anonymous in Tulsa, Oklahoma. This summer's *marathonica*, hosted by the Tulsa AA office in mid-August, attracted 70 people from Oklahoma and surrounding states for a weekend of get-togethers that lasted into the wee hours.

Shortly past midnight on August 13, a friend asked Manuel for a ride from the *marathonica* to his hotel. He was stopped by police, he said, for making a wide U-turn. That stop led to Manuel's deportation from the country that was his home for 29 years.

"I really like helping people who are drinking because I remember what it's like," he told Human Rights Watch researchers in the Tamaulipas Institute for Migrants reception center in Nuevo Laredo, Mexico. His AA co-leader, Nancy Munoz, described Manuel as a "man of faith" and praised his "passion to help others." Manuel hasn't had a drink in five years, he said, and he lived an orderly life in Tulsa. "I opened my own business, detailing cars, a year ago and I had just bought a trailer that my wife and I were remodeling."

The officer who stopped Manuel during the *marathonica* thought Manuel had an outstanding traffic ticket, from 2005. "They were mistaken," Manuel said. "I had paid it." But by the time that was cleared up, he said, he had been taken into custody and was on his way to deportation.

Manuel left his small town in the state of Zacatecas, Mexico, for the United States when he was 16, and he quickly found work--cooking at restaurants in California, then moving on to Texas, for gardening work at a golf resort and eventually to join an industrial painting

¹⁰⁹ "Father, Husband, and Community Leader Deported," post to "The Deported" (blog), Human Rights Watch, November 13, 2017, <https://www.hrw.org/content/311346>.

company. He married "Sara," who is also undocumented, when he was 19, and their three children were born in Texas in the 1990s. The family eventually moved to Oklahoma to be near Manuel's parents and siblings.

In 2011, police stopped a friend's car in which Manuel was riding, and arrested Manuel for public intoxication, he said. He served two months in Tulsa County Jail, was deported, but soon crossed the border again. That's when he stopped drinking, he said, and Sara joined him as a leader in the AA movement, sharing her experiences as the wife of an alcoholic.

Manuel can't help but connect the biggest tragedy of his life to the neglect associated with his years of drinking. His middle child, "Cara," was dating a man who'd had dealings with gang members, and in 2015, when they were gunning for her boyfriend, they shot her—fatally. Sara and Manuel were just emerging from the depths of grief, focusing on their AA work and their remaining children—"Diego," who now does bodywork on cars in Texas, and "Jessica," who lives with them while she is saving for college—when Manuel was deported. "I think it's Trump," he said. "They're deporting people for no reason, grabbing them in restaurants and on street corners, people who've been in the US a long time."

Nobody lives in the old family house in Rio Grande, Zacatecas, Manuel said, although his father, who has become a US citizen, makes occasional maintenance visits. "That's not where I'm going today," Manuel said, "not to a lonely, empty house. The pull is back that way," he waved hand northward, "where everyone is."

29. "Manuel P.": "After 12 Years, Deported from US Home and Family"¹¹⁰

The first thing "Manuel P." wanted to do when he arrived at the state-run deportee receiving center in Nuevo Laredo, Mexico, was get his wife, "Rosa," on the phone to hear how their three US-born kids were doing – and to help him plan.

"I've got to ask her about what to do next," he told us. "We always walk in lockstep." Manuel, 33, went north from Durango, Mexico, 12 years ago and settled into construction and plumbing work in Amarillo, Texas. In 2007, when his eldest, "Carlos," was just five months old, Manuel rear-ended a car on his way home from work. He waited for the police

¹¹⁰ "After 12 Years, Deported from US Home and Family," post to "The Deported" (blog), Human Rights Watch, July 13, 2017, <https://www.hrw.org/content/306502>.

to arrive – nobody was injured – was arrested and deported. A year later he headed north again, was returned to Mexico by the Border Patrol, and immediately crossed again, making it back to Rosa and Carlos in Amarillo.

“Daniela” was born three years after Carlos, and “Gloria” a year after that. In 2010, Manuel and Rosa signed a rent-to-own deal on a one-bedroom home, which he quickly remodeled to three bedrooms. He was careful to pay rent and taxes on time and launched two of his own businesses, a handyman operation and a construction company. His business card shows a high-end outdoor fireplace that he designed and built for a client – and it’s a pocket-sized glimpse of the immigrant story: for Spanish, it says, call Manuel; for English, call his son Carlos.

This spring, Manuel’s life was interrupted again.

On the night of May 27, an officer stopped Manuel in the sturdy Dodge pickup he used for toting tools. Manuel told Human Rights Watch he’d had one beer, and the officer said he would be charged with driving while intoxicated. He said he was taken to jail and then released after ten days. A criminal record check, however, showed only a ticket for speeding.

As Manuel left his jail cell in relief, he found Immigration and Customs Enforcement (ICE) agents waiting to pick him up. They held him for three weeks in Dallas before taking him over the border with a warning not to try to return to the US for 20 years.

Since Manuel’s arrest, Rosa, who is also undocumented, has found work as a hotel housekeeper, but says she is struggling to take care of their three kids since Manuel was deported. On weekends, she takes them to the hotel where she works. Rosa says the children are very upset and constantly ask about their father.

“I want to go back,” Manuel told us. “I’m not going to lose the house for this. I’ve got to care for my wife and kids.”

30. Marco G.: “Family Fights to Stay Together”¹¹¹

Every time Marco G. gets deported, his Ohio-born wife, Leah, takes the kids and follows him to Mexico until they can all get back home.

They can’t stand being apart. They’ve been married for almost 16 years.

After recently being deported for the third time, the family was starting to contemplate another possibility – if it would be possible to settle a while in Mexico. Their US-born kids – Antonio, who is 14, and Sofia, who is 10 – need Mexican papers to enroll in school.

In an interview at the Tamaulipas Institute for Migrants in Nuevo Laredo on June 14, Leah described Marco – the only boyfriend she has ever had – as the “smartest man ever.” She said Marco crossed the US-Mexico border illegally when he was 18, which would have made it nearly impossible for him to get a green card through his wife, especially after his repeated deportations. Whether working with horses in Ohio, managing a huge apartment complex, or repairing Japanese-made motor-building equipment in Michigan, the couple told Human Rights Watch Marco’s US bosses find him invaluable. One employer called him an “excellent employee” and told us he is having a hard time finding his replacement.

Marco was first deported in 2010, after being put on probation for driving while intoxicated. Leah went to bring him home from a bar, where he wasn’t supposed to be, and they quarreled. “Exactly what I was trying to prevent is what happened,” she says. “The police came, and they wouldn’t listen to me saying we were okay. They took him and deported him.”

The second deportation happened in 2013, when they were trying to sell a trailer he had remodeled, to put a down payment on a house; the buyers, whom they had allowed to move in, refused to finish paying and called the police, saying Marco and Leah had assaulted them, which Marco and Leah deny. Marco was deported so quickly he wasn’t able to attend his court date for the assault charge.

¹¹¹ “Family Fights to Stay Together,” post to “The Deported” (blog), Human Rights Watch, July 18, 2017, <https://www.hrw.org/content/306735>.

The third deportation happened in January 2017. Leah had been driving Marco to work at a Kentucky Derby training track, but he drove himself one day, and police stopped him “for no reason,” she says. They said the warrant on the assault charge showed up, and authorities held him in Claremont County Jail for three months, subpoenaing the complainant. She never showed up, and they turned Marco over to ICE for deportation.

Even harder than overcoming the setback of Marco’s latest deportation has been healing from the trauma of their last stay in Mexico, after Marco’s 2013 deportation. They told us back in his hometown of La Barca, Jalisco, Marco built the family a big house that, along with his foreign-born wife, attracted the attention of a gang. They kidnapped Marco and, to intimidate Leah into paying ransom, fired an automatic-rifle fusillade in front of the house.

Cowering inside with her screaming children, Leah called the US consulate in Guadalajara, and within half an hour, the Mexican military arrived. “It was a half hour that lasted a lifetime,” she says. Leah and the children were whisked onto a bus back to the US, not knowing what had become of Marco. A month later, he showed up in Ohio. His relatives in La Barca had given the house, with all its furnishings, to the gang in exchange for his release.

“They’re scared, being back here,” Leah says of their children. “We’re all pretty traumatized.”

The family told us they collect US Social Security payments – for Leah’s Crohn’s disease and Antonio’s blood platelet disorder – but they haven’t been able to find medication since arriving in Mexico. They are hoping to move out of the sweltering cinderblock apartment they rented in Nuevo Laredo and head for Cancun – about as far from La Barca as possible – where they figure Marco will find work.

“He’s more of an American than what some people up there are,” Leah says of Marco, waving a hand northward toward the far side of the Rio Grande, “because he works hard and takes care of his family, and you can’t say that about everybody up there.”

31. “Marco T.”: “Father of 3 Deported from US After 20 Years”¹¹²

One night in April, “Marco T.” was driving to his Dallas-area home from his factory job recycling dangerous chemicals, where he had worked for two years. He may have been going too fast. A sheriff pulled him over. Marco was arrested and charged with driving without a license.

But that was only the beginning of troubles for Marco, an undocumented immigrant from Mexico. Within days of his arrest, Marco was in ICE custody facing deportation from the country he has lived in since 1997. “My family tried to get me an immigration lawyer, but there was no case,” he said. Detained and frustrated, he decided to agree to return to Mexico without a hearing before a judge.

Now, interviewed in Nuevo Laredo, Mexico, Marco shows off his cell phone screen saver, which is a collage of photos with a title in Spanish saying, “the women in my life.” It has photos of his mother, his sisters, his daughter, and his wife.

Marco has three United States-born children – 10- and 14-year-old sons and a 7-year-old daughter – all pretty typical American kids. The eldest wants to play football professionally, and the second wants to join the army like his uncles and cousins on his mother’s side. Marco’s daughter wants to do what her mother does – manage apartments. A photo of the three children he showed a Human Rights Watch researcher has them embracing, the 10-year-old pulling funny faces.

His hands shook a bit and his eyes teared up as he showed off his family. “It hurts,” he said. “Not that they send us back, but that they are separating us from our family.”

At least, Marco said, his wife has a good job that can keep the family going while he deals with the turmoil of deportation. His wife also doesn’t have papers, though she came to the US when she was only a few months old.

Under current US immigration law, there is generally no way for someone who has US citizen children and a long period of noncriminal unauthorized residence to gain legal status.

¹¹² “Father of 3 Deported from US After 20 Years,” post to “The Deported” (blog), Human Rights Watch, June 19, 2017, <https://www.hrw.org/content/305287>.

Marco said he had no prior deportations, and no prior criminal convictions. “It’s just that the government now is very harsh. Sooner or later they will get you for a minor offense. And then the consequence is deportation.”

32. “Mateo D.”: “His Children Are Why He Has to Go Back”¹¹³

“This is why I have to go back,” murmured 38-year-old “Mateo D.,” gazing at a smartphone photo of three small children giddy with laughter. It was June 13, and Mateo was in a deportee reception center in Nuevo Laredo, Mexico, contemplating his next steps.

To “go back,” for Mateo, would mean paying US\$7,000 to hike with a guide for four days through the desert – with a risk of getting caught, sent to prison, and deported again – to say nothing of dying of heatstroke or at the hands of bandits. But he can’t imagine any alternative, because his US-born kids are clamoring for him. “Summer, the little one, wants Daddy to make her chocolate-chip pancakes with peanut butter and sliced bananas,” he told us with a rueful smile.

Mateo said he made his first trek through the borderland at age 11 with his mother and two sisters. They settled in Delano, California, where Cesar Chavez’s United Farmworkers and the Church of Latter Day Saints both welcomed them. He said the church helped him obtain a precious green card; he doesn’t remember how.

When he was in ninth grade, the family decamped for Pasadena, Texas. Mateo said he finished high school there, got a job as a cook at Denny’s, and was able to move into his own apartment in a run-down part of town.

Sometime around 2005, he said, he went to the corner store for a soda and stopped to take a call on his cellphone about a possible job at Red Lobster. He barely noticed three young men near him on the sidewalk until police cars with sirens blaring roared in, full of detectives waving guns. They ordered the three men to lie flat on the sidewalk and, as he tells it, grabbed Mateo for good measure.

¹¹³ “His Children Are Why He Has to Go Back,” post to “The Deported” (blog), Human Rights Watch, September 18, 2017, <https://www.hrw.org/content/308937>.

He was charged with selling drugs. When he asserted his innocence, he recalled, his court-appointed lawyer told him, “Yeah, everybody says that. Do you want to continue playing stupid?” Mateo pleaded guilty. He said he served six months of a three-year sentence, acquired a felony record, and was deported – only to cross again.

In Friendswood, Texas, Mateo found good work remodeling homes, met Ashley, a US citizen, and married her. Within four years, they had a boy and two girls. The American Dream his mother had told him about when she first brought him north, he said, was finally coming true – until one day in March at Wal-Mart.

Mateo said he filled his cart so full of toys for his seven-year-old, household goods, and ingredients for his beloved “Frito pies” that he had no room for the cappuccino maker he wanted for himself and Ashley. He shoved it on the rack below the cart and checked out, forgetting to put it on the belt. The store alarm sounded as he exited, and a petty theft charge landed him in jail. The charge was dismissed, he said, but he ended up in immigration detention, then shackled on a bus to Nuevo Laredo. His children keep asking when he’ll be back, and he can’t give an answer.

33. “Moises R.”: “Twenty-Three Years in the US Ends with a Traffic Stop”¹¹⁴

“Moises R.” had no other way to get to his restaurant job than driving the family’s Honda the half hour from his apartment complex in South Minneapolis to the nearby town of Eden Prairie. On the night of June 3, 2017, as he was heading home from work at 2 a.m., Eden Prairie police stopped him because the license plate had a June expiration date. The car was in the name of Moises’s wife, “Zoraida,” whose driver’s license was suspended – and they soon discovered that Moises’s license was suspended too. Since 2003, undocumented immigrants have been barred from receiving drivers’ licenses in Minnesota, and Moises and Zoraida were unable to get new, valid licenses.

Moises said a judge released him after two days in Hennepin County jail – despite a previous arrest in 2013 for driving without a license – but immigration agents were waiting for him. Moises was deported to Nuevo Laredo, Mexico, on June 21.

¹¹⁴ “Twenty-Three Years in the US Ends with a Traffic Stop,” post to “The Deported” (blog), Human Rights Watch, August 9, 2017, <https://www.hrw.org/content/307469>.

Moises said he first crossed from Mexico to the United States 23 years ago, at age 15. The Border Patrol sent him back once, but he made it on a second try and settled into an American life, rising in restaurant work from dishwasher to prep-cook, cook, busser, and server. He and Zoraida met when she was working as a restaurant cashier. Their two boys and two girls range in age from 8 to 18, and Moises is most worried about the eldest, “Mark.”

Moises told Human Rights Watch at a migrant reception center in Nuevo Laredo, Mexico, how Mark, at 18, passes the basket at the family’s Baptist church, plays club soccer, doesn’t drink or use drugs, and is an all-around “good kid.” “But at that age they are exposed to all kinds of things, and they need their fathers,” Moises said. Moises had just adjusted his schedule so that he could attend Mark’s soccer games during the coming season when he was arrested. “Why can’t I be with him?” he asked, shaking his head.

Moises remembers his own mother, who was a migrant worker, saying what she most regretted was not being able to sit down to a meal each day with her children, and Moises has dedicated himself to doing that. “I’m a homebody, and what we all like best is sitting down to dinner,” he said. He and Zoraida are both good cooks, the kids pitch in with mealtime chores, and the TV is turned off. Zoraida or one of the children leads the prayer.

During his deportation, Moises asked a police officer why authorities targeted those who came to start a new life rather than concentrating on those selling drugs or fighting. The answer, Moises recalled: “Hell, you guys are easy to catch.”

Zoraida, who used to work only two mornings a week, has, since Moises’s arrest, taken a full-time job. “She can’t even speak for crying” during phone calls, said Moises.

Moises thinks that moving the family to Mexico would be too hard on the kids, so he is contemplating going back. “But that could mean a year or two in jail,” he said, for “crossing the border to see my family.” He paused. “They will be with me one way or another, but I know it is going to take a little time.”

34. Omar G.: “An American Who Desperately Needs Her Husband”¹¹⁵

One phone call upended Omar G.’s life.

A caller tipped police off there was an undocumented person in Omar’s Waco, Texas, home. He was picked up, and deported to Nuevo Laredo, Mexico, in March 2017.

His common-law wife Laura, a US citizen, followed as soon as she could, and when Human Rights Watch researchers met them in a migrant reception center in June, they had rented an apartment nearby and were seeking advice on a legal way to get Omar back to the United States.

“We’ve got kids and grandkids back in Texas, so I’ve got to get him home,” Laura says of Omar.

While Waco has a reputation as being aggressive about arresting undocumented immigrants, Laura and Omar loved living there despite the risks. “Waco is beautiful and it’s getting prettier all the time,” says Laura, who has lived there all of her 52 years.

Omar, who is 51, arrived in Waco from Monterrey, Mexico, when he was 28, and moved in with a brother across the street from Laura’s mother. Laura had custody of three small children from a previous marriage, and as their romance blossomed, Omar became a dedicated step-father. “The kids love him,” Laura says, “and he has had a big impact on the life of every single one of our eight grandchildren.”

Omar could fix anything, and he was a good carpenter, so he always had work. Laura, too, brought home wages, doing manual labor in warehouses. In 2008, she said crippling pain in her arms – whether arthritis, carpal tunnel syndrome, or nerve damage hasn’t been determined – disabled her, and a surgery two years later didn’t help much. At times when Laura couldn’t even bathe herself, she said Omar cared for her with his usual competence, and with nurturing smiles.

¹¹⁵ “An American Who Desperately Needs Her Husband,” post to “The Deported” (blog), Human Rights Watch, July 31, 2017, <https://www.hrw.org/content/307342>.

They said Omar had his first run-in with the immigration system four years ago. Undocumented immigrants aren't eligible for drivers' licenses in Texas, and after Waco police noticed expired tags on Omar's Buick, they found that he had no license. When an immigration judge learned that Omar was caring for Laura – his common-law wife – he urged the couple to formalize their relationship by marrying. But when they wrote down the wrong date for a court appearance – and missed it by one day – Omar was deported for the first time.

After that deportation, Laura traveled south and met him in Monterrey, Mexico. Together, they reentered the US and were living in Waco when Omar was deported for the second time.

This time, Laura said, “we want to do it right” – which is why they are seeking legal advice. They're going to marry, she said – she regrets having postponed it as something frivolous and expensive. She'll also emphasize to immigration authorities her need for Omar as a caregiver; she has another surgery scheduled, and will need more. Unfortunately, under current law, Omar's deportations and reentries are likely to have made it extremely difficult for him to return to the US legally.

The couple misses their family and their neatly-maintained two-bedroom cottage, on which they've paid off the mortgage and furniture. Omar's tools are waiting for him in the workshop he built out back.

“They call me grandpa,” Omar said of the little ones, a tear sliding down a cheek.

“It's not a good feeling, being deported from your home place,” Laura said. “You may not have been born there, but you've had your whole life there – and a part of me will never be over there if Omar's not.”

35. “Orlando”: “Deported Business Owner Proud of His Contributions to the US”¹¹⁶

The first thing “Orlando” wanted Human Rights Watch to know was that his last tax payment to the US government was US\$17,655. He said he’d lived 33 years in the United States on and off as an undocumented immigrant, has one US citizen son, and made a habit of giving odd jobs to US citizens in his mechanic shop in Fort Worth, Texas. As he told his story in a deportee reception center in Nuevo Laredo, Mexico, he kept returning to the theme of having never, “cost the United States a nickel.”

“I never asked for anything,” he said, his voice breaking and his eyes filling with tears, “food stamps, assistance, nothing.”

Orlando told us he left his home state of Guerrero, Mexico, and crossed the border alone at age 13. Like many undocumented Mexicans, he started out working in agriculture, but kept finding new jobs that boosted his pay – at the Cowboy Concert Hall in Arlington, Texas, in hotels, and, in Dallas, as a foreign-car parts salesman. After earning enough money, he went back to Mexico, married Cynthia – the girl he’d left behind – fathered a son, and after a couple more years, brought them all north. By 2007, he said, he had saved enough that Cynthia could open a beauty salon and he a mechanic shop in Fort Worth. He now owns a building there worth, he estimates, US\$500,000. He also pays mortgages and taxes on five houses that he rents, as he put it, “to the Mexicans.”

“I pay my tax accountant US\$12,000 a year,” he said proudly.

Along the way, he and Cynthia had one more child, the only US citizen in the family. His older son, in college is a “Dreamer” – an immigrant brought to the US as a child, who would qualify for legal status under the proposed bill, the DREAM Act, is often described as a Dreamer.

None of that prevented the events of early June in Fort Worth, when he got into an argument with his brother that ended with his brother smashing all the windows in

¹¹⁶ “Deported Business Owner Proud of His Contributions to the US,” post to “The Deported” (blog), Human Rights Watch, September 14, 2017, <https://www.hrw.org/content/308939>.

Orlando's car. Having prospered so long in the United States, he forgot the cardinal rule of many undocumented immigrants: Never call the police.

"The police come, tell me, 'Turn around,' and put the cuffs on me. My brother said that I hit him, and they charged me with domestic violence," Orlando said, his eyes shiny with tears. Orlando spent three days in the Arlington jail, until his brother signed a statement that Orlando had never hit him.

By then, Orlando had drawn the attention of Immigration and Customs Enforcement (ICE) and was on the path to deportation. Instead of going before an immigration judge, Orlando signed an order of voluntary removal. He wiped his eyes with his sleeve, then again burst into tears. "My wife and I each have US\$500,000 life insurance because if we die I don't want to give the United States any trouble," he sobbed. "What did I do? What did I do?"

36. Reginaldo R.: "He Needs to Help His Daughters Achieve Their Dreams"¹¹⁷

If Reginaldo R. had listened to his 14-year-old daughter, he might not be marooned now in Mexico, hundreds of miles away from his family back in Texas.

Born in Michoacan, Reginaldo had lived in Chicago half his life when, last October, his elder daughter, Valerie, came to him with some alarming numbers. She'd done a lot of calculations, she told him, and even taking likely scholarships and grants into account, sending her to medical school was probably going to cost the family at least \$22,000.

He smiled at her. Fifteen years old and already figuring out how to pay for medical school, which was at least six years away. No surprise there; she'd wanted to be a physician so she could "help people" since grade school. She dressed like a doctor every Halloween.

Reginaldo did some research of his own and discovered that wages were higher in Houston than in Chicago, where he earned \$120 a day in construction and painting. Valerie thought he should go to Houston to sock away tuition money. But her 14-year-old sister, Lesley, as committed to becoming a lawyer "so she could protect people like me," advised him not to go.

¹¹⁷ "He Needs to Help His Daughters Achieve Their Dreams," post to "The Deported" (blog), Human Rights Watch, October 30, 2017, <https://www.hrw.org/content/310713>.

Reginaldo doesn't regret the decision to go to Houston; he only wishes he had never climbed into the car of a friend of a cousin on that December day that put him on a road to deportation. Police saw the driver clowning around behind the wheel, pulled him over, and discovered eight ounces of methamphetamine that Reginaldo said he hadn't known was in the car. Drug charges were eventually dropped, but the policemen who'd arrested him suspected he was in the United States illegally and called agents of Immigration and Customs Enforcement (ICE). They were waiting at the courthouse when he was released, found two previous illegal entries into the US on his record – reentry after deportation constitutes a felony – and locked him in immigration detention. Six months later – in June – they put him on a deportee bus for Nuevo Laredo.

“I need to get back to help my princesses achieve their dreams,” he says sadly.

Valerie feels guilty for encouraging her father to go to Houston; Lesley is angry that he disobeyed her instructions. “They need him in their lives,” says his wife Yuridia.

37. "Ricky M.": "Kidnapped by Cartels After Deportation"¹¹⁸

As in many of the country songs he loves so well, “Ricky M.”’s troubles started with a broken heart.

Ricky, who came to the United States from Mexico when he was two years old, says he fell into a depression after his girlfriend went off to college. He started smoking marijuana with a new set of friends. This was a change for Ricky. During his high school years he avoided alcohol and drugs, focusing on his beloved soccer. As long as he stayed clean, his status under the Deferred Action for Childhood Arrival (DACA) program was never imperiled.

In April 2015, one of his new friends gave him a few small bags of cocaine and urged him to try selling them, he said. They went into his backpack, he said, and when a Canyon Lake Park ranger smelled marijuana smoke on him and searched it, they were there, along with a marijuana cigarette.

¹¹⁸ “Kidnapped by Cartels After Deportation,” post to “The Deported” (blog), Human Rights Watch, November 28, 2017, <https://www.hrw.org/content/311905>.

That moment would lead to his deportation to a country he had never known, and deliver him into the hands of violent criminals. It almost cost him his life.

Speaking in September from deportee-reception center in Nuevo Laredo, Mexico, Ricky told his story to Human Rights Watch researcher. Mexico was so unfamiliar to him, he said, that he felt like he'd been "spun off the face of the earth and set down on another planet."

After his arrest, Ricky ended up pleading guilty to possession of marijuana and less than 14 grams (half an ounce) of cocaine "with intent to deliver," a first-degree felony in Texas. He served 28 months of a five-year prison sentence, lost his DACA status and was deported "for life" on August 17, 2017. Immigration agents gave him the usual red "deportee bag," to hold the few possessions he was allowed to take with him, and he walked across the footbridge that joins Laredo, Texas, to Nuevo Laredo.

That's when things got ugly.

Ricky caught a bus from downtown Nuevo Laredo to visit a sister in Piedras Negras, fell asleep, and was awakened with a flashlight in his eyes and a gun at his head. The gunman, who identified himself as a member of the Nuevo Laredo drug cartel, told Ricky he recognized him as a deportee by the red bag, and said the cartel in Piedras Negras would kill him if he didn't have the right password. Then he dragged Ricky off the bus, beat him with a stick, and forced him to an apartment where six other deportees sat, terrified.

Ricky spent eight hungry days in that apartment, he said, waiting for his mother to send the cartel \$3,500 – with an agreement to pay another \$3,000 on Ricky's safe arrival in San Antonio, Texas, a 144-mile, 47-hour walk from the border. Ricky didn't want to go; he knew that he'd go back to prison for 29 months to complete his sentence, if caught, possibly spend time in immigration detention, and then be deported again for life. But the gangsters weren't giving him a choice. To them, Ricky and the other captive deportees were cash cows.

The deportees waded the Rio Grande by moonlight with the gangsters' guns at their backs, he said, dodged border patrol cars and helicopters in a forest for hours, moving from abandoned house to abandoned house, where other groups of captive migrants waited.

As the sun reached its peak on the first day out, Ricky’s group was abandoned by their guide, he said. They had no food and little water, he said, and they hadn’t eaten in days. One man began screaming, and Ricky found him covered in a thick layer of angry bees that detached themselves and swarmed Ricky. As the day grew hotter, Ricky ran out of water, he said, and the next thing he knew, he was being wakened by a Border Patrol officer. He had passed out by the side of a road. The officer revived him with an IV drip, he said, and—in an act for which Ricky said he will always be grateful— instead of feeding him back into the criminal justice system to complete his prison sentence, the officer drove him directly to the Laredo-Nuevo Laredo footbridge.

As Ricky told his story nearly two weeks later, his face, neck, and arms were still covered with bee-sting welts. But he managed a sad smile. “I guess I’m lucky to be alive and out of prison,” he said.

38. Rosalinda C.: “Mother of Three Deported After Traffic Stop”¹¹⁹

On an inky black night in late May, 29-year-old Rosalinda C. was drifting on the Rio Grande in an inflatable raft, the only woman in a group of 41 migrants. Crossing the desert in the early hours, she nearly stepped on a rattlesnake – “you could only hear them,” she recalls – but kept moving ahead, only to be stopped by Border Patrol after two more days of walking. She spent 25 days in a detention center in Encino, Texas, and then was deported to Nuevo Laredo, Mexico. Like some 15 percent of Border Patrol deportees, Rosalinda is a parent of US-born citizen children.

“If I try again, supposedly, I’ll get three months,” she told Human Rights Watch in Nuevo Laredo, referring to a warning given her by a Border Patrol officer. “It doesn’t make any difference to me. I’ve got to make it back to my kids,” she said, wiping a tear from her cheek.

Immigration crimes like illegal entry are the single biggest category of cases on the federal criminal docket nationwide, and sweep up large numbers of parents of US citizens.

The US has been home to Rosalinda for as long as she can remember. When she was just 4 years old and her brother Martín was 3, they left Matamoros, Mexico for Georgia. Her

¹¹⁹ “Mother of Three Deported After Traffic Stop,” post to “The Deported” (blog), Human Rights Watch, June 28, 2017, <https://www.hrw.org/content/305702>.

parents worked the fields for ten years, picking cucumber, squash, tomatoes, blueberries, peaches, and tobacco all over the south.

Pretty soon, Rosalinda was just plain Linda, speaking English and roaming the playground at her elementary school. She completed middle school but not high school. Eventually, the family began a new life in Corsicana, Texas, where Linda's dad found work in construction. Her mother stayed home while her brother went to school. Linda married her sweetheart, Abel, who was also Mexican-born. A year later, their first child, Justin, was born in Dallas, where Abel was working in construction. Not long after came Anthony and Axel.

Linda's peaceful world was rattled soon after Axel was born in 2015. Police stopped her father, Martín Sr., for a broken tail light – and Immigration and Customs Enforcement (ICE) deported him. Back in Matamoros, Martín Sr. was crossing a street to enter a store when gunfire erupted. He was killed in the crossfire.

“I couldn't even go to his funeral because I couldn't risk crossing the border and getting separated from my kids,” Linda said. That same year, Abel and Linda's marriage ended in an amicable divorce. Linda took the kids, moved in with her grieving mother, and went to work repairing phones at Samsung. She worked from 10 a.m. to 8 p.m., took the boys out on Saturdays for walks, shopping, or to the movies, and on Sundays, when Abel had the boys, she and her mom cleaned house and did the laundry. The tattoo on Linda's left arm shows a dove flying up from her mother's name in cursive: Rosalaura.

Linda wishes she had been able to apply for Deferred Action for Childhood Arrivals (DACA), which, since 2012, has allowed some undocumented people who entered the United States as children to defer deportation and receive a work permit if they have finished high school. Linda has no criminal convictions that would disqualify her for DACA status; her brother, Martín, Jr., has it. But between the kids and work, Linda was too busy to finish her GED and apply.

On April 18, 2017, Linda and her mother were taking Justin to the doctor when the Dallas police stopped her Ford Explorer. “I don't think I was speeding – I was with my mom and kid – but they said I was going 45 in a 40-mile-an-hour zone.” As Justin cried and begged – “please don't take my mother!” – they arrested Linda for driving without a license.

After three days in Richardson County Jail – and 25 years of life in the United States – Linda was deported to a country she hadn't seen since she was 4. "I'd never been deported before," she said. "I didn't know Mexico." But an aunt in Monterrey took her in. For about six weeks, she spoke constantly by phone with her sons, who all missed her. She wanted to bring them down to join her. But Mexico wouldn't work for her ex, Abel, who is starting a family with another woman, and Linda understands: Mexico and separation from their Dad wouldn't be good for her American sons, either.

So she paid someone US\$2,000 to help smuggle her over the border and on that May night, hiking in her sneakers through a rattlesnake-infested desert, she almost managed to rejoin her family.

When we saw her in Nuevo Laredo, she was buying a bus ticket to go again to her aunt's in Monterrey. But only for a while, she insisted. Next time, she's, confident, she will to make it back to her kids.

39. Ruben Rojas: "Deported After Years Spent Saving for a Home"¹²⁰

Ruben Rojas was close to fulfilling his dream of buying his first house. But, in less than 10 hours, his dream crumbled.

On June 7, around 7 p.m., a group of police officers showed up at his apartment and arrested him. Ruben still remembers that he opened the door thinking that it was his wife knocking. He never suspected the authorities were looking for him. When the officers said he was being arrested for theft, Rojas was in disbelief. From whom? What?

The details were revealed little by little. One of his clients, "a documented *paisano*," as Ruben described him, accused him of theft after the client refused to pay the full \$3,500 Ruben charged him for a construction job.

"When I finished the job, he did not want to pay me. He gave me \$1,500 and then, out of nowhere, he asked for my electrical technician license, Ruben told Human Rights Watch at a migrant reception center in Nuevo Laredo, Mexico.

¹²⁰ "Deported After Years Spent Saving for a Home," post to "The Deported" (blog), Human Rights Watch, August 16, 2017, <https://www.hrw.org/content/307806>.

“We had a verbal confrontation, but I thought that the issue would resolve itself. This happened around 9 in the morning and by the evening, I was facing deportation,” Ruben said while removing photographs and papers from a black backpack where he keeps the only belongings that he could take with him after 22 years in the United States.

Originally from Cuernavaca, Morelos, Mexico, Rubens says he was known in his neighborhood of East L.A. for his good work as an electrical technician and his affordable prices.

“I charged the *paisas* [other Mexicans] very little. I just wanted to buy my house. My wife is documented and we were about to buy it,” he said. He still cannot fathom that he is at this center, more than 1,300 miles away from his children, Jhona, 17, and Jessenia, 22.

After the theft accusation, Ruben spent one month behind bars in the Los Angeles County jail. A criminal record check showed no indication of a conviction. He was then transferred to the Adelanto Detention Center in Adelanto, California, where he spent 15 days.

“The deportation officer asked me to sign my voluntary departure. Years back I had used drugs and that’s why they told me, ‘If you do not sign, we will deport you anyway.’ I never spoke to any immigration lawyers,” he explained. Nearly all drug convictions make it extremely difficult for undocumented immigrants to avoid deportation.

When Rojas migrated to the US in 1989, he was just a teenager. He came fleeing poverty along with his partner, Aura, with whom he worked to raise their children and fulfill the dream of owning their own house.

“Now I feel as if I came here [to Mexico] without papers. I am filled with despair. I do not have anything to do here. My life is in California. Whenever I buy a bottle of soda and they tell me that it costs 10 pesos, I think, how much is that in dollars? 15 cents? 10 cents? I don’t know.”

40. “Santiago H.”: “A Happy Home Life Ends with Deportation”¹²¹

One day in late July, the day after his deportation, “Santiago H.” sits at a table at a migrant reception center in the Mexican border city of Nuevo Laredo going through family pictures on his phone.

“Look, this is my middle son on the Fourth of July. It’s one of our family’s favorite holidays.”

The family tradition was to go to one of the lakes near their Pontiac, Michigan home for a barbeque and to watch the fireworks. But the United States has deported him twice in the past two months.

In 2007, Santiago fled Jalisco, Guadalajara, Mexico, for two reasons: he wanted to join his girlfriend of four years – now wife – “Sonia,” and he was being threatened by the drug cartels. He first attempted to fly north – he had a visa and had visited Sonia in Alabama that way in the past. He said that immigration agents stopped him at the airport in Houston, telling him he had entered and left the US too often and they suspected he was working without permission. They tore up his visa in front of him. So Santiago, seeing no other options for getting back to Sonia and securing his own safety, crossed on foot.

Sonia and Santiago lived for three years in Alabama, where their sons “David” and “Bryan” were born, then settled in Pontiac. In 2016, they married and Sonia gave birth to their youngest, “Mary.”

Santiago and his brother owned a construction company there, employing seven other people, predominantly family members. They were doing really well, he said, beaming. Santiago and Sonia purchased their first house a while back and last year, the family all traveled to Chicago to buy a dress for Mary’s baptism. The fun-filled weekend was captured in a picture of David and Bryan smiling in their downtown Chicago hotel room. And for the first time in 10 years, Santiago said, he’d planned to take an extended vacation: he had saved up to take the family to Disney World in Orlando, Florida.

¹²¹ “A Happy Home Life Ends with Deportation,” post to “The Deported” (blog), Human Rights Watch, August 28, 2017, <https://www.hrw.org/content/308175>.

Instead, that money went to pay for his attorney.

In early April 2017, Santiago was driving to work in the truck his brother normally used when local Pontiac police pulled him over. He says he asked the officers what his offense was and got no answer. Instead, after taking his name, they asked for his brother. It turned out that the department had an arrest warrant out for his brother, whose ex-girlfriend had accused him of sexually assaulting her daughter.

Having pulled Santiago over expecting to find his brother, police charged him with driving without a license. Michigan does not issue drivers' licenses to undocumented individuals. Santiago fought deportation for two months. He even applied for asylum, he said, noting that shortly before his arrest, nine people were lynched by cartels just blocks from his childhood home. On May 31, he was deported.

Desperate to get back to his family, Santiago tried to cross the border a few days later. The Border Patrol caught him on July 12 and deported him again on July 26.

Santiago choked up and sunk his face in his hands as he described family life in Michigan. He took a deep breath to collect himself: "We used to go out to dinner and a movie or we'd order food and have movie night at home."

Now he's worried for his family's survival. Sonia didn't work because she had wanted to stay home with the children.

"It's the first time they have been without me," he said.

41. "Sergio C.": "Deported Repeatedly for Trying to Return to US Family"¹²²

"Sergio C.," 31, was rattled when he got off a deportee bus in Nuevo Laredo, Mexico, on June 15, after nine months in the US Rio Grande Detention Center. He hurried to the free telephones to get in touch with his wife, "Maria," and catch up on his four US-born children.

¹²² "Deported Repeatedly for Trying to Return to US Family," post to "The Deported" (blog), Human Rights Watch, August 31, 2017, <https://www.hrw.org/content/308263>.

“My head is empty right now, after all that time in detention,” he said, blinking under the fluorescent lights of the reception center. “But we’ll see what happens. I’m so happy to be out.”

Sergio went to the United States for the first time when he was 14, taking along his then 12-year-old brother. Their father was working in the maquiladora (export-processing) factories of Matamoros, Mexico, and wanted better for his five sons. For the brothers, that meant living with an uncle in a small town in the Rio Grande valley.

Sergio enjoyed watching the local high school football team, though he stuck with academics until he was a semester short of graduation. But what he really liked was working with food, and he already had a good job at a restaurant, where he wore the smart black-and-white waiter’s uniform and earned good tips. Maria, his wife to be, another undocumented immigrant, was working there as a waitress.

The restaurant life worked well for the couple. The perks included seafood and steaks, so they could save on food, and when they started having children, they were able to spell each other: he mostly worked nights and she days, but they would switch to relieve each other.

Sergio’s troubles started in 2010, when he was caught with marijuana and pleaded guilty to felony possession of marijuana. He served a six-month sentence for the conviction and additional time in San Antonio Detention Center before being deported. Since then, he says, he has had no involvement with any illegal substance. He’s tried repeatedly to return to his family but has been caught every time.

“Now, just knowing it’s me, they stop me,” he said of the city police in his town and elsewhere along the border. “They grab me, leaving my house or in a store, or anywhere,” he said. He gets stopped, he said, because police know he is undocumented. “I sign the deportation and that’s it.”

Sergio says he isn’t afraid of drowning in the river or dying in the desert. “But the points keep adding up,” he said, “year after year, just for entering the United States.” He’s been prosecuted for illegal reentry several times and the sentence rises each time.

Maria visits Sergio regularly every time he is locked up. She sends their four kids to visit him in Mexico while he's waiting to cross. The oldest is about to start middle school; the youngest will soon start elementary school. But Maria, herself undocumented, can't visit Sergio in Mexico.

"My wife is brave – braver than me," Sergio said. But Maria doesn't want him to cross anymore, he said, because she doesn't want him locked up again.

Sergio was planning, for the time being, to go to the Mexican town of China, in the state of Nuevo Leon, to work for a sister-in-law with a scaffolding business.

"We'll see what happens," he said, as he picked up his plastic bag of belongings to head for the first bus on his journey to China.

42. Sergio H.: "Army Veteran Deported After Struggling with Drug Dependency"¹²³

After serving in the Army in Guam during the 1990s, Sergio H. received an honorable discharge and opened an auto body shop in Dallas. He worked hard all his life, he says, to raise two United States-born children, one of whom is now a pediatrician, the other in business administration. But like many aging veterans, Sergio, now 50, has struggled with drug dependency.

His dependency worsened in 2012, he told us in Nuevo Laredo, and two years later, Sergio was convicted of possession of cocaine with intent to distribute. He received parole after serving two-and-a-half years of a five-year sentence. "I'm clean now," he says. "The worst thing is that I wasted years of my life."

Service in the US armed forces is often a pathway to citizenship for people who hold green cards – permanent resident visas – but it didn't work out that way for Sergio. Green-card status can be revoked for various reasons, including a drug offense. So Sergio went

¹²³ "Army Veteran Deported After Struggling with Drug Dependency," post to "The Deported" (blog), Human Rights Watch, June 19, 2017, <https://www.hrw.org/content/305173>.

straight from prison to an immigration detention center near Houston. He stayed there eight months, waiting out immigration court hearings.

Because Sergio's mother was born in the US, his lawyers explored whether he might in reality be a US citizen. But he didn't quite fit the criteria; his mother moved to Mexico with her parents when she was too young. His legal options exhausted, Sergio was loaded into a van full of deportees and driven across the border to Nuevo Laredo, Mexico.

A growing consensus in the US holds that harsh criminal drug laws and policies – including disproportionately severe sentences – are doing more harm than good. For immigrant families, the consequences can be especially devastating. We have found that the US is deporting large numbers of immigrants like Sergio – both permanent residents and the undocumented – for minor or old drug offenses. Many have strong family and community ties to the US, and some – like Sergio – have served in the armed forces. Even as Sergio completed paperwork in a deportee reception center in Nuevo Laredo, he spoke as though he were still back in the US.

“I was ready to give my life for this country,” he told us. “I still am... it's my country.”

43. “Sonia H.”: “Mother Worried about Nine-Year-Old Son in Children's Home”¹²⁴

“Sonia H.'s” nine-year-old US-citizen son, “David,” has been living with nuns at a children's home in Laredo, Texas, since Sonia was deported across the Rio Grande to Nuevo Laredo, Mexico, in August. Sonia felt leaving her son with the nuns, to continue his education in the US, was her best option.

“It's hard, so hard,” she said. “But I'll just have to be here, seeing him whenever I can.” Her plan, as she described it at a migrant help center, was to stay in Nuevo Laredo and have David travel from Laredo on weekends to visit her here. Getting settled has been difficult – the 39-year-old waitress was having trouble obtaining the Mexican documents needed to get a job.

¹²⁴ “Mother Worried about Nine-Year-Old Son in Children's Home,” post to “The Deported” (blog), Human Rights Watch, October 12, 2017, <https://www.hrw.org/content/310079>.

Fifteen years ago, Sonia, who was born in Hermosillo, Sonora, traveled to Texas on a US tourist visa to care for a grandmother who had permanent resident status. Sonia couldn't get her visa renewed, but she stayed on anyway, even after her grandmother died, marrying a US citizen and cleaning houses, providing in-home eldercare, and working as a waitress.

By the time David was two, she said, her husband had become domineering and verbally abusive. They separated, and he moved to Indiana. Sonia was never able to collect child support, she said, because her husband knew she was vulnerable, as an undocumented immigrant, and that he could "blackmail" her.

The nuns sometimes watched David after school, so that Sonia could work enough hours to make ends meet. But she mostly worked at night, so that she could be with David, taking him bike riding, skating, to church, or to play with friends at the park.

About three months ago, she said – "since Trump said they were going to crack down on immigrants" – she was stopped by Border Patrol agents as she got off a city bus. It happened to her at 3 a.m. on July 22, as she made her way home from a shift at Denny's. Immigration and Customs Enforcement locked her in immigration detention and deported her ten days later.

Sonia doesn't know whether her divorce was ever finalized, and she fears that if her ex finds out she's been deported, he'll take David. But if she gets lucky, she said, David can stay with the nuns until he is eleven years old; after that, the home houses only girls.

David is a good student – great with computers – Sonia said, and she hopes that when he has to leave the home, he can go to a boarding school operated by the nuns in Nebraska.

"I've never committed a crime, I've never been in jail," Sonia said. "I didn't drive because I didn't have a license; I never broke the law except by not having papers." She blinked back tears. "Trump shouldn't kick out people who are just taking care of their families."

THE DEPORTED

Uprooted from the Country They Call Home

Every day, people who call the United States home—including mothers, fathers, and spouses of US citizens; tax-paying employees; and respected community members—are arrested, locked up, and placed in a deportation system that rarely even considers their deep and longstanding ties to the United States before summarily removing them from the country. Under President Donald Trump, border-crossings and thus deportations at the border are down, but immigration arrests and deportations from the interior of the country have skyrocketed—showing the Trump administration’s disregard for the rights of individuals who have built their lives and families in the United States.

This report documents the human rights impact of Trump administration policies on immigrants, their families, and their communities. It analyzes US government data on immigration arrests and deportations showing how these policies have resulted in a dramatic increase in arrests and deportations of undocumented migrants who have no criminal records. And it details the experience of more than 40 immigrants who were deported to Mexico in 2017 despite having very strong family and other ties to the communities where they resided in the United States.

Under international law, the US government is empowered to regulate migration but it must do so in keeping with its obligations to respect such basic rights as the right to family unity and due process, rights that are routinely violated within the US immigration and deportation system, which in most cases gives no weight to immigrants’ ties to home and family.

Human Rights Watch calls on Congress and the Trump administration to reform abusive immigration law and policy by ensuring immigrants facing deportation are offered a fair, individualized hearing in which the person’s ties to US families and communities can be weighed against the government’s interest in deporting the person, and by creating a fair legalization program based on these same factors.



Photos of long-term immigrants recently deported from the United States.

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