

EDUCATING ABOUT IMMIGRATION

Immigration Enforcement Raids

Advisory Committee Activity

Overview

In this lesson, students will be able to evaluate the practices and policies of the Immigration and Customs Enforcement (ICE) agency's actions in enforcing the nation's immigration laws, specifically in terms of each policy's effectiveness. First, students read an article describing the activities and objectives of ICE since its inception in 2002, as well as opposing viewpoints on those activities and objectives. Then, students assume the roles of advisors to ICE, using case examples of ICE actions to prioritize the agency's policies.

Objectives

Students will be able to:

- Describe the policies and practices of a federal law-enforcement agency, specifically in relation to enforcement of immigration laws.
- Explain opposing views on the practices and purposes involved in immigration enforcement raids.
- Evaluate policy priorities for immigration law enforcement.

Time

One to two class periods.

Standards Addressed

California History-Social Science Standards

Grades Six Through Eight Historical and Social Science Analysis Skills:

Chronological and Spatial Thinking: (1) Students explain how major events are related to one another in time.

11.9: Students analyze U.S. foreign policy since World War II. (7) Examine relations between the United States and Mexico in the twentieth century, including key economic, political, immigration, and environmental issues.

11.11: Students analyze the major social problems and domestic policy issues in contemporary American society. (1) Discuss the reasons for the nation's changing immigration policy, with emphasis on how the Immigration Act of 1965 and successor acts have transformed American society.

12.3: Students evaluate and take and defend positions on what the fundamental values and principles of civil society are (i.e., the autonomous sphere of voluntary personal, social, and economic relations that are not part of government), their interdependence, and the meaning and importance of those values and principles for a free society. (1) Explain how civil society provides opportunities for individuals to associate for social, cultural, religious, economic, and political purposes. (2) Explain how civil society makes it possible for people, individually or in association with others, to bring their influence to bear on government in ways other than voting and elections.

12.7: Students analyze and compare the powers and procedures of the national, state, tribal, and local governments. (5) Explain how public policy is formed, including the setting of the public agenda and implementation of it through regulations and executive orders.

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Common Core Speaking and Listening Standards

SL.1. Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on [grade level] subjects...

SL.3. Evaluate a speaker’s point of view, reasoning, and use of evidence and rhetoric, assessing the stance, premises, links among ideas, word choice, points of emphasis, and tone used.

SL.4. Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks.

Common Core Reading in History /Social Studies

RH.1. Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

RH.2. Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

RH.4. Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines faction in Federalist No. 10).

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National High School Standards

Civics Standard 13: Understands the character of American political and social conflict and factors that tend to prevent or lower its intensity. (1) Understands issues that involve conflicts among fundamental values and principles such as the conflict between liberty and authority. (2) Knows why people may agree on values or principles in the abstract but disagree when they are applied to specific issues such as the right to life and capital punishment.

United States History 31: Understands economic, social, and cultural developments in the contemporary United States. (2) Understands how recent immigration and migration patterns, and demographic shifts, impacted social and political issues

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Materials

- A class set of the article “Immigration Enforcement Raids”
- A class set of Handout A (ICE)
- A class set of Handout B (ICE)

Procedure

Step One. Have the students read “Immigration Enforcement Raids” and answer the questions for discussion. They can read it in class or as homework. Check for understanding.

Step Two. Organize the class into small groups of three or five students each. Distribute Handouts A and B to each student.

Step Three. Inform each group that they are an advisory committee in the Office of Policy & Planning of ICE. Their task is to advise the Assistant Secretary in charge of ICE on the effectiveness of ICE enforcement actions. They have been given the job of assessing whether ICE’s current practices are effective in stemming illegal immigration.

Step Four. Inform each group that they need to evaluate the five examples of ICE enforcement actions shown in Handout A. Each member of the group is responsible for recording their answers on Handout B.

Step Five. Once all the groups have completed their evaluation, have a representative of each group report their committee's findings to the class. Keep a tally of the responses on the board.

Step Six. Debrief with the students. Should ICE continue the practices of the “fugitive operations teams?” Why or why not? Is there additional action ICE must take to enforcement actions? If so, what do the students suggest?

Additional Debrief Questions: Was it difficult for their groups to reach consensus? Why or why not? Was it difficult for any members to assume the role of an ICE advisor? If so, why?

NOTE: Students will have different opinions about what should be done to address the issue of illegal immigration. In this activity, they have to assume the role of advisors to the agency primarily responsible for enforcing immigration laws. For help in addressing controversy in the classroom, please see [Handling Controversy](#), available from CRF.

EDUCATING ABOUT IMMIGRATION Immigration Enforcement Raids

In the United States, there has been growing debate over the policies of the federal agency that investigates and enforces the nation’s immigration laws. That agency is Immigration and Customs Enforcement (ICE). Agents of ICE frequently conduct immigration enforcement operations, commonly called “raids,” in early morning hours to arrest undocumented immigrants.



The ICE agency was formed in 2002. In the wake of the terrorist attacks of September 11, 2001, Congress created the Department of Homeland Security (DHS). This department was made responsible for enforcing the nation’s immigration laws, among other law enforcement powers. In this new organization of the federal government, ICE took over immigration law enforcement from the Immigration and Naturalization Service.

ICE currently manages law enforcement and investigation through different branches. Probably the most well-known branch of ICE is its Office of Enforcement and Removal Operations, which is responsible for investigation and arrests of unauthorized immigrants.

Once an unauthorized immigrant is arrested or detained, there are two ways that immigration officials may deport him or her:

- **Return.** When officials send a person to his or her home country *without* formal hearing, fingerprinting, or creation of a permanent record, it is called a “return.” An immigrant does not face potential criminal prosecution for re-entry to the US after a return to the home country.



U.S. Dept. of Homeland Security, Bureau of Immigration and Customs Enforcement.

- **Removal.** When officials send a person to his or her home country *with* formal proceeding in front of a hearing officer (or judge), fingerprinting, and the creation of a permanent record, it is called a “removal.” ICE is responsible for removals, which is also the official term for “deportations.” An immigrant does face potential criminal prosecution for re-entry to the US after removal.

Answering a call for increased national security by many in the country, ICE started several programs, including the National Fugitive Operations Program (NFOP) in February 2002. This program’s mission was to “identify, locate, apprehend, process and remove fugitive aliens from the United States.” A fugitive alien is a person who has not followed an immigration court’s final order for removal or who has returned to the United States after a prior removal. Highest priority is placed on “those fugitives who have been convicted of crimes.” The program aims to eliminate a backlog of removals.

Increased federal funding for NFOP in the early years of Barack Obama’s presidency led to more immigrants being *removed* under Obama’s two terms as president than under George W. Bush’s two terms. More immigrants were *returned*, however, under Bush’s presidency.

Fugitive operations teams have used raids (quick arrests or “sweeps” of a number of immigrants in a single location). Raids can occur in a workplace, often of a large-scale employer, or residential area, such as an apartment building. Under the Bush administration, for example, ICE teams made 21 arrests of fugitive aliens from Jordan, Kuwait, and Somalia in northern Texas in November 2006. During the following month, ICE teams raided meat-packing plants in several states. Over 1,200 non-citizen employees

were arrested, but ICE did not bring charges against the employer for having hired undocumented immigrants.

Case Study: San Rafael

A 2007 raid in San Rafael, California, sparked a national debate about ICE's methods. On March 6, 2007, agents of ICE conducted a sweep of an apartment complex in this town of 56,000 people north of San Francisco. The agents arrived just after dawn in order to apprehend 30 fugitive aliens in the apartment complex. There were reports that agents shined flashlights into the faces of children in the apartments, handcuffed parents in front of children, and even detained children for several hours.

At a hearing before a subcommittee of Congress in May 2008 to address workplace immigration raids and specifically the effects of raids on children in the San Rafael congressional district, spokespeople on both sides of the issues testified.

Supporters of ICE's methods argued that the undocumented immigrant parents have the primary responsibility for their children. In response to testimony critical of ICE, Republican Representative Buck McKeon argued that any child custody difficulties and humanitarian issues are the parents' fault. "A person who entered the country illegally," he said, "or overstays their visa—they are the ones who are really putting those children in jeopardy by their own actions."

James Spero, Deputy Assistant Director at the ICE, testified that the agency's teams go to great lengths to prepare for the humanitarian aid of children in the arrest operations. "ICE takes this responsibility very seriously," he stated, "and these humanitarian factors are carefully taken into account when ICE makes custody decisions." Part of what ICE agents do is to coordinate efforts with local public health services to care for children's needs.

Critics of ICE's tactics, such as Janet Murguia of the National Council of La Raza, testified that innocent children suffer too many hardships in these raids. Because many detained parents are denied access to telephones, no one calls family relatives to care for the children. As a consequence, said Murguia, "school systems and child care centers must scramble to find relatives or caregivers for children whose parents have abruptly disappeared."

Lynn Woolsey, the Democratic representative for the San Rafael district, gave a statement at the hearing. She stated that the raids cause anxiety, depression, fear, and even post-traumatic stress disorder in children. "They have been separated from their families in the cruelest of ways for long periods of time," she stated, "and many of their parents have been deported." She further stated that the San Rafael raid led to dramatically decreased school attendance among the children involved.

The impact of ICE's operations is still debated. On the one hand, ICE reports that its efforts target lawbreakers, particularly those who might pose threats to American society, such as gang members who are fugitive aliens. On the other hand, immigrants, their families, and civil liberties advocates have filed numerous lawsuits alleging that ICE operations have violated the US Constitution.

In one case, a 6-year-old boy named Kebin Reyes, a US citizen, sued ICE based on its San Rafael raid. Under the Fourth Amendment (protection against unlawful search and seizure), Kebin alleged that ICE agents detained him for 12 hours without a warrant and without lawful cause. Under the Fifth Amendment (protection of the right to due process of law), he alleged that he was deprived of food and the opportunity to make a phone call to any relatives.

In response, ICE stated numerous defenses for its actions. One defense was that ICE agents showed "due care and diligence" for Kebin Reyes before the raid and during the raid. Another defense was that the agency was protected by "sovereign immunity" (a doctrine that the state can do no legal wrong). ICE has also argued that Kebin's injuries, through his father (who was arrested), were caused by his own negligence (lack of care).

Four months after the raid, ICE changed its policy to make sure not to detain US citizens, like Kebin Reyes, and legal residents during the course of enforcement raids. But at the time of the raid, ICE agents argue, Reyes' rights had still not been violated. There have been no further hearings on the specific issue of immigration enforcement raids since 2008.

President Obama's Policy on ICE Raids

Early in his presidency, Barack Obama shifted policy away from large-scale workplace raids to using monetary fines against employers who hired unauthorized immigrants. Under Obama's administration, however, ICE used several residential raids to apprehend, or capture, fugitive aliens in January 2016 and took more than 120 Central American immigrants into custody in Georgia, Texas, and North Carolina.

The Obama administration defended its policy of using residential raids as a means to target fugitive aliens who have most recently entered the US, who happen to be mostly Central American. Of the thousands of families that migrated from Central America from 2014 to



U.S. Dept. of Homeland Security

2015, ICE took only 11 into custody in the raids. The US Border Patrol reported that Central American immigrants are mostly crossing the border in order to gain legal status in the US and not to seek political asylum (protection for refugees).

Opponents, including many Obama's own Democratic Party, argued that Central American immigrants should be treated as refugees since they are fleeing from violence in their home countries. The newer immigrants came from countries like El Salvador and Honduras, which the US State Department has listed as countries dangerous to travel in. Also, many of them are children, and therefore vulnerable. The Border Patrol, say critics, is not equipped to properly evaluate refugee claims.

For Discussion and Writing

1. What does "fugitive alien" mean?
2. Why is removal a more serious consequence than return for an unauthorized immigrant to the US?
3. What tactics does Immigration and Customs Enforcement use to apprehend fugitive aliens? What controversies have resulted from ICE's tactics?
4. Opponents of ICE raids in residential areas claim that the human rights of children who may be fleeing dangerous home countries outweigh the fact that they and their parents may have violated valid court orders for removal back to their home countries. Do you agree? Explain your answer.
5. What are the opinions of both supporters and critics of ICE's tactics in the San Rafael case study? Which side do you think has the stronger arguments? Why?

Sources

"Enforcement and Removal Operations." U.S. Immigration and Customs Enforcement. URL: <https://www.ice.gov/ero> • "Fugitive Operations." U.S. Immigration and Customs Enforcement. URL: <https://www.ice.gov/fugitive-operations> • "Hearing On: Immigration Raids: Postville and Beyond." United States House of Representatives Judiciary Committee. 24-25 July 2008. URL: <http://judiciary.house.gov> • "ICE Workplace Raids: Their Impact on US Children, Families and Communities." United States House of Representatives Subcommittee on Workforce Protections. 20 May 2008. URL: <https://www.gpo.gov> • "Kebin Reyes v. Alcantar." *Closed Case*. ACLU of Northern California. 16 Sept. 2008. URL: <https://www.aclunc.org> • Lind, Dara. "The Nationwide Immigration Raids Targeting Central American Families, Explained." *Vox*. 04 Jan. 2016. URL: <http://www.vox.com> • Zong, Jie, and Jeanne Batalova. "Central American Immigrants in the United States." *Migrationpolicy.org*. Migration Policy Institute. 31 Aug. 2015. URL: <http://www.migrationpolicy.org>



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Immigration Enforcement Advisory Committee—Handout A

Working in pairs or small groups, you are advisors within the Office of Policy & Planning in the Department of Homeland Security. Your task is to review and evaluate the priorities of U.S. Immigration and Customs Enforcement (ICE) and prepare a report for the Assistant Secretary in charge of ICE. Within your group, follow these steps:

1. Identify the priority illustrated by each action on **Handout B**.
2. Discuss with your group which priority is most important.
3. Rank all the priorities in the spaces provided below, in order of importance.
4. Give at least one reason for your group's decision.

Rank	Priority	Reason(s) for Ranking
1.		
2.		
3.		
4.		
5.		

EDUCATING ABOUT IMMIGRATION Immigration Enforcement Raids

Immigration Enforcement Advisory Committee—Handout B

- CLEVELAND. ICE agents focused on a particular restaurant chain in northern Ohio and arrested 58 employees for immigration violations. They arrested these individuals in several northern Ohio cities on the same day. The agents made it a priority to set up a local telephone number for concerned family members of the arrestees to call for information. As a part of this policy, they also notified local community groups and alerted the consulate of those people arrested.
- NEW YORK CITY. In a two-week operation, ICE agents arrested 120 “fugitive aliens” from countries such as Italy, Jordan, and Barbados. Thirty-five of those arrested had criminal records in the United States. These people had convictions for such crimes such as drug offenses, assault, and fraud. “The removal of fugitive aliens, especially those with a criminal history, is a top ICE priority,” said the acting ICE field office director. ICE’s Fugitive Operations Teams “prioritize cases...who pose a threat to national security and community safety.”
- LAUREL, Miss. Special agents of ICE searched an electrical manufacturing plant for evidence of the non-violent crimes of identity theft and fraudulent use of Social Security numbers. They were also investigating suspected violations of immigration law, which are not crimes but could lead to deportation. The agents arrested approximately 595 undocumented immigrants from countries such as Germany, Mexico, and Brazil. The U.S. Attorney’s Office prosecuted eight of those arrested for charges related to identity theft.
- ARCATA, Calif. After a call was made to an anonymous tip line, ICE special agents arrested 23 undocumented workers at one of California’s largest wholesale flower growers. The agents had search warrants and searched the business headquarters as well as residences of the employees. No employers were arrested for violations of the law. “Employment is one of the key factors fueling illegal immigration,” said the special agent in charge of the ICE Office of Investigations.
- FORT MYERS, Flo. ICE agents and authorized Sheriff’s deputies arrested 25 people for suspected immigration violations, two of whom were documented street gang members. In 2007, the local Collier County Sheriff’s Office was granted immigration enforcement authority under the Immigration and Nationality Act of Congress. “Our partnership with state and local law enforcement agencies are essential to further strengthen our mission in enforcing immigration laws,” said the ICE special agent-in-charge.