Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

August 22, 2012

Melissa Crow
Director, Legal Action Center
American Immigration Council
1331 G Street NW, Suite 200
Washington, DC 20005-3141

Re: **CRCL 12-040**

Dear Ms. Crow:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL), dated May 31, 2012, and received by this office on June 7, 2012. You are seeking records regarding the participation of U.S. Customs and Border Protection (CBP) personnel in 911 dispatch activities. Based on reports from immigration advocates, CBP personnel use their access to noncitizens during 911 dispatch activities to conduct immigration enforcement activities.

A search of CRCL for documents responsive to your request produced a total of 93 pages. As a result of discussion between agency personnel and a members of my staff, as a matter of administrative discretion I have determined that 70 pages of the records are releasable in their entirety and 23 pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(5) and (b)(6).

Enclosed are 93 pages with certain information withheld for the following reasons.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that portions of the responsive documents qualify for protection under the:

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. [*The types of documents and/or information that we have withheld may consist of birth certificates,*

naturalization certificates, driver license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.] The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the $14 minimum, there is no charge.
6 CFR § 5.11(d)(4).

If you need to contact our office again about this matter, please refer to **CRCL 12-040**. This office can be reached at 202-357-7672.

Sincerely,

Fernando Pineiro Jr.

Digitally signed by Fernando Pineiro Jr.
DN: cn=Fernando Pineiro Jr., o=Department of Homeland Security, ou=Office for Civil Rights and Civil Liberties, email=Fernando.Pineiro@dhs.gov, c=US
Date: 2012.08.22 12:09:57 -04'00'

Fernando Pineiro Jr.
FOIA Officer

Enclosure(s): 1 PDF 93 pages

My Account Change Role Sign Out Help

Tracking Inbox > DHS Matters (One America Contact-DHS-12-0380)

DHS Matters

DHS/TSA Civil Rights - (b) (6) (DHS Intake Specialist)

Assignment : No Assignment

DHS Matters

Printer Friendly Format

- Parties Involved
- Issue
- Actions
- Document
- Form Letters
- Complaint History
- Assignments

To view instructions for this tab please click here.

Contact Number	Contact-DHS-12-0380
Linked Matters	
Matter Type	Correspondence
Entry Date	06/05/2012
Method of Receipt	Internal Staff
Sender Type	NGO/Organization
Number of Complainants	
Sender	• One America ,
On Behalf Of	• Anonymous, Anonymous
Date on Correspondence	04/18/2012 (mm/dd/yyyy)
Date to DHS	04/18/2012 (mm/dd/yyyy)
Date to CRCL	04/18/2012 (mm/dd/yyyy)
Days to Process	56

Special Category (check any that apply)

- DHS OIG Referral to CRCL
- CBP Referral to CRCL
- ICE OPR Referral to CRCL
- FPS Referral to CRCL
- ICE 287(g) Program
- ICE Secure Communities Program
- Harassment
- Misconduct
- DOJ Referral to CRCL
- SENT TO ICE - HIGH LEVEL MEDICAL ISSUE
- Media Coverage
- Medical Referral
- Language Issues
- Medical Issues
- Mental Health Issues
- Recipients of Federal Financial Assistance
- Sexual Abuse (PREA)
- DHS TRIP
- Deaths - Further Action
- Deaths - No Further Action
- ✓ Information/Tracking

Allegation	(CR/CL) Civil Rights/Civil Liberty
Complaint Group Listing	
Executive Summary	On April 18 ,2012, the CRCL Community Engagement Team obtained the publicly released One America report "The Growing Human Rights Crisis Along Washington's Northern Border" based on informal communication with NGOs. An
Summary of Allegation	On April 18 ,2012, the CRCL Community Engagement Team obtained the publicly released One America report "The Growing Human Rights Crisis Along Washington's Northern Border" based on informal communication with NGOs. An anonymous woman alleges that CBP agents responded to another anonymous woman's 911 call for an ambulance at a child's birthday party. Allegedly, the woman who called 911 had the last name Martinez and after she had called requesting an ambulance for her injured daughter, CBP agents walked around at the birthday party asking people who they were and their names

See attached for full text

DHS/TSA Civil Rights

DHS Matters

DHS Matters: One America Contact-DHS-12-0380

Complaint Number	
Contact Number	Contact-DHS-12-0380
Matter Type	Correspondence
Entry Date	06/05/2012
Method of Receipt	Internal Staff
Sender Type	NGO/Organization
Other Sender Type	
Control Number	
Number of Complainants	
Sender	• One America ,
On Behalf Of	• Anonymous, Anonymous
Date on Correspondence	04/18/2012
Date to DHS	04/18/2012
Date to CRCL	04/18/2012
Date to Exec Sec	
Date Due to Exec Sec	
Due Date (180 Days)	
Days to Process	48
Special Category (check any that apply)	• Information/Tracking
Other Special Category	
Allegation	(CR/CL) Civil Rights/Civil Liberty
Complaint Group Listing	
Executive Summary	On April 18 ,2012, the CRCL Community Engagement Team obtained the publicly released One America report "The Growing Human Rights Crisis Along Washington's Northern Border" based on informal communication with NGOs. An anonymous woman alleges that CBP agents responded to another anonymous woman's 911 call for an ambulance at a child's birthday party. Allegedly, the woman who called 911 had the last name Martinez, and after she had called requesting an ambulance for her injured daughter, CBP agents walked around at the birthday party asking people

who they were and their names.

Summary of Allegation	On April 18 ,2012, the CRCL Community Engagement Team obtained the publicly released One America report "The Growing Human Rights Crisis Along Washington's Northern Border" based on informal communication with NGOs. An anonymous woman alleges that CBP agents responded to another anonymous woman's 911 call for an ambulance at a child's birthday party. Allegedly, the woman who called 911 had the last name Martinez, and after she had called requesting an ambulance for her injured daughter, CBP agents walked around at the birthday party asking people who they were and their names.
Primary Assignment	
Secondary Assignment	
Component Referenced	CBP
Component Involved	• CBP
External Tracking Number	
Entered By	(b) (6) [redacted]
Last Action	
Last Action Date	
Related Matters	
Closure Date	

DHS Complaint Parties Involved Listing

DHS/TSA Civil Rights - (b) (6) (DHS Intake Specialist)

Assignment : No Assignment

DHS Matters
- **Parties Involved**
- Issue
- Action
- Document
- Form Letters
- Complaint History

Assignments

New Parties Involved

Printer Friendly Format

Contact Number: Contact-DHS-12-0380 Complaint Number:
Sender: One America On Behalf Of: Anonymous Anonymous

Contact Type	Organization	Alien Registration	Sender Anonymous	First Name	Last Name	Phone	Email	Comments
On Behalf Of			No	Anonymous	Anonymous			
Sender			No		One America			

DHS/TSA Civil Rights

DHS Complaint Parties Involved

DHS Matters: One America Contact-DHS-12-0380

Contact Type	Sender
Organization	
Other Organization	
Alien Registration #	
Sender Anonymous	No
Prefix	
Other Prefix	
First Name	
Middle Name	
Last Name	One America
Employment Status	
Title	
Badge Number	
Address Type	
Address Line 1	
Address Line 2	
City	
State	
Zip Code	
Country	
Phone	
Alt Phone	
Email	
Alt Email	
Comments	
Redirect to Add New	
Related Issue Id	
Related Matters	

Original Parent Id	8348
Original Contact Number	Contact-DHS-12-0380

DHS/TSA Civil Rights

DHS Complaint Parties Involved

DHS Matters: One America Contact-DHS-12-0380

Contact Type	On Behalf Of
Organization	
Other Organization	
Alien Registration #	
Sender Anonymous	No
Prefix	
Other Prefix	
First Name	Anonymous
Middle Name	
Last Name	Anonymous
Employment Status	
Title	
Badge Number	
Address Type	
Address Line 1	
Address Line 2	
City	
State	
Zip Code	
Country	
Phone	
Alt Phone	
Email	
Alt Email	
Comments	
Redirect to Add New	
Related Issue Id	
Related Matters	

Original Parent Id	8348
Original Contact Number	Contact-DHS-12-0380

DHS/TSA Civil Rights

DHS Complaint Issue

DHS Matters: One America Contact-DHS-12-0380

Redirect to Subject	No
Complaint Issue	Discrimination/Profiling
Other Issue	
Is this the Primary Issue? IF ONLY ONE PRIMARY ISSUE, CHECK AS "YES".	Yes
Basis	• Ethnicity
Color	
Disability	
Ethnicity	Hispanic or Latino
Other Ethnicity	
Genetic Information	
Genetics	
Other Genetics	
National Origin	
Other National Origin	
Race	
Religion	
Sex	
Sexual Orientation	
Subject	
Incident Date	
Ongoing	No
Incident Date 2	
Incident Date 3	
Incident Date 4	
Incident Date 5	
Incident Date 6	
Incident Date 7	
Incident Date 8	
Incident Date 9	
Incident Date 10	
Incident Date 11	
Incident Date 12	
Incident Date 13	
Incident Date 14	
Last Incident Date	
Situation	DHS law enforcement activity
Incident Location Type	Residence
Other Incident Location Type	

Incident Location

City

State

Country

Comments

DHS Complaint Action Listing

DHS/TSA Civil Rights - (b) (6) (DHS Intake Specialist)

Assignment : No Assignment

DHS Matters
Parties Involved
Issue
Action
Document
Form Letters
Complaint History
Assignments

New Action

Printer Friendly Format

Contact Number: Contact-DHS-12-0380 **Complaint Number:**
Sender: One America **On Behalf Of:** Anonymous, Anonymous

No records found.

DHS Complaint Document Listing

DHS/TSA Civil Rights - (b) (DHS Intake Specialist)

Assignment : No Assignment

DHS Matters
Parties Involved
Issue
Action
Document
Form Letters
Complaint History
Assignments

New Document »

Printer Friendly Format

Contact Number: Contact-DHS-12-03801 **Complaint Number:**
Sender: One America , **On Behalf Of** Anonymous Anonymous

Document Type	Document 1	Document 2	Document 3	Document 4	Document 5	Comments	Entered By	Related Action Name	Foreign Language	Language	Dateentered
Incoming Letter	2014 18 2012 One America.pdf						(b) (6)		No		06/05/2012

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: One America Contact-DHS-12-0380

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2012-06-05 11:41	Create	Component Referenced	CBP	8348	(b) (6) [redacted]	User Change
DhsComplaint	2012-06-05 11:41	Create	Summary	On April 18 ,2012, the CRCL Community Engagement Team obtained the publicly released One America report "The Growing Human Rights Crisis Along Washington's Northern Border" based on informal communication with NGOs. An anonymous woman alleges that CBP ag	8348	(b) (6) [redacted]	User Change
DhsComplaint	2012-06-05 11:41	Create	Executive Summary	On April 18 ,2012, the CRCL Community Engagement Team obtained the publicly released One America report "The Growing Human Rights Crisis Along Washington's Northern Border" based on informal communication with NGOs. An anonymous woman alleges that CBP ag	8348	(b) (6) [redacted]	User Change
DhsComplaint	2012-06-05 11:41	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	8348	(b) (6) [redacted]	User Change
DhsComplaint	2012-06-05 11:41	Create	Days to Process	48	8348	(b) (6) [redacted]	User Change
DhsComplaint	2012-06-05 11:41	Create	Date to CRCL	04/18/2012	8348	(b) (6) [redacted]	User Change
DhsComplaint	2012-06-05 11:41	Create	Date to DHS	04/18/2012	8348	(b) (6) [redacted]	User Change
DhsComplaint	2012-06-05 11:41	Create	Date on Correspondence	04/18/2012	8348	(b) (6) [redacted]	User Change
DhsComplaint	2012-06-05 11:41	Create	Sender Type	NGO/Organization	8348	(b) (6) [redacted]	User Change
DhsComplaint	2012-06-05 11:41	Create	Method of Receipt	Internal Staff	8348	(b) (6) [redacted]	User Change
DhsComplaint	2012-06-05 11:41	Create	Entry Date	06/05/2012	8348	(b) (6) [redacted]	User Change
DhsCompleintDocument	2012-06-05	Create	Document 1	4 18 2012 One America pdf	86854	(b) (6) [redacted]	User Change

	11:47						
DhsComplaintDocument	2012-06-05 11:47	Create	Dateentered	06/05/2012	86854	(b) (6) [redacted]	User Change
DhsComplaintDocument	2012-06-05 11:47	Create	Document Type	Incoming Letter	86854	(b) (6) [redacted]	User Change
DhsComplaintDocument	2012-06-05 11:47	Create	Foreign Language	No	86854	(b) (6) [redacted]	User Change
DhsComplaintIssue	2012-06-05 11:50	Create	Ongoing	No	13580	(b) (6) [redacted]	User Change
DhsComplaintIssue	2012-06-05 11:50	Create	Situation	DHS law enforcement activity	13580	(b) (6) [redacted]	User Change
DhsComplaintIssue	2012-06-05 11:50	Create	Primary Issue	Yes	13580	(b) (6) [redacted]	User Change
DhsComplaintIssue	2012-06-05 11:50	Create	Ethnicity	Hispanic or Latino	13580	(b) (6) [redacted]	User Change
DhsComplaintIssue	2012-06-05 11:50	Create	Redirect to Subject	No	13580	(b) (6) [redacted]	User Change
DhsComplaintIssue	2012-06-05 11:50	Create	Incident Location Type	Residence	13580	(b) (6) [redacted]	User Change
DhsComplaintIssue	2012-06-05 11:50	Create	Issue	Discrimination/Profiling	13580	(b) (6) [redacted]	User Change
DhsComplaintPartiesInvolved	2012-06-05 11:49	Create	First Name	Anonymous	23084	(b) (6) [redacted]	User Change
DhsComplaintPartiesInvolved	2012-06-05 11:49	Create	Last Name	Anonymous	23084	(b) (6) [redacted]	User Change
DhsComplaintPartiesInvolved	2012-06-05 11:49	Create	Contact Type	On Behalf Of	23084	(b) (6) [redacted]	User Change
DhsComplaintPartiesInvolved	2012-06-05 11:48	Create	Last Name	One America	23083	(b) (6) [redacted]	User Change
DhsComplaintPartiesInvolved	2012-06-05 11:48	Create	Contact Type	Sender	23083	(b) (6) [redacted]	User Change
DhsComplaintPartiesInvolved	2012-06-05 11:48	Create	Sender Anonymous	No	23083	(b) (6) [redacted]	User Change

Assignments

DHS/TSA Civil Rights - (b) (6) (DHS Intake Specialist)

Assignment : No Assignment

DHS Matters
- Parties Involved
- Issue
- Action
- Document
- Form Letters
- Complaint History
- **Assignments**

New Assignment

Printer Friendly Format

Type	Name	Role	Current	Delegate	Assignment Date	Creator
User	(b) (6)	DHS Intake Specialist	Yes	No	06/05/2012	Yes

Organizational Unit Assignment

DHS

Change Assignment

From: CRCLCompliance
To: (b) (6) (b) (6)
Cc: (b) (6) (b) (6).
Subject: FW: DHS OffREPORT ON NORTHERN BORDER RACIAL PROFILINGice for Civil Rights and Civil Liberties Seattle Roundtable Meeting Materials
Date: Tuesday, June 05, 2012 11:16:08 AM

(b) (6)

The email thread below shows how the OneAmerica report came to CRCL's attention.

(b) (6) – yesterday (b) (6) said that he would like you to present the potential complaints at tomorrow's 10:30 a.m. case opening meeting.

(b) (6) – when logging in this matter in Entellitrak, let's state that on April 18 ,2012, the CRCL Community Engagement Team obtained the publicly released One America report based on informal communication with NGOs. The email thread below should be saved in the file.

Thanks,
(b) (6)

(b) (6)
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(b) (6)
(b) (6).

From: (b) (6)
Sent: Tuesday, June 05, 2012 9:48 AM
To: CRCLCompliance
Subject: FW: DHS OffREPORT ON NORTHERN BORDER RACIAL PROFILINGice for Civil Rights and Civil Liberties Seattle Roundtable Meeting Materials

Per (b) (6) request, this is the email where I received the One American report.

From: (b) (6)
Sent: Wednesday, April 18, 2012 3:38 PM
To: (b) (6)
Subject: RE: DHS OffREPORT ON NORTHERN BORDER RACIAL PROFILINGice for Civil Rights and Civil Liberties Seattle Roundtable Meeting Materials

Can we discuss at the next case opening?

From: (b) (6)
Sent: Wednesday, April 18, 2012 3:17 PM
To: (b) (6)
Subject: RE: DHS OffREPORT ON NORTHERN BORDER RACIAL PROFILINGice for Civil Rights and Civil Liberties Seattle Roundtable Meeting Materials

FYI, there are a lot of individual stories in the report that we might want to open as complaints.

From: (b) (6) [redacted]
Sent: Wednesday, April 18, 2012 8:39 AM
To: (b) (6) [redacted]
Subject: Fw: DHS OffREPORT ON NORTHERN BORDER RACIAL PROFILINGice for Civil Rights and Civil Liberties Seattle Roundtable Meeting Materials

FYI

From: Shora, Kareem
Sent: Wednesday, April 18, 2012 08:18 AM
To: (b) (6) [redacted]
Cc: Kessler, Tamara; Gersten, David; (b) (6) [redacted]
Subject: Re: DHS OffREPORT ON NORTHERN BORDER RACIAL PROFILINGice for Civil Rights and Civil Liberties Seattle Roundtable Meeting Materials

Anna,

The report can be found here:
http://weareoneamerica.org/northern-border

Pramila; the head of the organization, told me that they and their northern border coalition partners would really like a meeting with the Secretary to discuss the report and their findings. They apparently researched it for over a year.

Best,
Kareem.

Kareem W. Shora, JD, LL.M.
Senior Policy Advisor
Section Lead, Community Engagement Section
Office for Civil Rights and Civil Liberties
Office of the Secretary
US Department of Homeland Security
(b) (6) [redacted]
(b) (6) [redacted]

Sent from my BlackBerry wireless communicator

From: Shora, Kareem
Sent: Tuesday, April 17, 2012 06:10 PM
To: HINKEN, ANNA
Subject: Re: DHS OffREPORT ON NORTHERN BORDER RACIAL PROFILINGice for Civil Rights and Civil

Liberties Seattle Roundtable Meeting Materials

Yes, I can definitely ask. Will do so now.

Kareem W. Shora, JD, LL.M.
Senior Policy Advisor
Section Lead, Community Engagement Section
Office for Civil Rights and Civil Liberties
Office of the Secretary
US Department of Homeland Security
(b) (6) [redacted]
(b) (6) [redacted]

Sent from my BlackBerry wireless communicator

From: HINKEN, ANNA
Sent: Tuesday, April 17, 2012 06:01 PM
To: Shora, Kareem
Subject: RE: DHS OffREPORT ON NORTHERN BORDER RACIAL PROFILINGice for Civil Rights and Civil Liberties Seattle Roundtable Meeting Materials

Since you know them a little bit better, can you try and get a copy of it tonight? Thanks. It just helps me get a ahead of it all for tomorrow.

Thanks again.

From: Shora, Kareem (b) (6) [redacted]
Sent: Tuesday, April 17, 2012 5:57 PM
To: HINKEN, ANNA
Subject: Re: DHS OffREPORT ON NORTHERN BORDER RACIAL PROFILINGice for Civil Rights and Civil Liberties Seattle Roundtable Meeting Materials

I was aware that they were working on it and they told us as they were researching it over the past year but I have not seen it yet.

Kareem W. Shora, JD, LL.M.
Senior Policy Advisor
Section Lead, Community Engagement Section
Office for Civil Rights and Civil Liberties
Office of the Secretary
US Department of Homeland Security
(b) (6) [redacted]

(b) (6) [redacted].

Sent from my BlackBerry wireless communicator

From: HINKEN, ANNA
Sent: Tuesday, April 17, 2012 05:48 PM
To: Shora, Kareem
Subject: RE: DHS OffREPORT ON NORTHERN BORDER RACIAL PROFILINGice for Civil Rights and Civil Liberties Seattle Roundtable Meeting Materials

Have you read this report?

REPORT ON NORTHERN BORDER RACIAL PROFILING
The Huffington Post, the Seattle Times, and several other pacific northwest news outlets will cover a report released today by immigrant advocacy organization "One America" and the University of Washington Center for Human Rights presenting evidence of 135 stories collected during the course of a year of racial profiling and other abuses along the northern border by Border Patrol agents. A statement was provided. Negative tone expected.

Statement
"CBP strictly prohibits profiling on the basis of race or religion. In determining whether individuals are admissible into the United States, CBP utilizes specific facts and follows the Department of Justice's 'Guidance Regarding the Use of Race by Federal Law Enforcement Agencies.'"

From: Shora, Kareem (b) (6) [redacted]
Sent: Tuesday, April 17, 2012 11:12 AM
To: HINKEN, ANNA
Cc: (b) (6) [redacted]
Subject: RE: DHS Office for Civil Rights and Civil Liberties Seattle Roundtable Meeting Materials

Anna,

I believe we are aware of the South Korean case which, if I am not mistaken, may have involved LEP issues. I'm looping in Jeff who heads our Compliance Branch and (b) (6) [redacted] who leads our LEP effort for possible input.

Thanks,
Kareem.

Homeland Security

Kareem W. Shora, JD, LL.M.
Senior Policy Advisor / Section Lead
Community Engagement Section
Office for Civil Rights and Civil Liberties (CRCL)
Office of the Secretary
US Department of Homeland Security (DHS)
(b) (6) [redacted]
(b) (6) [redacted]
(b) (6) [redacted]
http://www.dhs.gov/crcl

From: HINKEN, ANNA
Sent: Tuesday, April 17, 2012 11:08 AM
To: Shora, Kareem
Cc: (b) (6) [redacted]
Subject: RE: DHS Office for Civil Rights and Civil Liberties Seattle Roundtable Meeting Materials

Thanks Kareem. I just checked my email to include my spam folder and I did not receive the email.

Also, when I was on the phone with Chief Bates last night he mentioned that he had received questions on a South Korean case from CRCL and was asking me about. Do you have background on it? Mostly it was asking for advice on tone, etc.

Much appreciated.

Anna Hinken

From: Shora, Kareem (b) (6) [redacted]
Sent: Monday, April 16, 2012 7:10 PM
To: HINKEN, ANNA
Cc: (b) (6) [redacted]
Subject: Fw: DHS Office for Civil Rights and Civil Liberties Seattle Roundtable Meeting Materials

Anna,

Below and attached are the Seattle RT materials.

Best,
Kareem.

Kareem W. Shora, JD, LL.M.

Senior Policy Advisor
Section Lead, Community Engagement Section
Office for Civil Rights and Civil Liberties
Office of the Secretary
US Department of Homeland Security
(b) (6) [redacted]
(b) (6) [redacted].

Sent from my BlackBerry wireless communicator

From: Community Engagement
Sent: Thursday, April 12, 2012 06:12 PM
To: Community Engagement
Subject: DHS Office for Civil Rights and Civil Liberties Seattle Roundtable Meeting Materials

Dear Seattle colleagues,

Attached is the electronic version of the meeting materials that will support the DHS Office for Civil Rights and Civil Liberties (CRCL) Seattle Quarterly Community Engagement Roundtable meeting being hosted by Washington New Sanctuary Movement and held at **Auburn City Hall Council Chambers, located at 25 W. Main, Auburn, WA 98001 on Wednesday, April 25, 2012 from 2:00 pm to 5:00 pm.**

1) Agenda
2) Participant list
3) Speaker biography
4) Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States

If you do not see your name listed in the attached RSVP list but wish to attend the meeting, you may do so by sending an email to communityengagement@hq.dhs.gov and include your name and organizational affiliation. We will send an updated RSVP list closer to the date of the meeting.

Special thanks to Washington New Sanctuary Movement for hosting this meeting. Thank you for your support and partnership with this important community engagement effort and I look forward to seeing many of you on April 25th.

Sincerely,
Kareem.

Homeland Security

Kareem W. Shora, JD, LL.M.
Senior Policy Advisor / Section Lead
Community Engagement Section
Office for Civil Rights and Civil Liberties (CRCL)
Office of the Secretary
US Department of Homeland Security (DHS)
(b) (6) [redacted]
(b) (6) [redacted]
(b) (6) [redacted]
http://www.dhs.gov/crcl

From: Community Engagement
Sent: Wednesday, April 04, 2012 2:23 PM
To: Community Engagement
Subject: RSVP Reminder/Update: DHS Office for Civil Rights and Civil Liberties Seattle Roundtable Meeting

Dear Seattle colleagues,

This is a reminder to please submit your RSVP via <CommunityEngagement@hq.dhs.gov> and any items for the agenda to me (b) (6) [redacted] for the upcoming DHS CRCL Seattle Roundtable by **tomorrow, Thursday, April 5th**.

In addition to the presentation and discussion topics referenced in the invitation below, we will also be joined by National Counter Terrorism Center (NCTC) from Washington, DC for a special presentation on the recently released (December 2011) Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States (attached please find a copy).

Sincerely,
Kareem.

Homeland Security

Kareem W. Shora, JD, LL.M.
Senior Policy Advisor / Section Lead
Community Engagement Section
Office for Civil Rights and Civil Liberties (CRCL)
Office of the Secretary
US Department of Homeland Security (DHS)

(b) (6) [redacted]
(b) (6) [redacted]
(b) (6) [redacted]
http://www.dhs.gov/crcl

From: Community Engagement
Sent: Thursday, March 15, 2012 6:51 PM
To: Community Engagement
Subject: Invitation: DHS Office for Civil Rights and Civil Liberties Seattle Roundtable Meeting

Dear Seattle Colleagues,

This is a "Save the Date" reminder and **RSVP request** for our upcoming Quarterly Seattle Community Engagement Roundtable being hosted by Washington New Sanctuary Movement. **The event will be held on Wednesday, April 25, 2012 from 2:00 pm to 5:00 pm at Auburn City Hall Council Chambers, located at 25 W. Main, Auburn, WA 98001.**

We will be joined by Deborah Fleischaker, a Policy Analyst with the DHS CRCL Compliance Branch. The CRCL Compliance Branch investigates and resolves complaints from the public alleging violations of civil rights or civil liberties; racial, ethnic, or religious profiling, and disability discrimination prohibited by Section 504 of the Rehabilitation Act. Ms. Fleischaker's presentation will focus on an overview of the CRCL complaints process, including the investigative process and the types of complaints that are investigated.

I will also be addressing the following topics which were of interest during our previous meeting in January:

1) An update of the steps DHS and ICE have taken recently in determining the effectiveness of prosecutorial discretion standards announced this past summer; including the pilot review recently completed in Denver and Baltimore as well as the ongoing review being conducted nationally of detained and non-detained cases of immigration removal. ICE HQ has provided specific talking points with some preliminary results which we can share on this topic.
2) An update of the steps DHS and other agencies have taken to help address the previously expressed concerns about some law enforcement training programs. I will be giving this update on behalf of DHS.

We request that you please **RSVP by sending an email to <CommunityEngagement@dhs.gov> by Thursday April 5th** so that we may give our hosts sufficient time for an accurate count of the number of attendees during this special event.

Further, please contact me directly with your suggestions for questions and issues to be discussed. I am available to collect any issues you wish to discuss or business you would like to submit for the agenda. **Please submit those issues to me** (b) (6) [redacted] **by Thursday April 5th to allow time for the agencies to send the appropriate person to the meeting. Otherwise, agencies may not be prepared to discuss issues or topics not submitted by April 5th.**

Special thanks to Washington New Sanctuary Movement for hosting this meeting. Thank you for your support and partnership with this important community engagement effort and I look forward to seeing many of you on April 25th.

Sincerely,
Kareem.

Kareem W. Shora, JD, LL.M.
Senior Policy Advisor / Section Lead
Community Engagement Section
Office for Civil Rights and Civil Liberties (CRCL)
Office of the Secretary
US Department of Homeland Security (DHS)
(b) (6) [redacted]
(b) (6) [redacted]
(b) (6) [redacted]
http://www.dhs.gov/crcl

THE GROWING HUMAN RIGHTS CRISIS

ALONG WASHINGTON'S NORTHERN BORDER

Authors: Sarah Curry, Kendra Anderson, Angelina Snodgrass Godoy, Carolyn Pinedo Turnovsky / Editors: Pramila Jayapal and Sarah Curry

Graphic Design: Tracy Curley / Interactive Media: Otts Bolisay / Photography by: Alex Montalvo

Find this report online at: WeAreOneAmerica.org/northern-border

OneAmerica, formerly Hate Free Zone, is a 501(c)(3) non-profit organization that advances the fundamental principles of democracy and justice by building power within immigrant communities.

THE GROWING HUMAN RIGHTS CRISIS

ALONG WASHINGTON'S NORTHERN BORDER

2012
APRIL

April 17, 2012

This report is the product of a unique three-way partnership between OneAmerica, the University of Washington Center for Human Rights, and the residents and leaders of many communities living near Washington State's northern border.

In 2008 and 2009, we were invited to participate in a series of meetings convened by Washington's U.S. Senator Maria Cantwell with local law enforcement officials along the northern border who were themselves concerned with the increased presence of federal agents along the border and the undermining of community trust. We had also begun to hear many concerns about the Border Patrol's behavior, particularly towards people of color living and working in towns within 100 miles of the Canadian border. They had experienced themselves or heard stories of people too afraid to go to the courthouse to pay a fine, too mistrustful of the authorities to call 911, or too fearful to leave their home to attend church or go to the grocery store. They sought ways to educate and empower their neighbors to seek sustainable policy solutions, to improve the safety and well-being of all in border cities and towns.

For OneAmerica, responding to these requests was vitally important. OneAmerica's mission is to advance democracy and justice through building power in immigrant communities. We believe that building a healthy, just and vibrant democracy necessitates ensuring that immigrants are engaged in advocating for themselves and their communities. Through our diverse membership base comprised of immigrants who live in communities across the state, we have been able to identify problems that require education, documentation and, ultimately, policy change. Our approach is always based on research and fact-finding, and then elevated to determining positive solutions that will allow for fundamental human, civil and immigrant rights to be upheld.

For the UW Center for Human Rights, too, this partnership provided a valuable opportunity to support frontline human rights defenders working on issues of crucial importance to our state. Our mission is to educate the next generation of UW undergraduate and graduate students in the interdisciplinary field of human rights; to promote human rights as a core area of faculty and graduate research; and to engage productively with local, regional, national, and international organizations and policymakers to advance respect for human rights. In this context, we've been honored to work in partnership with OneAmerica and its community-based rights advocates. Our researchers have helped to document and analyze data gathered through OneAmerica's work and to identify human rights implications and some possible policy solutions.

The publication of this report culminates the first stage of a long process of organizing, educating, and empowering communities along Washington State's northern border to defend their human rights. To be truly successful, however, we must also convey the urgency and necessity for all Washingtonians to make our voices heard in defense of human rights for all people.

Pramila Jayapal
Executive Director
OneAmerica

Angelina Snodgrass Godoy
Director
UW Center for Human Rights

Acknowledgments

THANK YOU TO THE IMMIGRANT WORKERS, FAMILIES, LEADERS, AND COMMUNITY MEMBERS who gave their time and shared their stories through interviews for this report. You opened your doors and hearts to us, and your courage and willingness to speak truth in the face of injustice should inspire all of us to work for a better tomorrow and a world where there are human rights for all. We are inspired and moved by the courage of affected workers and numerous volunteers, including the OneAmerica Skagit and Whatcom base groups, who spent countless days and evenings interviewing their friends and neighbors, visiting housing, and educating their communities on their human and civil rights. You are the very people that begin human rights movements.

A special thank you to the many court interpreters, social case workers, and health professionals for their anonymous contributions to the report and commitment to helping those they serve every day. We would like to recognize local organizations and leaders of faith that have been partners in outreach and education, and have opened safe spaces to the immigrant community. None of this work could have been possible without support from Church of the Assumption, Roca Fuerte Ministries, Lynden Evangel Assembly of God, Sea Mar Community Health Clinics, Washington State Migrant Council, La Iglesia de la Resureccion, El Camino de Emaus, Burlington Lutheran Church, Womencare Shelter, Islamic Society of Whatcom County, the Girl Scouts of Northwest Washington, and KSVR Local Radio in Mt. Vernon. Additionally, thank you to La Gloria Markets for your support in community outreach and other businesses that became central informational centers. Thank you to CAIR-WA for partnering with us on the May 2010 racial profiling hearing and preparing community member testimony that highlighted the Muslim Arab experience along the northern border.

A huge thanks to authors Sarah Curry and Kendra Anderson from OneAmerica and Angelina Snodgrass Godoy and Carolyn Pinedo Turnovsky, from the University of Washington Center for Human Rights. Additionally, deep recognition for the contributions of Ada Williams Prince, Scarlett Aldebot-Green, and Pramila Jayapal. We thank Katherine Beckett for her research assistance. A deep thank you to Ursula Mosqueira for providing key research when it was needed most, accompanying us into the field, and doing outreach and follow up. A special thank you to Alex Montalvo for your commitment to storytelling and the many hours of video interviewing, photography, and editing. Thank you to graphic designer Tracy Curley for turning our research into a beautifully designed document and Otts Bolisay for video, social media, and design work that takes our words off the page and launches them into the world for engagement and change.

Thank you to the Rights Working Group for in-depth trainings on Human Rights and Racial Profiling and sponsoring the May 2010 racial profiling hearing. We would like to recognize our partners in the Northern Borders Coalition, whose insights and work has strengthened this project immensely. To our collaborators at the University of Washington Center for Human Rights, your deep commitment to academic research rooted in the strong values of the Human Rights Framework has been invaluable.

OneAmerica is extremely grateful to the U.S. Human Rights Fund whose grant made this work possible.

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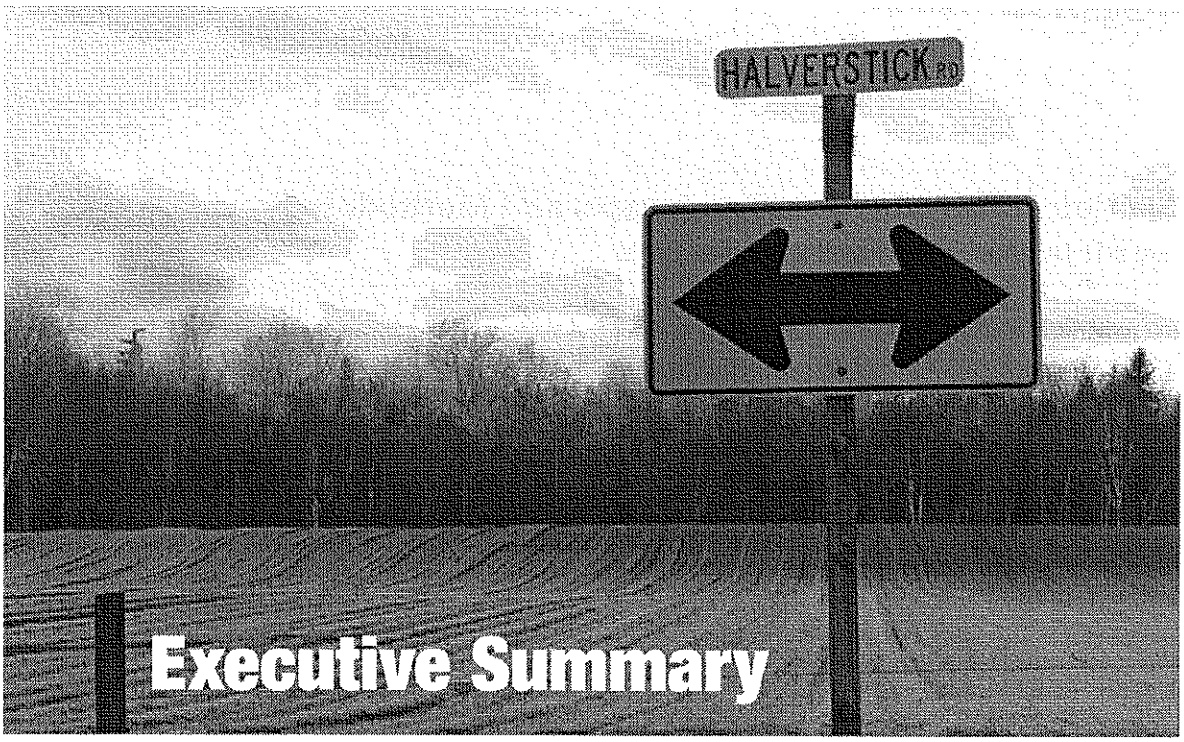
You'll find these strange, black squares scattered around this program booklet. Search for "QR Code Reader" in your smartphones App Store, download one for FREE and start scanning!!



Executive Summary

This report documents the findings from 109 on-the-ground interviews, observation, two hearings, observation and research in border communities, all conducted over a period of approximately one year. The report shares the stories of many of the workers we met, and the transformation of their communities in the wake of the post-9/11 buildup of U.S. Border Patrol activity in the area. The majority of stories are marked by fear, mistrust, harassment, and abuse. They are rooted in specific—and avoidable—patterns of practice implemented by the U.S. Border Patrol, working in close coordination with Immigration and Customs and Enforcement and local law enforcement agencies.

In particular, this report calls attention to three interrelated patterns of practice.

First, in its own independent operations, the Border Patrol engages in systematic profiling of religious and ethnic minorities.

Second, collaboration between Border Patrol and other agencies, including local law enforcement, emergency responders, and the courts, results in a confusing and dangerous fusion where vital services are perceived as immigration enforcement.

Third, these first two patterns result in a third: U.S. Border Patrol's behavior and dangerous partnerships with other agencies have created extensive fear and mistrust, leading to community members' unwillingness to call 911, access the courts, and even to leave their house to attend worship services or fulfill basic needs.

The report is divided into three distinct sections and also includes a final section providing commentary from the University of Washington Center for Human Rights:

Introduction, Landscape, and Methodology
Patterns of Abuse
Conclusion and Key Recommendations

Section 1: Introduction, Landscape, and Methodology

Post 9/11: Increased Enforcement Near Northern Border

The patterns of abuse documented in this report reflect broader national trends in recent decades, whereby concerns about immigration and national security have resulted in the channeling of increased resources to the Department of Homeland Security (DHS). Some key statistics indicate the dramatic increase in enforcement along the northern border.

Funding for Customs and Border Protection (CBP) soared post-9-11. In fiscal year 2003, CBP was allocated $5.9 billion. In FY2007, CBP's budget ballooned to $7.7 billion and expanded another 52 percent to $11.7 billion in FY2012 (Batalova and Lee 2012).

Since 9/11, the number of agents deployed along the northern border has increased dramatically—from 340 in FY2001 to 2,069 in FY2010 (Congressional Research Service 2010). In Blaine sector, the focus of our report the number of agents increased from 48 in 2001 to 327 in 2010. There is now one CBP agent for every two miles of northern border compared to one agent for every 13 miles in 1999. Staffing has increased 589%, while apprehensions have decreased 75.6%—this is often a statistic cited for how increased enforcement has been effective. However, using decreasing apprehensions as a measure of border security ("prevention through deterrence") is problematic, as migration flows can be impacted by many factors including economic slowdowns. While much of the increased enforcement has been justified as necessary because of its connection to national security, a systematic review of all terrorism-related prosecutions occurring in Washington State since 9/11 show that **of 43 prosecutions for terrorism in Washington State since 2001, zero have been referred to the courts by the Border Patrol.**

While Border Patrol, as the "men in green," may be more visible along the northern border, Immigration and Customs Enforcement's (ICE) role in detention and deportation, fueled by their soaring budget, cannot be overstated. In FY 2003, the total ICE budget was $3.3 billion. By 2007, the budget had increased 44 percent to $4.7 billion. By 2012, it had climbed another 25 percent to $5.9 billion. ICE staffing has also grown steadily. In 2005, there were 15,000 employees. By 2009, staffing had increased nearly 27 percent with 19,000 employees.

A series of recent memos on prosecutorial discretion by ICE Director John Morton gives guidance to ICE agents, officers, and attorneys to use prosecutorial discretion at any point during the enforcement process, including when deciding who to question and stop, in order to utilize ICE resources to focus on threats to national security and public safety. However, this guidance has yet to be fully implemented with visible results on the ground. Current ICE and CBP practices only lead to a wider dragnet for deportation of people who are not threats to public safety.

Immigrants are being deported in record numbers under the Obama Administration (about 400,000 a year). The Administration is focused on "criminal aliens," but data shows that of all "criminal aliens" for whom ICE obtained a removal order last year, only 25% were for aggravated felonies. The remaining 75% of this category of people were deported under some other crime-related deportation ground which can include many low-level misdemeanors (e.g. shoplifting or minor traffic offenses).

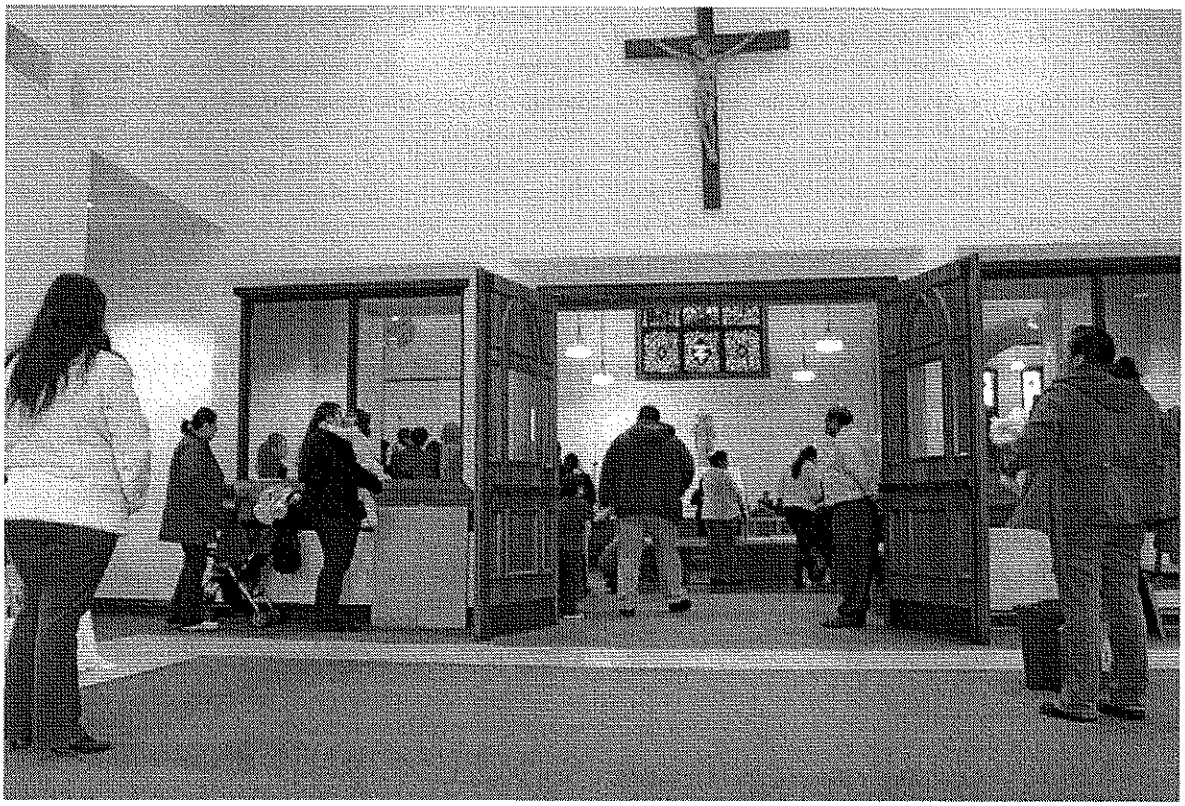
Individuals in deportation proceedings with criminal charges in Washington State's immigration courts is lower than the national rate with only 13.3% of individuals in 2010 and compared to 16.5% nationwide. The majority of individuals in proceedings have only immigration charges.

Methodology

This report's dataset contains 109 interviews that uncovered 135 incidents reported by Latinos and Muslims/Arabs across Skagit, Whatcom, and Snohomish counties.

Two OneAmerica base group leaders and OneAmerica's Lead Organizer were trained in human rights documentation at American University's Law School in Washington, DC. They then trained other members of the base groups and developed a shared methodology that all could use to document reported abuses.

OneAmerica reached the community by doing our research where immigrants live and work. Trained leaders knocked on doors at trailer parks and apartment complexes and visited migrant camps, worksites, and grocery stores. They contacted trusted institutions such as local churches, domestic violence service providers, a community health clinic, and a Spanish-language radio station, and asked for them to refer community members to the OneAmerica human rights hotline.



Section 2: Patterns of Abuse

Pattern of Abuse 1: Border Patrol's Use of Racial Profiling

Our research documented numerous accounts of the Border Patrol engaging in apparent racial and religious profiling in the northern border region. In interviews, community members described a large number of incidents in which CBP stopped individuals for no discernible reason other than their appearance, accent, or perceived inability to speak English.

82 of the incidents reported to us involved being asked for papers by CBP either while driving or at a public location. Community members reported that without reason to suspect unlawful activity, the Border Patrol regularly approaches people who appear to be Latino for such questioning in numerous public locations including gas stations, ferry terminals, the Greyhound station, the Bellingham airport, or outside of Wal-Mart.

25 accounts from community members involved questioning by Border Patrol agents who had followed Latino drivers on the roads. Specifically, community members reported that CBP often waited outside fields and then followed workers when they left. In some case, individuals were followed to their homes.

In total, 63 incidents reported involved apparent racial profiling by CBP. There is a clear perception among community respondents that the Border Patrol selectively target certain ethnic groups with these practices. Community members who experienced these incidents consistently reported that the only explanation for their targeting was that they looked Latino or like "workers."

Our research also documented concerns about religious profiling among members of the Muslim community, both during border crossings and while driving in the border area.

Pattern of Abuse 2: Dangerous Fusion—Collaboration Between Border Patrol and Local Law Enforcement and Other Agencies

Many of the incidents reported did not arise from the Border Patrol's independent enforcement activities, but from the complex interface between Border Patrol and other federal and local agencies. Three types of cases emerged from our research, involving the Border Patrol's collaboration with local law enforcement, with 911 emergency services, and with local courts.

Border Patrol agents routinely provide backup and language interpretation when requested to do so by local police. About 38% of all incidents reported to OneAmerica involved CBP acting as interpreters. Once on the scene, Border Patrol agents routinely asked for the immigration status of the present individuals. Sometimes, Border Patrol only checked immigration status in these situations, failing to interpret at all.

As a result of these practices, requiring language access services during a routine traffic stop can result in detention and deportation. In over twenty cases community members reported individuals who were pulled over by local law enforcement for a broken taillight, loud muffler, or a failed turn signal had been detained when CBP arrived to interpret.

Border Patrol's "interpretation practices" raise concerns about racial and ethnic profiling. Because language interpretation is the most frequent justification for the Border Patrol's involvement in everyday policing, not all communities experience this level of immigration scrutiny—only those who are believed to speak Spanish. In many cases, even those who speak English are subjected to this scrutiny when they appear Latino or have a "Latino-sounding" last name.

Fusion of local law enforcement with CBP has dire consequences for community safety. As one community member, Ira, explained to us, "People are afraid to call the police for help because they know they are connected to immigration. It's hard to tell apart who is who because we feel they [local law enforcement and federal immigration] are the same."

For the cities of Blaine, Lynden, and Sumas, the Border Patrol provides dispatch services for 911 calls, and on occasion arrives at the scene of the incident alongside – or even before – first responders. As with driving incidents, although the Border Patrol's ostensible purpose in emergency situations is to provide interpretation and backup, they do not set aside their objective of immigration enforcement even in emergency situations.

CBP collaborating with law enforcement either as emergency response personnel or as interpreters has had lethal consequences. The February 2011 death of Alex Martinez and the June 2011 death of Benjamín Roldán Salinas are troubling examples of the dangerous effects of these practices. Had interpretation been provided by a neutral party in these instances, perhaps the outcomes would have been different.

Numerous individuals reported Border Patrol's presence in or near courthouses, particularly in Lynden. The selectivity of this tactic – the reported presence of agents on days when Spanish-language interpretation is provided, and their reported targeting of Latinos – suggests that this particular community's access to justice is weaker than that of other communities, raising concerns about equal protection under the 14th amendment.

Pattern of Abuse 3: CBP Creates Climate of Fear and Unsafe Communities

Feelings of fear and anxiety were reported in nearly 70 percent of the incidents we documented. Fear did not simply extend to immigration enforcement, but the community memebers were clearly fearful of the police, emergency services, and other agencies whose operations are vital to the health and safety of all people in our communities. Specific practices of the Border Patrol and its partner agencies, especially local law enforcement, have contributed to this climate.

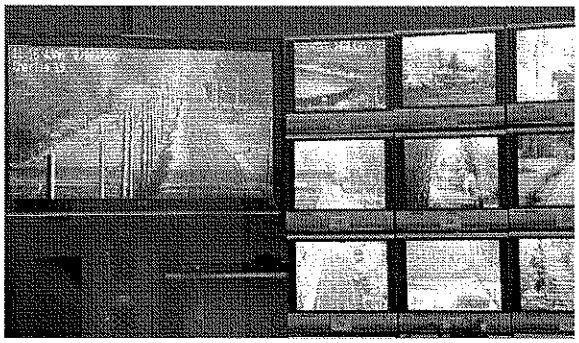
These practices have erected barriers to the trust and relationships necessary for effective crime-fighting in any community. Communities find themselves unable to access vital services like emergency assistance and police protection.

The outlined collaboration has also undermined the efforts of those seeking to protect victims of domestic violence or worksite abuses. As one employee from a domestic violence agency along Washington's northern border told us, "There is intense fear among victims to call out of fear that their spouse, children, or others will be put in danger of deportation."

If the court system represents one end of the community safety spectrum and calling 911 or the police represents the other end, migrant workers find themselves unable to trust the system at either entry point. Resource-sharing and collaboration becomes a grave concern when it imperils communities' ability to enjoy basic civil liberties and defend their rights, even in situations that threaten their very lives.

Along the northern border, there are mixed status families but also mixed status churches, schools, and neighborhoods. Behavior by CBP is pervasive and causes anxiety for Latino children and residents. U.S. citizen children are deeply impacted by the climate of fear, the lack of access to services and protection, and, in some cases, by a parent's deportation.

U.S. Citizen Latino youth struggle with how to process racial profiling incidents such as being asked for immigration papers. These youth identify strongly with America and they struggle with how to deal with feelings of alienation and discrimination in their home country. They cannot reconcile what has happened to them or could happen to them with what they believe America to be.



Section 3:

Conclusion and Policy Recommendations

The practices documented in this report suggest that communities of color in Washington State find themselves fearful of the very agencies that are entrusted with their protection, as a result of some systematic patterns of practice by CBP. The following are key policy recommendations contained in this report.

Recommendations for Department of Homeland Security Customs and Border Protection

- Implement a CBP-wide sensitive locations policy similar to ICE that restricts enforcement at sensitive locations, including schools, hospitals, places of worship, public religious ceremonies, public demonstrations, and courthouses.
- Implement a written policy that clearly outlines that CBP will not engage in enforcement during assistance with emergency checkpoints, health epidemics, or natural disasters.
- CBP must bring its enforcement practices in line with Department of Homeland Security stated priorities to focus on individuals who are threats to public safety.
- While the 100-mile rule is enacted by statute, reforms are necessary for operations in regions along the border. CBP agents should not arbitrarily stop, question or arrest individuals without reasonable suspicion or probable cause that the individual has entered the United States illegally.
- CBP should adopt a policy barring the use of agency personnel and resources to perform civilian law enforcement functions and state and local police officials should not be engaged in Border Patrol operations. CBP should not respond to routine law enforcement calls such as traffic incidents or serve as emergency response. CBP should not serve as interpreters or, at a minimum, must develop a written code of conduct with clear expectations.
- CBP must increase its transparency. CBP should provide transparent and accessible information on stops—even those that do not result in a deportable offense—as well as developing metrics other than apprehensions to measure the effectiveness of its policies.
- All CBP officers should receive periodic use of force and de-escalation techniques training. Training should include specific instruction on U and T visas, asylum and refugee status, as well as Violence Against Women Act visas.
- DHS Office of the Inspector General should undertake a broad investigation of CBP's practices.

Recommendations for the Department of Justice

- Reform the Department of Justice 2003 "Guidance Regarding the Use of Race by Law enforcement by Federal Law Enforcement Authorities" DOJ Guidance to improve protections for those affected by profiling practices at the border including prohibition of racial profiling based on national origin, language and religion, among other reforms.
- Investigate CBP's interior enforcement practices in and outside courthouses and the use of CBP as interpreters or as emergency response and whether these practices limits meaningful access of Limited English Proficient individuals to 911, emergency services, and the courts under TITLE VI of the CIVIL RIGHTS ACT OF 1964.

Recommendations for U.S. Congress

- Do not increase appropriations at the northern border until an investigation has been completed examining the use of resources along the northern border.
- Move forward immediately with the reauthorization of the Violence Against Women Act, including the strongest protections possible for immigrant women by renewing and strengthening the U visa program.
- Move forward swiftly with Comprehensive Immigration Reform that provides an earned path to legalization for the millions of undocumented immigrants in the U.S., which will offer relief to mixed status families, power to workers to end worksite exploitation, relief to scrupulous businesses who contribute to the economy; and clearer lines of communication between immi-

grants and law enforcement to improve community safety.

- Co-sponsor and pass the End Racial Profiling Act of 2011 (S.1670 & H.R. 3618), which would prohibit the use of profiling based on race, religion, ethnicity or national origin by any federal, state, local or Indian tribal law enforcement agency.

Recommendations for Washington State

- State and local police should refrain from asking immigration status.
- State and local police should refrain from enforcing federal immigration laws, including by engaging in interior enforcement operations with Border Patrol agents and requesting translation assistance from Border Patrol. State and local law enforcement should also work to end practices and programs that undermine the bright line between federal immigration enforcement and local law enforcement, such as the Secure Communities program or the honoring of ICE detainer holds by local governments.
- Local Law Enforcement Agencies should draft language access plans to ensure they meet TITLE VI regulations. The use of CBP as interpreters should not be used as part of an agency's language access plan. A code of ethics for law enforcement interpreters should be developed by WASPC.
- State legislature and local governments should support local police departments by prioritizing the resources local law enforcement offices need to provide language access.
- The Governor and Attorney General should monitor CBP's interior operations to ensure that the rights of Washington's residents are protected.

Introduction

Northwest Washington is known for its dramatic beauty, with fields of tulips and snow-covered mountains. Fertile agricultural land allows for the cultivation of diverse fruits and vegetables, including raspberries, blueberries, broccoli, and mushrooms. In this area, as in many parts of Washington State, agriculture is a key contributor to the economic vitality of the region.

Much of the cultivation in this area is performed by immigrant workers, many of whom live with or without their families in migrant camps, in small cement houses with rooms that have either bunk beds or one bed for the whole family. Other workers live in the small towns and cities that dot the landscape. Wherever they live, these immigrant workers often work long, 10-16 hour days in the fields. They are generally paid by the pound. The work is extremely difficult, and while sometimes labeled as "unskilled work," in reality, farmers report that picking fruit and vegetables efficiently requires tremendous skill and experience. Workers are grateful for the opportunity to work, even though the work is difficult. As one woman explained in a recent interview, "We need the money for our families, and we are hard-working people who will do this work."

Workers hold various immigration statuses, as is the case across the country. Some are U.S. citizens who have lived in the area for a decade or more. Some are legal residents who have yet to get their citizenship. Some are undocumented and travel between multiple states, while others live in Washington State year- round and have for decades. In many cases, immigrants live in mixed-status families, meaning that one person may be undocumented, but relatives may be citizens or legal permanent residents.

Even as federal immigration reform policy has stalled in Congress, there has been a surge of resources toward increasing immigration enforcement both along the border and in the interior. As federal funding for Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) has increased, so has the activity of these agencies in the northern border region. Where previously it was perceived that because of the importance of agriculture to the area CBP would not enter the fields, one grandmother reports that immigration enforcement came into the field where her family works and grabbed her son by the neck. Workers also report an increased likelihood of getting picked up by immigration officials towards the end of the agricultural season, stating that CBP vehicles often sit outside of the fields during this time of year. Lately, smaller farms have begun nailing up "private property" signs in the hopes of combating this practice.

OneAmerica has been working to advance democracy and justice since 2001. We have worked on numerous issues involving immigrant rights over the past ten years. About three years ago, based on numerous reports of increased enforcement of CBP and ICE officials in the northern border region, we decided to document some of the racial profiling and abuses of human rights that were being reported by community members so that we could understand the scope and scale of these reports. We received training in human rights documentation that informed our methodology and interview practices. We also established a collaboration with the Center for Human Rights at University of Washington to bring additional expertise with human rights documentation and principles into the project.

This report documents the findings from over a year of on-the-ground interviews, observation, and research in border communities. It shares the stories of many of the workers we met and the transformation of their communities in the wake of the post-9/11 buildup of U.S. Border Patrol activity in the area. It is clear throughout that there is tremendous fear, mistrust, harassment, and abuse. It is also clear that there are specific—and

avoidable—patterns of abuse by the U.S. Border Patrol, working in close coordination with Immigration and Customs and Enforcement and local and federal law enforcement agencies.

In particular, this report calls attention to three problematic and interrelated patterns of practice. First, in its own independent operations, the Border Patrol engages in systematic profiling of religious and ethnic minorities. Second, collaboration between CBP and other agencies, including local law enforcement, emergency responders, and the courts, results in a confusing and dangerous fusion where vital services are perceived as immigration enforcement. Third, these first two patterns result in another: CBP's behavior and dangerous partnerships with other agencies have created extensive fear and mistrust, leading to community members' unwillingness to call 911, access the courts, and even leave their house to attend worship services or fulfill basic needs.

We believe strongly that no one should be afraid to call 911, suffer religious or racial profiling, or forfeit their rights because of where they live and work. We recognize that the anti-immigrant climate and the lack of comprehensive federal immigration policies that would resolve deep issues with our current immigration system play strongly into what happens on the ground. However, lack of federal comprehensive immigration reform is no reason to tolerate racial profiling or other practices that constitute human rights abuses.

To conclude this report, we will offer policy recommendations aimed at correcting these wrongs while still protecting our borders; improving CBP's ability to carry out its mission; and protecting the safety and rights of all who live in these communities.

Washington's Northern Border

Washington State is covered by two Border Patrol sectors. The Blaine sector includes Western Washington, Alaska and Oregon, while the Spokane sector covers Eastern Washington, Idaho, and western Montana up to the Continental Divide. CBP asserts the authority to conduct stops not only at the border itself, but within a 100-mile radius of the border. For this reason, communities living near the border are subjected to a level of scrutiny not found elsewhere in the interior.

The incidents documented in this report take place in specific communities in the Blaine sector, where OneAmerica has an active presence. However, they did not occur in isolation. For example, here in Washington State, similar concerns have been reported on the Olympic Peninsula near Forks by the Forks Human Rights Group. And beyond our state, in 2011, a coalition of groups from Washington, New York, Maine, Wisconsin, Michigan, and Ohio formed to call national attention to the growing human and civil rights crisis in northern border communities. While local patterns of border enforcement vary, some identifiable patterns emerge, including the systematic targeting of people of color, especially Latino and Muslim American communities.

Landscape: Post 9/11:

Increased Enforcement Near Northern Border

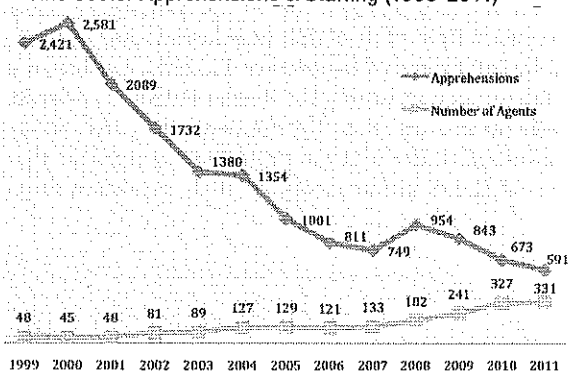
The Department of Homeland Security was created in direct response to the attacks of September 11, 2001, and, consequently, the activities of the agency are predominantely cast in terms of national security. Since 9/11, national security concerns have resulted in the channeling of increased resources to Immigration and Customs Enforcement and to Customs and Border Protection for immigration enforcement.

Customs and Border Protection (CBP)

The United States Border Patrol (USBP) is a branch of Customs and Border Protection (CBP) housed within the Department of Homeland Security (DHS). Its primary mission is to prevent "terrorists and terrorist weapons, including weapons of mass destruction, from entering the United States," to patrol the 8,000 miles of American international borders with Mexico and Canada, and to guard coastal waters around Florida and Puerto Rico (Border Patrol Website 2011, Nuñez-Neto 2008). The USBP first implemented a National Strategic Plan in 1994, when it was still part of INS (Immigration and Naturalization Service). In 2002, the Homeland Security Act merged interior and border enforcement functions of different agencies to form the Directorate of Border and Transportation Security (BTS) within the Department of Homeland Security. The 2002 Act subdivided BTS, and Border Patrol was placed within the Bureau of Customs and Border Protection (Nuñez-Neto 2008: 1).

Federal resources allocated to border control have increased markedly in recent decades, even as the strategies employed by border enforcement agents have changed. A study in 1993 commissioned by the Office of National Drug Control Policy concluded that the southwest border was excessively vulnerable to illegal immigration and recommended that the then-INS change its focus from arresting unauthorized immigrants to preventing their entry (Nuñez-Neto 2008). This operational strategy was known as "Prevention Through Deterrence." In other words, by increasing the number of agents and resources in a sector, the CBP intended to decrease the number of unauthorized migrants apprehended. Using the decreasing number of apprehensions as evidence for effective border security policy is troubling as flows of migration are dependent on many conditions, including the political and economic conditions in the country of origin and the U.S. economy's labor demand. Economists have pointed out that apprehensions and labor demand mirror each other with economic slowdowns corresponding with decreasing numbers of apprehensions (Meissner and Kerwin 2009).

Blaine Sector Apprehensions & Staffing (1999-2011)



Source: CBP.gov U.S. Border Patrol Statistics

This emphasis on deterring unauthorized immigration is a key component of Border Patrol's strategy, and helps to explain the growth in funding for the agency during the past two decades despite CBP agents reporting boredom and little to do. In July 2011, Christian Sanchez, a CBP agent who transferred to Washington State from San Diego, testified in front of the Congressional Transparency Caucus about his experiences working on Washington's northern border region on the Olympic Peninsula:

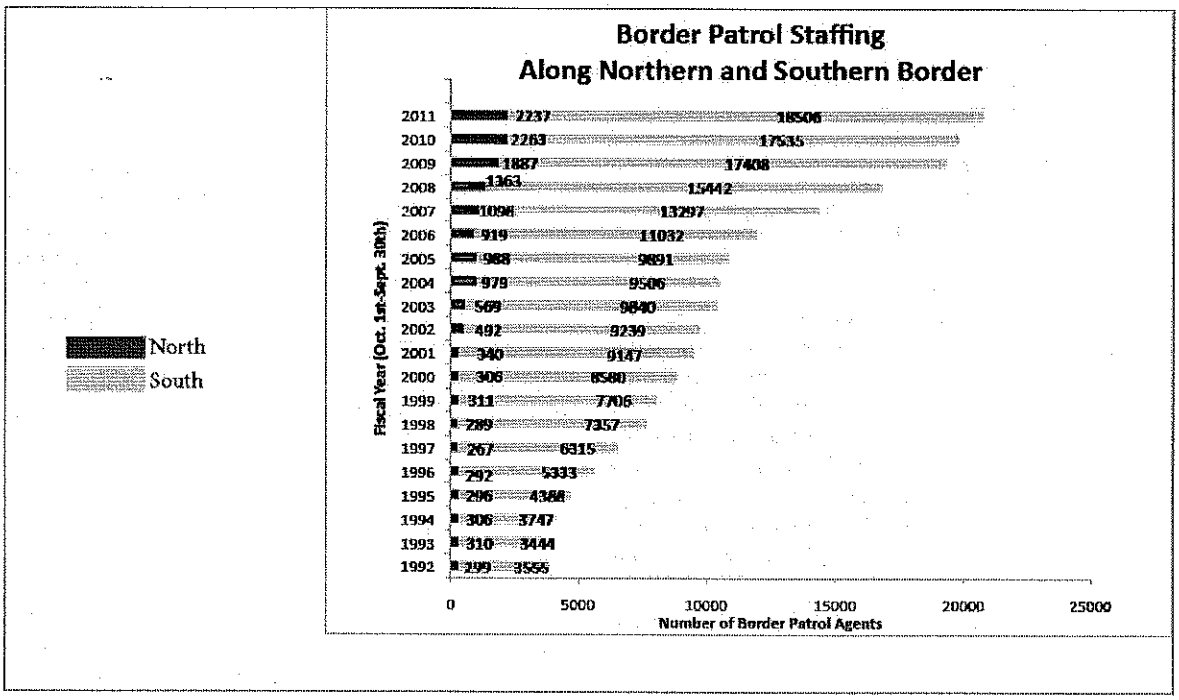
> "When I arrived at my station there was rarely any casework to be done, if at all, so I just roved from X to X, wasting gasoline. Today this has not changed and there still is rarely any casework to do, if any, and we agents are bored. But what has changed is that the number of agents in an office that formerly completed its background support

> duties with a staff of four has grown to over 40 and is still increasing. We are now refurbishing an existing building, for $8 million, as our new facility which will house 50+ agents."

Sanchez testified in front of Congress as a watchdog because he thought funding to CBP was not being used appropriately. Funding for Border Patrol multiplied sevenfold from 1980 to 1995, and then tripled from 1995 to 2003 (Nunez-Neto 2008; Reyes, Johnson and Van Swearingen 2002). In Fiscal year 2003, CBP was allocated $5.9 billion. In FY2007, CBP's budget ballooned to $7.7 billion and expanded another 52 percent to $11.7 billion in FY2012 (Batalova and Lee 2012).

In 2000, the Office of the Inspector General (OIG) in the Department of Justice published a report criticizing Border Patrol's performance at the northern border. But it was not until the tragic events of 9/11 that the security of the U.S.-Canada border was prioritized. Heightened fear and, in some cases, misinformation also played a role in the buildup. In 2002, the OIG in light of its earlier conclusions and prompted by the events of September 11, 2001, published a follow-up report urging the Border Patrol to revise its national strategy (U.S. Department of Justice 2002). Additionally, the 9/11 Commission pointed out that the northern border received little attention from Congress or the White House prior to September 11, 2001 and that the northern border lacked a coherent strategy (9/11 Commission Report 2004). They recommended distributing CBP's manpower with more parity and rebalancing priorities, and suggested that Congress and the then-INS's focus on unauthorized immigration was myopic. A greater concentration of effort on "potential terrorist threats" was needed (Congressional Research Service 2011).

The USA PATRIOT ACT OF 2001 (P.L. 107-56) mandated that Border Patrol increase the number of agents along the northern border, and prescribed the improvement of monitoring technology. Since 9/11, the number of agents deployed along the northern border has increased from 340 in FY2001 to 2,069 in FY2010 (Congressional Research Service 2010). In Blaine sector, the number of agents increased from 48 in 2001 to 327 in 2010. In the Spokane sector, the number of agents increased from 39 to 255 during this time period. Both sectors thus experienced more than a six-fold increase in staffing between 2001 and 2010. This spike in personnel is partly due to the 2006 Intelligence Reform and Terrorism Prevention Act (P.L. 108-458) that "required that 20% of the Border Patrol's annual increases in manpower be assigned to the northern border" (Nunez-Neto: 21).



Source: CBP.gov U.S. Border Patrol Statistics

In reality, since FY2006 only 12% of the overall increase in manpower has been deployed to the northern border (Congressional Research Service 2010). Even so, in 2012, along the northern and southern borders there are now over 21,000 Border Patrol, double the 10,000 staffing the border in 2004 (Batalova and Lee 2012). **There is now one CBP agent for every two miles of northern border compared to one agent for every 13 miles in 1999.**

The new National Border Patrol Strategy, released in 2004, responded to these post 9-11 concerns. Following the formation of its new parent agency, U.S. Customs and Border Protection (CBP), the Border Patrol's priority mission is now aimed at enhancing national security and geared toward preventing the entry of terrorists and terrorist weapons, while maintaining its traditional objective of preventing unauthorized immigrants, individuals engaged in smuggling activities, narcotics, and other contraband from entering the United States (U.S. Customs and Border Protection 2004). While the Border Patrol acknowledges that most apprehended immigrants are just "economic migrants," the agency holds that the "everpresent threat" of terrorism and the possibility that potential terrorists could "employ the same smuggling and transportation networks, infrastructure, drop houses, and other support" and "use these masses of undocumented immigrants as cover for a successful cross-border penetration" justifies the focus on interior enforcement and its disparate effects on these economic migrants (National Border Patrol Strategy 2011).

The Department of Justice identifies particular challenges or threats to securing the border with Canada; factors such as the magnitude of the U.S.-Canada border, its varied and challenging geography, and the general lack of large United States population centers along the northern border, represent some of these challenges (U.S. Department of Justice 2002, Nunez-Neto 2008). To meet these, the Border Patrol emphasizes the need for cooperation with Canadian authorities, utilizing intelligence, and continued "testing, acquisition, and deployment of sensing and monitoring platforms... to effectively address the northern border threat situation" (U.S. Customs and Border Protection 2011: 17). Although resources allocated to the northern border have increased significantly since 9/11, the agency asserts that its ability to fulfill its missions at the northern border remains limited (U.S. Customs and Border Protection 2011).

However, a systematic review of all terrorism-related prosecutions occurring in Washington State since 9/11 show that **of 43 prosecutions for terrorism in Washington State since 2001, zero have been referred to the courts by the Border Patrol,** suggesting that the agency's overzealous enforcement activities and ballooning are not only dangerous, but unnecessary.

Immigration and Customs Enforcement (ICE)

While our report centers primarily on patterns of abuse that emerged from behavior by CBP, it is important to note the role of Immigration and Customs Enforcement (ICE). Soaring funding has also increased the presence of ICE in the northern border region. ICE operates within the interior—including the 100 mile zone—creating an influx of federal enforcement to the region. (For incidents reported involving ICE entering fields or even questioning a Latino student at his community college see appendix). ICE's interior enforcement functions include the investigation, detention, and removal of unauthorized immigrants. While CBP, as the "men in green," may be more visible along the northern border, ICE's role, fueled by their soaring budget, cannot be overstated.

In FY2003, the total ICE budget was $3.3 billion. By 2007, the budget had increased 44 percent to $4.7 billion. By 2012, it had climbed another 25 percent to $5.9 billion. Their personnel has grown steadily as well. In 2005, there were 15,000 employees. By 2009, staffing had increased nearly 27 percent with 19,000 employees.

ICE's primary mission is to promote homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration. *ICE Strategic Plan FY 2010-2014* lays out four mission priorities between fiscal years (FY) 2010 and 2014:

(1) Preventing terrorism and enhancing security;

(2) Securing and managing our borders;

(3) Enforcing and administering our immigration laws; and

(4) Constructing an efficient, effective agency.

Objectives outlined in the strategic plan include: ICE targeting aliens who pose a threat to national security for apprehension and removal from the United States (Objective 1.2); dismantling cross border criminal networks used for organized alien smuggling (Objective 2.2), human trafficking (Objective 2.3), and drug trafficking (objective 2.4); supporting the apprehension, detention and removal of *newly* arriving aliens seeking to enter illegally (Objective 3.1); prosecuting and removing criminals and gang members (Objective 3.3); and using resources wisely (Objective 4.4).

Starting in June 2011, ICE released a series of memos providing guidance on exercising prosecutorial discretion on who it investigates, detains, and removes. Prosecutorial discretion has existed for decades, but the Morton memo served as a firm reminder that resources used to detain and deport individuals should align closely with the agency's mission and prioritize the removal of individuals who constitute threats to national security and public safety. The 2011 memo advised ICE agents, officers, and attorneys that they have the authority to exercise prosecutorial discretion at all stages of the process, including before an individual's case goes to court. This includes discretion on who to stop, question, or arrest and who to provide expedited removal. ICE Director John Morton outlined a number of factors to consider when determining whether to prosecute and remove an individual including: "the person's pursuit of education in the U.S.; the circumstances of the person's arrival in the U.S.; the person's length of presence in the U.S.; whether the person or any immediate relative has served in the armed forces; the person's ties and contributions to the community; whether the person has a U.S. citizen or permanent resident spouse, child, or parent; the person's age; and whether the person is likely to be granted some sort of temporary or permanent relief from removal."

On August 18, 2011 Secretary of DHS Janet Napolitano announced a plan to begin the implementation of the priorities outlined in the Morton memo—an interagency working group would convene to review nearly 300,000 pending removal cases to assess whether each case meets the high priority factors set forth in the June 2011 memo. Those cases would then be eligible for administrative closure. Three months later, in October 2011, Secretary Napolitano testified in front of the House of Representatives Judiciary Committee reiterating her earlier announcement that resources should be focused on DHS' highest priorities. She also shared that a benefit of exercising prosecutorial discretion would be that great resources could be directed at the border: "Likewise, the civil enforcement prioritization will enhance ICE's partnership with U.S. Customs and Border Protection (CBP). Over the past few years, ICE has worked closely with CBP to increase efforts to prevent illicit trade and travel across our borders. This partnership includes the dedication of ICE officers, agents, and detention facilities to the apprehension and detention of recent border crossers" (Napolitano 2011) This announcement is particularly concerning given the findings that are outlined in this report.

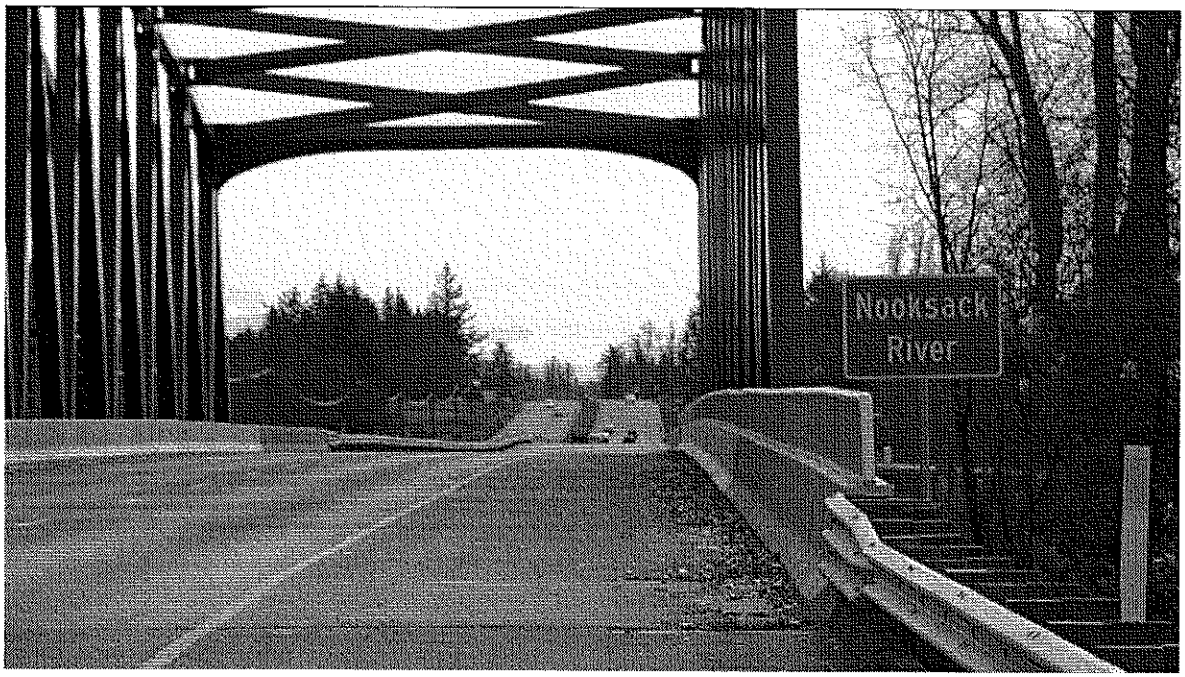
Recent data released by the Transaction Records Clearinghouse (TRAC) actually shows that ICE is not prioritizing "serious criminal aliens." Over 1 million people have been deported since the Obama Administration came into office, nearly 400,000 last year. The majority of the deportees last year were designated as "criminal aliens." But data shows that of all "criminal aliens" for whom ICE obtained a removal order last year, only 25% were for aggravated felonies. The remaining 75% of this category of folks were deported under some other crime-related deportation ground which can include many low-level misdemeanors (e.g. shoplifting or minor traffic offenses).

Examining deportation proceedings initiated during 2010 and 2011 tells a similar story. ICE is targeting relatively few criminals for deportation. Across the nation, in 2010, "criminal aliens" only accounted for 16.5% of individuals charged and constituted even less in 2011 (14.9%). Washington State has slightly lower proportion of individuals charged as criminals in deportation proceedings with 13.3% of individuals charged in 2010 and 13.8 % charged in 2011 (TRAC Database).

DEPORTATIONS PROCEEDINGS INITIATED BY ICE IN U.S. AND WASHINGTON STATE IMMIGRATION COURTS

	NUMBER				PERCENT			
MOST SERIOUS ICE CHARGE	FY2010-U.S.	FY2010-WA	FY2011-U.S.	FY2011-WA	FY2010-U.S.	FY2010-WA	FY2011-U.S.	FY2011-WA
TOTAL INDIVIDUALS CHARGED-U.S.	245,706	8,092	226,342	7095	100%	100%	100%	100%
NATIONAL SECURITY/ TERRORISM	42	0	30	0	0%	0%	0%	0%
CRIMINAL	40,500	1079	33,763	979	16.50%	13.30%	14.90%	13.80%
IMMIGRATION ONLY	201,340	6,955	188,770	6,075	81.90%	85.90%	83.40%	85.60%

Source: TRAC interactive database: U.S. Deportation Proceedings in Immigration Courts



In this context, the definition and tracking of removals of "criminal aliens" becomes almost meaningless because it is so broad. The numbers contradict DHS' priorities, the recent memos on prosecutorial discretion, and statements from the President, including comments made during his May 2011 speech in El Paso, Texas. As he addressed the community that had gathered near the southern border he said,"[W]e are focusing our limited resources on violent offenders and people convicted of crimes; not families, not folks who are just looking to scrape together an income."

Methodology

This report draws on OneAmerica's history of organizing in immigrant communities in Washington State, and was made possible by established relationships of trust and mutual support between OneAmerica personnel, volunteers and research participants. Incidents were documented by OneAmerica's Lead Organizer and members of the OneAmerica Skagit and Whatcom base groups. The OneAmerica base groups consist of community members who are long time community activists and leaders. They work in the area as farmworkers, at housing service provider agencies or are religious leaders. They are deeply entwined in the local communities, living, working and attending church in the area. This project came into being because of the increasing number of reports from OneAmerica base group leaders from border communities, who reported concerns about widespread fear and anecdotes of abuse in their communities but lacked systematic information about the frequency of these incidents, the agencies responsible, and therefore how these concerns might be addressed.

In order to better understand and document the problem, and therefore to propose viable solutions, OneAmerica's Lead Organizer and two OneAmerica base group leaders were trained in human rights documentation at American University's Law School in Washington, DC in early spring 2011. They then trained other members of the base groups and developed a shared methodology that all could use to document reported abuses. This methodology drew on a shared incident form (*See Appendix-B*), and the establishment of a human rights card (*See Appendix-B*), and the establishment of a human rights hotline. In addition, digital recorders, flipcams, and cell phone cameras were used to record testimony. Throughout

2011, trainings were repeated as new volunteers and affected community members became involved in recording their own experiences. On weekends these trained leaders knocked on doors at trailer parks and apartment complexes and visited migrant camps. They also visited worksites and well-known grocery stores and businesses, and contacted trusted institutions such as local churches, domestic violence service providers, a community health clinic, and a Spanish-language radio station, and asked them to refer community members to the human rights hotline. Trained leaders also hosted "know your rights" presentations in the community and a fair with local service agencies.

As word got out that OneAmerica was collecting stories about human rights violations, immigrants increasingly called our Lead Organizer and base leaders' cell phone numbers to report incidents. Our leaders responded to each call received, and followed up by visiting the family to interview them or give more information. When incidents were first reported from a second hand source, like a friend or coworker or social service provider, leaders would then follow up by contacting the victim, his/her family, neighbors, and even the local church, to try to corroborate all accounts. The strength of the immigrant community's social networks in the northern border region, and the trust we established with key leaders, allowed us to follow up on second hand reports to make sure we recorded the facts accurately.

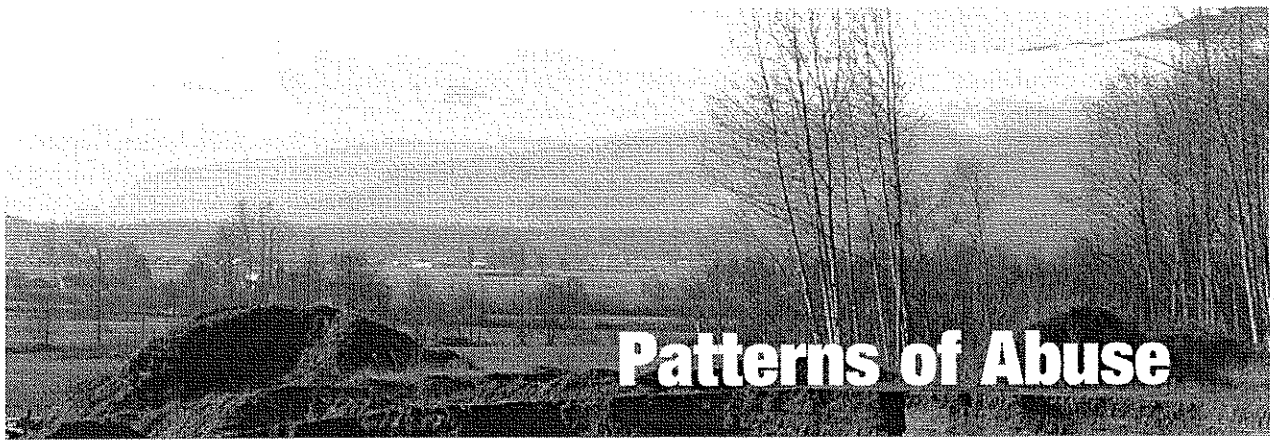
While we conducted countless informal conversations of community members and service providers, our dataset includes only the 109 interviews and 135 documented incidents that were recorded and utilized an incident form. While we did conduct 15 initial interviews with immigrants from Ukraine, Russia, Romania, China, and Canada as well as practicing Sikhs, they did not share racial profiling incidents or human rights concerns. The 109 interviews that the report is based on include only the interviews we conducted with members of the Latino and Muslim/Arab communities with the exception of an incident reported by a Cambodian man and an incident observed by a white member of the community.

The documentation used in the report is also limited to incidents that occurred in Skagit, Whatcom, and Snohomish counties. These include incidents that took place in the small border towns of Custer (5), Ferndale (6), Lynden (47), Sumas (2), Blaine (1), Everson (18), Nooksack (1), Maple Falls (1), Sedro Wooley (3), La Conner (1), the Blaine border crossing (4), and in the larger cities of Bellingham (29), Mount Vernon (10), Burlington (1), and Anacortes/Friday Harbor (4).

Additionally, we held two hearings where testimony was collected. In January 2012, OneAmerica and community partners hosted the People's Hearing in Lynden, WA, and testimony from faith leaders and community members provided at the hearing is included in the report. In May 2010, OneAmerica, Council on American Islamic Relations (CAIR-WA), and a national coalition, Rights Working Group, hosted a Racial Profiling Hearing in Burlington, WA. This hearing was essential as Latinos and Muslims testified about racial profiling encounters and provided urgency for moving forward with the Advancing Human Rights at the Northern Border project. While we include a few testimonies as community profiles in the appendix, these testimonies are not included in the body of the report as we had not yet developed and been trained in human rights methodology. In the weeks that followed the initial hearing, we utilized convenience and snowball/referral sampling. This resulted in interviewers delving deeply into the experience of the Latino community in Northwestern Washington. While the report centers on these experiences, we must note that it is clear from the initial hearing that the Muslim community has also been deeply affected by the increase in enforcement activity along the northern border.

In this report, we share the names of those who agreed to have their names published; some respondents preferred to only have their first name published, and others asked that we share their testimony anonymously. In the case that a respondent asked for their name to not be disclosed we have italicized the pseudonym the first time it is used.

Additionally, we collaborated with a team of sociologists at the University of Washington Center for Human Rights who helped conduct follow-up interviews with key informants and analyze the broader patterns revealed in the qualitative and quantitative data gathered through our fieldwork. UW researchers also helped document the broader history of the Border Patrol's buildup in the region, track prosecutions stemming from arrests in the Blaine sector, and seek access to information about Border Patrol activities through a Freedom of Information Act (FOIA) request, which remains pending today.



Pattern of Abuse 1:

Border Patrol's Use of Racial Profiling

Public Transportation: Questioned in the Midst of a Medical Emergency

Luz Aguilar's car was stopped as her family was boarding the Anacortes ferry. Luz's husband's hand had been severely cut and Luz and her family were in a desperate rush to catch the next ferry and seek emergency medical attention at a hospital; they had been told to do this by the doctor they'd consulted moments before. At the ferry, CBP stopped them to ask the whole family, including her U.S. citizen son Luis, for their papers.

"My husband was not well because he had a cut on the hand and I was taking him to the hospital. They [CBP] did not let us go fast even though we were carrying a note from the doctor. 'How is it that you are stopping us? You are seeing our work permit. We brought the immigration papers from our lawyer, the case number that we have been waiting for residency' and still they told us no. They made themselves seem crazy. Soon one more [Border Patrol agent] came and I got out of the car. I was very upset and I told him, 'You know that this is illegal. Right now I'm calling my lawyer.' I called my lawyer and I turned on the speaker of my cell phone and she told him, 'In this moment, let my clients go, because my clients are legal to be here in this country.' And that was the only way that they would let us leave—having the papers, and talking with my lawyer."

Luz has since adjusted her immigration status. Despite the fact that U.S. citizens are not required by law to carry proof of citizenship, she carries her son's birth certificate with her at all times.

Our research documented numerous accounts of the Border Patrol engaging in apparent racial and—in the case of Muslims—religious profiling in the northern border region. In interviews, community members described a large number of incidents in which CBP stopped individuals for no discernible reason other than their appearance, accent, or perceived inability to speak English. Furthermore, in instances when CBP was called in to allegedly assist other agencies with translation, including emergency personnel, the mere appearance of an individual or his/her accent triggered an immigration investigation by the present CBP agents; this variant of the apparent profiling activities and related issues will be covered in detail in section two.

Although the Border Patrol cannot detain people for questioning without probable cause – and absent reasonable suspicion of unlawful behavior, ethnic identity alone does not constitute probable cause – Border Patrol agents approach people for what the agency calls a "consensual and nonintrusive conversation," typically asking, "Where are you from?" or "Do you have papers?" In this context, many people are unaware of their right to refuse to answer the question. What's more, a response indicating foreign origin can be construed as probable cause, thus enabling the Border Patrol to detain the individual for further questioning.

In human rights terms, what is most worrisome about these tactics is the apparent use of ethnic characteristics to determine who is approached. Community members reported that without reason to suspect unlawful activity, the Border Patrol regularly approaches people who appear to be Latino for such questioning in numerous public locations including gas stations, the Anacortes and Friday Harbor ferry terminals, the Greyhound station, the Bellingham airport, or outside of Wal-Mart and a Mexican restaurant. In fact, 82 of the incidents reported to us involved being asked for papers by CBP either while driving or at a public location.

Other accounts from community members involved questioning by Border Patrol agents who had followed Latino drivers on the roads. Many community members, for example, told us stories about being followed by the Border Patrol from work for no apparent reason. In particular, community members reported that CBP often waited outside fields and then followed workers when they left. This type of incident, involving being followed by

CBP, was reported 25 times. Sometimes individuals were then pulled over for questioning related to their immigration status, not the way in which they were driving. Others were followed all of the way to their homes. All the accounts we received were additionally marked by some level of harassment—yelling, threats, intimidation, and even derisory laughter. Community members found these visits to their home, particularly when children were present, especially disturbing.

In other cases, Latino community members reported that Border Patrol agents arrived at their home looking for a specific individual, but then asked for the occupants' proof of immigration status. For example, one evening *Lorenzo and Julia* were startled by pounding on their front door and the shouts of Border Patrol agents demanding to be let inside their home. Their children were in their bedrooms asleep. Lorenzo opened the door and the agents asked for an individual, Pedro, who did not live in the house. Lorenzo and Julia explained that they did not know anyone by that name. The agents began searching the house. Once inside, the agents asked Lorenzo and Julia to show proof of their legal status. Unfortunately, Lorenzo and Julia are one of thousands of families in the U.S. with mixed legal status. The Border Patrol arrested Julia, who began crying out to her husband. The children woke up and ran into the living room where they became hysterical as they watched their mother led away.

Community members who experienced these incidents consistently reported that the only explanation for their targeting was that they looked Latino or like "workers." Hector is a legal permanent resident who has lived in Lynden for over twenty years. One day, while legally driving home with his three year-old U.S. Citizen son, he passed a CBP vehicle. After spotting Hector in his work truck, CBP made a U-turn and began following him home. Hector explained, "I was dirty, wearing a construction coat and a bright orange vest. I feel like I was racially profiled. I had respect for Border Patrol, but after [that day] I'm disappointed. They were treating me like a criminal in my own community." Hector reports that after following him home, seven CBP vehicles surrounded his house. CBP searched his truck and toolbox for drugs, finding nothing.

These stories raise important concerns about the apparent use of racial profiling by the Border Patrol. Community members overwhelmingly reported that such practices most frequently targeted people who appeared to be Latino, especially those with darker skin—in total, 63 incidents reported involved racial profiling by CBP. Through FOIA, UW researchers requested access to records of Border Patrol detentions that might allow us to systematically corroborate such claims, but that request remains pending. Even without access to the Border Patrol's own data about the ethnic attributes of those it detains, however, the clear

Followed from Work

Laura Ventura works in the blueberry fields in Sumas and lives in Lynden with her seven-year-old daughter. During May 2011, Laura was leaving the field for the day with a friend. As she pulled out, a CBP vehicle pulled out behind her, it had been waiting on the edge of the field. Laura drove to her friend's house several miles away. The CBP vehicle continued to follow her and waited for her to leave her friend's driveway. CBP did not make any further contact nor did the officers attempt to approach Laura beyond following her and watching. Laura then drove into Lynden. After this extended interaction, it was not until then that CBP turned on their lights and began honking. Laura immediately pulled her car over and parked. When CBP approached, she asked in Spanish, "Why are you honking at me?" He did not answer her question or give her any indication that she was being targeted for any other reason than her appearance or place of work. Instead, he asked if she had papers to live in the United States. He then questioned her about drugs and weapons and searched her car. He found nothing. He then asked if she had a child or a husband living in the U.S. She did not tell him about her daughter. He then said, "Do you have family members or a friend that can pick up your car? Make sure that the person has papers, because if they don't I'm obligated to ask them and detain them as well."

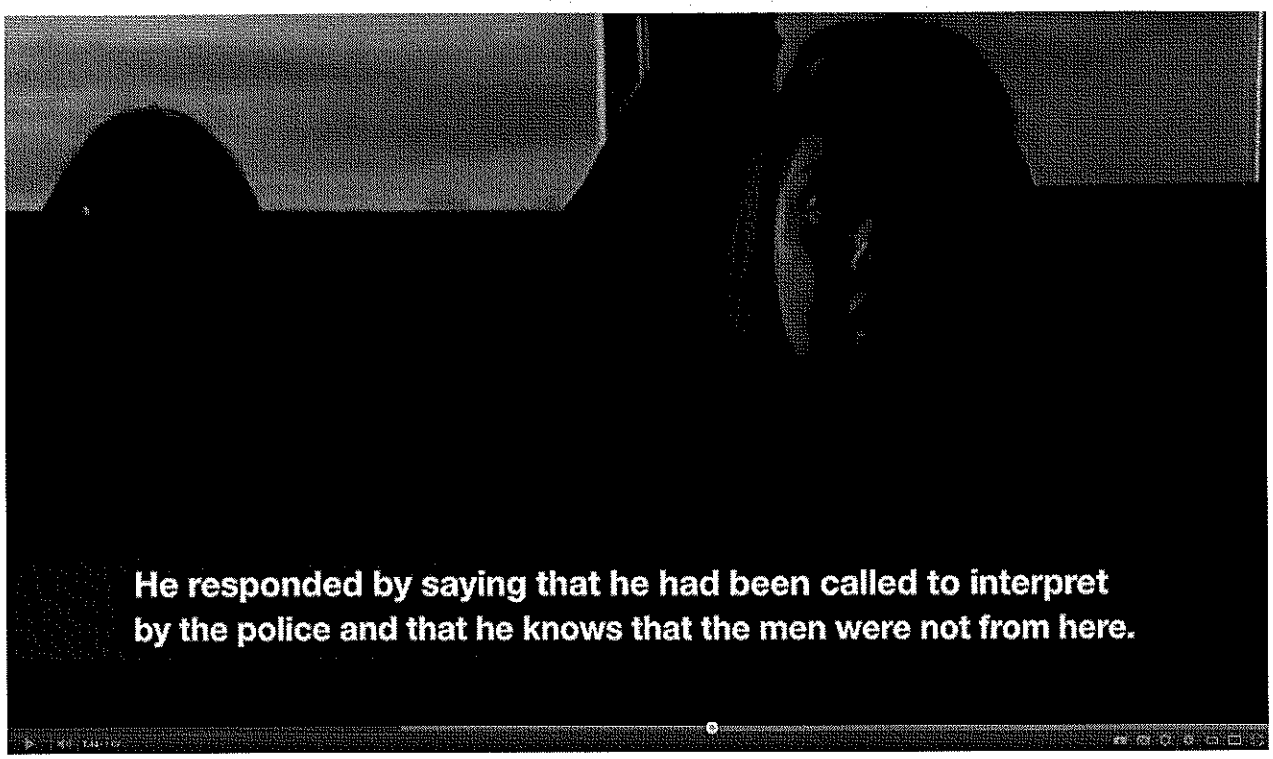
Her boss from Sumas came to pick up her car. She was detained and taken to the Tacoma Detention Center. After some time, she was able to pay $5,000 in bail and was released. The stress Laura endured inside the detention center has resulted in chronic headaches, stress and anxiety, and pain and paralysis in the right side of her face.

U.S. Citizen Teens Asked for Birth Certificates, Called Racial Slur

A mother and grandmother living in the northern border area, tells us about an incident involving her two teenagers, Mark and Maria, 16 and 17 year-old siblings who were born in the U.S. They were driving home from Sumas when a Border Patrol agent stopped them for speeding. Mark had left his driver's license at home by accident.

"My son called me to tell me that he had been pulled over without his license. I told him that it was alright that I would drive out to meet them with his license. When I arrived there were Border Patrol cars surrounding the area. I had to drive back to the house for my kids' birth certificates because the Border Patrol officers were accusing them of being 'wetbacks' despite my kids telling the agents in English that they were American citizens. When I finally got to my kids I went up to the officers and said, 'You know what, my kids are American. If they weren't they wouldn't have said they were. This thing that you are doing here is called racism; just because you see that my kids are brown [Latino].' The officer replied, 'Sorry, but this is my job.' And I said, 'Ok, but there was no reason for seven Border Patrol cars to come deal with my kids, with two minors. You are treating them as if they were criminals.'"

Scan this code to hear Mark and Maria's mother tell their story.



Scan this code to watch a video about Border Patrol interpreting for police.

perception among community respondents is that the Border Patrol selectively targets certain ethnic groups with these practices. The reported use of racial epithets, as in the account on the previous page, (See "U.S. Citizen Teens Asked for Birth Certificates, Called Racial Slur") would appear to lend credence to such claims.

In addition, our research also documented concerns about religious profiling among members of the Muslim community, both during border crossings and while driving in the border area. As with Latino communities, selective targeting of Muslims raises the specter of unequal treatment.

It is important to note that these are not findings isolated to CBP's behavior in Northern Washington. Civil rights organizations throughout the United States have documented similar encounters, suggesting that a pattern of racial and religious profiling is embedded in current Border Patrol practice, if not in their stated policies.

Muslim College Student Experiences Religious Profiling at Border Crossing

Akin, A Somali college student at Western Washington University, likes to drive to Vancouver on the weekends. When he crosses back into the U.S. at Blaine, his car is often searched and he has to wait for hours. One weekend, he and another East African friend were driving from Vancouver back to Bellingham. His car was searched, his cell phone was held, and he was fingerprinted. He waited 6-7 hours. Akin, like many others in the Muslim community, would like to know if he is on a watchlist and if there is any way to get removed instead of going through the same process every time he travels. He feels singled out because of his religion.

He told us:

"I'm Somali, have my beard and was wearing my religious hat. I remembered and thought about how hard it was for me to get my citizenship, how much I wanted to be a U.S. Citizen and how proud I am to be one. I thought about how I waited six years to become a U.S. Citizen so that I wouldn't have to go through this. It just isn't right. If this is how we treat our citizens, maybe these papers aren't for me—the system, the people, they don't care to know about my culture and who we are. I felt harassed, discriminated, and excluded. If my name was Johansson and my skin color was different I don't think I would have had to go through this every time I cross the border. People cross this border every day. Thousands of people. Why can't I go like everyone else without fear of being stopped and harassed for hours?"

Pattern of Abuse 2:

Dangerous Fusion: Collaboration Between Border Patrol and Local Law Enforcement and Other Agencies

Many incidents reported did not arise from the Border Patrol's independent enforcement activities, but from the complex interface between Border Patrol and other federal and local agencies. In this section, we discuss three types of cases emerging from our research, involving the Border Patrol's collaboration with local law enforcement, with 911 emergency services, and with local courts. Many in the Latino community, including non-immigrants, documented immigrants, and undocumented immigrants, now views local law enforcement, 911 emergency services, and the court system as inextricably connected to CBP—the *migra*. This fusion has dire consequences for community safety.

Local Law Enforcement

Interviews with immigrant community members and conversations with Border Patrol officials confirmed the existence of a tight nexus of collaboration between local law enforcement and the Border Patrol.

According to John Bates, Chief of the Border Patrol's Blaine Sector, Border Patrol agents routinely provide backup and language interpretation when requested by local police. Because all Border Patrol officers are required to be conversant in Spanish, and many local law enforcement officers lack this ability, the Border Patrol asserts that such services are a useful way to bolster the effectiveness of local policing. Once on the scene, however, Border Patrol agents routinely ask the immigration status of the present individuals. Sometimes, Border Patrol only checks immigration status in these situations and fail to interpret at all. As a result of these practices, requiring language access services during a routine traffic stop can result in detention and deportation. Over twenty cases were reported of community members who were pulled over by local law enforcement for a broken taillight, loud muffler, or a failed turn signal and were detained when CBP arrived to interpret. About 38% of all incidents reported involved CBP acting as interpreters.

This, too, is related to concerns about racial and ethnic profiling. Because language interpretation is the most frequent justification for the Border Patrol's involvement in everyday policing, not all communities experience this level of immigration scrutiny – only those who are believed to speak Spanish. In many cases, as in the story of Jesus, even those who speak English are subjected to this scrutiny when they appear Latino (see p. 22 "Border Patrol Insists on "Interpreting")

Eva's story raises similar concerns. Last year, she told us that the Border Patrol detained almost all of her neighbors in the farm's migrant housing complex. According to her, the local police habitually waited alongside the road near the migrant housing, stopping people seemingly because they were La-

Border Patrol "Interprets"-Father and Son Deported for Noisy Muffler

Sira was on her way to the grocery store with her husband and youngest son when they were pulled over by local law enforcement for a noisy muffler.

"The Sheriff told us we were free to go as long as the owner of the car came to pick up the car. We called our son to come pick us up, but five minutes after calling him the Border Patrol arrived to the scene to interpret.

Realizing that we were in danger I started having a panic attack. My husband attempted to get help for me, but when he tried to get out of the car to ask for help they would threaten to arrest him by force if he didn't stay still. I started panicking even more, which caused me to get even sicker until I couldn't breathe. The CBP agents slammed their fists on the top of the car. After, they [finally] called the paramedics to assist me.

While the medics took care of me in the ambulance, my husband and oldest son were arrested by immigration officials. Even worse they did it in front of my youngest son Miguel who is 12 years old. To make matters worse, while the medics where assisting me, the Border Patrol kept on asking me where I lived and where my family could be located. They repeatedly asked if I had more family here and where they lived. They demanded an address. I refused to answer because I knew they would only harm my family more. What really upsets me that the three Border Patrol agents gave my [other] son Ramon a choice—either he could be arrested or I."

Sira's oldest son, Ramon, only came to the scene to pick up the car. He was questioned and deported along with his father.

Border Patrol Insists on "Interpreting" for Latino Speaker

On the afternoon of August 5th, 2011 Jesus and his nephew were driving home after work at a dairy in Sedro Wooley. One of the taillights was out and he was pulled over by local law enforcement. The police officer immediately asked, "Do you speak English?" Jesus replied that he did. While the officer was examining Jesus's driver's license and running his registration at his patrol car, a Border Patrol vehicle drove up and pulled in front of Jesus's truck, blocking him between the police car and CBP SUV. Jesus and his nephew were scared but tried to stay calm. As in many cases, it is unknown whether law enforcement called for assistance or if the Border Patrol viewed the incident and pulled over to assist.

The Border Patrol agent came to Jesus's window and asked him, "¿De dónde eres?"

Jesus replied in English, "I am from Bow, Washington."

Again the agent asked, "No, ¿de DONDE eres?"

Jesus said, "I am from Bow, Washington."

Frustrated, the agent then said "No, ¿de que parte de su país?" No, from where in your country?

Once more, Jesus replied in English, "No, I know, I am from Bow, Washington."

The Border Patrol officer was fed up. He demanded that Jesus show him his green card.

Jesus asked, "Why? I know you are federal. I haven't done anything wrong."

The officer said angrily, "Why? Because I asked you. That's why." When Jesus didn't do anything, the Border Patrol agent asked them to both get out of the car so he could check for drugs.

Jesus asked him, "Why do we have to get out? There is no motive. You have no motive to search our car."

The officer said, "I saw you. That's my motive."

Jesus then said he wanted to speak with his lawyer and reached for his cell phone. He called his brother. The agent then stepped away from their truck and returned with the police officer. While Jesus was on the phone they began to question the nephew about his legal status. Jesus's nephew revealed that he was undocumented. Then the Border Patrol officer asked, "Are you trying to fix your legal situation?" Both men nodded that they were. The agent then told them that he would let them go just this one time, but if they ever saw them driving over here again, he would stop them and they wouldn't be so lucky.

tino. Latinos with lighter skin appeared to have fewer problems, but those with darker skin and more indigenous features were frequently pulled over. When someone didn't speak English, the local police called the Border Patrol to interpret and the Border Patrol asked for papers immediately. Those who didn't have papers were detained and deported. Eva told us she rarely leaves the house unless her U.S. citizen children come to visit and can accompany her. She lives, she told us, in a state of alto miedo (heightened fear).

These practices have sown mistrust of law enforcement among immigrant communities. As one community member, Ira, explained to us, "People are afraid to call the police for help because they know they are connected to immigration. It's hard to tell apart who is who because we feel they [local law enforcement and federal immigration] are the same."

Emergency Services

For the cities of Blaine, Lynden, and Sumas, the Border Patrol provides dispatch services for 911 calls, and on occasion arrives at the scene of the incident alongside – or even before – first responders. As with driving incidents, although the Border Patrol's ostensible purpose in emergency situations is to provide interpretation and backup, they do not set aside their objective of immigration enforcement even in emergency situations. In one case, CBP was asked to assist local law enforcement by setting up checkpoints when a dangerous gunman was on the loose. While assisting with checkpoints during a crisis is merited; checking a mother and child's immigration status during such a critical momentfor community safety sends the wrong signal about what kind of treatment immigrants can expect during an emergency.

As Chief Bates emphasized in public remarks, when the Border Patrol has reason to believe that someone is in the country illegally, they do not have discretion to walk away. This means that for Latino residents of these specific cities, calling 911 is about more than seeking emergency help; it can also result in the deportation and detention of anyone on the scene.

Border Patrol Canvass Child's Birthday Party in Response to 911 Call

Maria shared a story about a 911 call that led to the Border Patrol's arrival at a child's birthday party:

"The kids were outside running around and playing, and a little girl had an accident and fell between two cars in the driveway. The mother was worried her daughter wasn't ok and called 911, asking for an ambulance. The mother spoke English but gave her last name, which was Martinez. Shortly afterwards the ambulance, firemen, Sheriff, and Border Patrol arrived. The Border Patrol began to walk around the outside of the party asking people who they were and their names. The family members were U.S. Citizens, but many of their guests ran inside the home and closed the door. Now whenever those people have an accident they will be fearful to call 911 because the men in green will show up. They see police and Border Patrol as the same—as dangerous for our families."

One community member, Martín, expresses a prevailing sentiment towards 911 when he says simply, "For us, 911 as an emergency number is not possible; it no longer exists." Eva tells us clearly that she would never call 911, for fear of being deported. During interviews, 24 community members mentioned during interviews that they would be too scared to call 911.

Collaboration has had lethal consequences. In Lynden, Alex Martínez was fatally shot by local law enforcement and Border Patrol agents who arrived in joint response to a 911 call made by his Spanish-speaking father in February 2011. Martínez was mentally ill, and his family called for help when he began behaving erratically. When the Border Patrol arrived on the scene, the family reports, they asked about Alex's legal status. In the confusion that ensued, Alex, a U.S. citizen and a father himself, was shot 13 times. The family insists that the presence of so many law enforcement officers needlessly escalated a tense situation, contributing to its fatal outcome. Despite the family's requests for a thorough investigation, there has yet to be an independent review of CBP's involvement in the Martínez shooting.

Nor is this the only incident with a fatal outcome. Other sources have reported the results of Border Patrol collaboration with the U.S. Forest Service in Washington communities, including the June 2011 death of Benjamín Roldán Salinas. The Forest Service's work involves patrolling the forests of the Olympic Peninsula to ensure that salal pickers, many of them immigrant workers from Latin America, only harvest in areas for which they have been granted permits. Last June, when the Forest Service called the Border Patrol to interpret in an encounter with two salal pickers, Roldán Salinas fled by jumping into the Sol Duc River, where he drowned (SHAPIRO 2011). The Border Patrol lamented his death but insisted they were simply doing their job. Yet had interpretation been provided by a neutral party, perhaps the outcome would have been different.

Status Checked in Midst of Community Crisis

On May 20th, 2011 Maribel was driving with her 5 year-old daughter to their home in Bellingham. Police and Border Patrol vehicles were in the process of closing the street and there were many "men in green." Two of the Border Patrol agents motioned for her to slow down and roll down her window. They spoke to her in English and told her something that she interpreted as she needed to turn her car around. She was terrified and didn't understand exactly what the officers were trying to communicate to her. They asked, "Estás legal en este país?" (Are you legally in this country?) When Maribel didn't answer they demanded that she pull over and show her ID. When she showed her driver's license they again asked, "Estás legal en este país?" When Maribel didn't say anything they tried asking her daughter's name and if she was a U.S. citizen. They took Maribel and her daughter to the station until her cousin arrived and took Maribel's daughter back home. Maribel spent 12 days in the Tacoma Detention Center.

Scan this code to watch a video about a tragic call to 911.

Courts

In our research, we heard numerous accounts of the Border Patrol's presence in or near courthouses, particularly in Lynden. Some accounts placed Border Patrol agents in the lobby just outside the courtroom; others said the agents were on the courthouse steps, or in the parking lot. Many suggested that the agents were particularly likely to be present on days when Spanish-language interpretation services were provided. As people exit the courthouse at the conclusion of their proceedings, the agents reportedly approach them and ask for papers. While those questioned would be within their rights to refuse to answer, under the circumstances—inside a courthouse, immediately following the conclusion of a judicial proceeding, approached by an agent of the law flashing a badge—it is questionable whether responses can be construed as fully voluntary.

Carolina, a trusted librarian in the community, advises community members not to go to the courthouse. In an interview, she reported that an undocumented woman who spoke only Spanish came to the library in a panic; she had received a letter informing her that she had jury duty at the Lynden court house. While jury duty is an opportunity to perform a civic duty for the community, the woman was terrified that she would never return home to her children if she went.

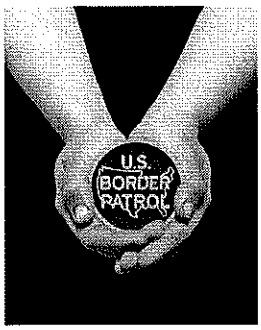
Border Patrol Common in Courts

A court interpreter reported that Border Patrol has been working in the courts for a long time, she says, "In Lynden or Ferndale if you have to go to court for any reason, you're screwed. If you don't go, they will issue a warrant for your arrest, and if you do, you will get deported."

She reports that it's not only traffic court that is targeted. One incident happened when she was helping interpret for *Pablo* and his son in juvenile court:

"Two years ago in juvenile court, my least favorite [Border Patrol agent] of all was there. As soon as a father and son went into probation, he picked them up. When I asked him why he did that, he said something about 'illegals' and 'protecting the border.' I asked, 'Protecting the border from berry pickers?' I've watched the Border Patrol grow and grow here...they don't have enough to do."

Scan this code to read a Seattle Weekly article about Border Patrol in the Olympic Penninsula



Similarly, an incident was reported just outside the courthouse by a Guatemalan worker who had been ticketed by the police for driving a car with tinted windows. When he was pulled over, the police called the Border Patrol to interpret, and the Border Patrol asked him for his papers; he presented his work visa. He later went to the courthouse to pay the fine. As he was leaving, a different Border Patrol agent approached and asked if he had documentation. He again had to present his work visa.

Agustín, an agricultural worker who has lived in Everson for eight years, was also stopped outside the courthouse. Last January he was late to adoctor's appointment and was rushing. He was stopped by local police and given a speeding ticket. A few weeks later, as he left the courthouse after paying his fine, a Border Patrol agent walked towards him. The first question the officer asked him was "Tienes papeles?" Agustín says he was caught off guard and speechless, then stared at the officer in full uniform with a gun on his hip and simply told the truth. The Border Patrol agent detained him and called Immigration and Customs Enforcement to come pick him up. Agustín was detained for two months in the Tacoma Detention Center and deported.

In these communities, it is a well-known fact that accessing the courts, even to pay a fine or defend one's own rights, may lead to immigration scrutiny. This triggers a number of serious human rights concerns. The selectivity of this tactic – the reported presence of agents on days when Spanish-language interpretation is provided, and their reported targeting of Latinos – suggests that this particular community's access to justice is weaker than that of other communities, raising concerns about equal protection under the 14th amendment.

Border Patrol Target Spanish Speakers

Pastor *Gustavo*, a trusted community leader who runs a church in Bellingham, reported:

"I've seen three times where people were taken away [from the court houses]. One time a person asked me to translate in the court in Lynden. It was a small courthouse. The door was wide open and everybody can hear what is going on. There was a guy in the lobby area in civilian dressing. When we were at the exit ready to leave he presented his badge of the Border Patrol and asked the person to turn around. I asked him why is he stopping the person and what the problem is. But he told me not to get in the middle or he will arrest me for interfering in the law...It happens so fast and so quiet that nobody notices it—So [now] I suggest [to] people if they are getting stopped to pay whatever amount it is and not to go to court."

Pattern of Abuse 3:

CBP Creates Climate of Fear and Unsafe Communities

When we began the project we heard over and over that the communities along the northern border were living in fear. We heard stories of families hiding in their homes, afraid to drive to the grocery store because they might be detained while driving. Pastors spoke to us of declining church attendance, attributing the empty pews to communities' fear of being caught on the roads. Community service providers warned that many were afraid to ask for help, even in potentially life-threatening situations.

However, at the start, we did not know how much of this fear was caused by actual abuses, or generated by a lack of information or closed channels of communication between law enforcement and the immigrant community, or a result of isolated incidents that had been amplified or even exaggerated over time. Some implied that we simply needed to help educate community members to coax them from their homes.

This research, however, has documented the way in which specific practices of the Border Patrol and its partner agencies, especially local law enforcement, have contributed to the climate in which communities find themselves unable to access vital services like emergency assistance and police protection. These practices also erect barriers to the trust and relationships necessary for effective crime-fighting in any community.

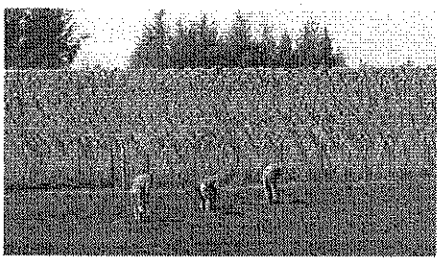
For many anti-domestic violence advocates, these patterns are particularly worrisome. Research has documented the fact that Latina women are less likely than women of other ethnic groups to feel comfortable accessing services for victims of domestic violence; concerns related to their own immigration status or that of another household member are frequently part of the reason (DUTTON, ORLOFF, & HASS 2000, 2005; INGRAM 2007). In this context, the degree of collaboration we have documented in Washington State between the Border Patrol and law enforcement, and Border Patrol and 911 dispatch services, inevitably undermines the efforts of those seeking to protect victims of domestic violence. As one employee from a domestic violence along Washington's northern border told us, "There is intense fear among victims to call out of fear that their spouse, children, or others will be put in danger of deportation. In some cases, victims may want their partner deported, and in other cases not. The reality is that people are fearful to report domestic violence. What if they ask my husband for his papers? My 17 year old son? His girlfriend? Others in the home?"

Similarly, advocates of agricultural workers' rights find themselves hampered in their efforts to persuade communities to speak out about abuses in the fields. Although our research did not seek to document incidents of worksite abuse or poor labor conditions, stories of child labor, wage theft, and unsanitary working conditions arose frequently in our conversations

Scared to Call Police to Report Domestic Violence

Lupita reported to us:

"A 22 year-old friend of mine lives with her husband at her parent-in-law's house. Every time he beats her and she attempts to call the police the parents-in-law threaten to call immigration on her or tell the officers her immigration status...The domestic violence has gotten worse as time goes by. In fact, now she can't even talk over the phone because her husband and parents-in-law have the poor girl on lock-down. She is too young to live her life in fear whether she is documented or not."



Scan this code to watch a video about worker intimidation.

Fear Realized:
Family Speparation

Sandra Morales works at a migrant day care center in Lynden. The summer program is run out of a local church each summer and provides a quality early learning environment for about 70 children under the age of five while their parents work in the fields. Many of the children are U.S. citizens who move state to state according to the season. Sandra, who grew up in Lynden, works closely with the families. She told us that many immigrant families are frightened to drive because they know if they are pulled over immigration will be called. Last summer Sandra saw this practice of collaboration between the police and Border Patrol play out before her eyes when she called parents to come pick up their feverish toddler Sara.

"I work with immigrant families in Lynden and I know that they are afraid to go out. Last year we had an incident where parents were called to the Center because their child got sick and had a fever. So, they were on their way and they were pulled over. They called me at the Center and told me that they had been pulled over. They started panicking because they saw another car coming. I went to the spot and saw tons of cars – the police officers', Border Patrols' and some other. I was trying to explain to the officials that these parents are on their way to get their sick child and if they are taken away I will be responsible to take care of this child. The police officers didn't care. I was explaining to the officers that the child is in a difficult situation and needs attention."

Sara's father was deported, but her mother was allowed to stay. She struggled to adjust to life as a single parent. Sandra does not know what happened to Sara or how she is faring.

with undocumented workers. Under Washington State law, workers can legally claim certain rights regardless of their immigration status, yet overwhelmingly, workers said the authorities were not on their side. In some cases, employers or workers with legal status threatened undocumented workers and told them the police or emergency services could not be used by undocumented workers without consequences of deportation. If the court system represents one end of the community safety spectrum and calling 911 or the police represents the other end, migrant workers find themselves unable to trust the system at either entry point. Resource-sharing and collaboration becomes a grave concern when it imperils communities' ability to enjoy basic civil liberties and defend their rights, even in situations that threaten their very lives.

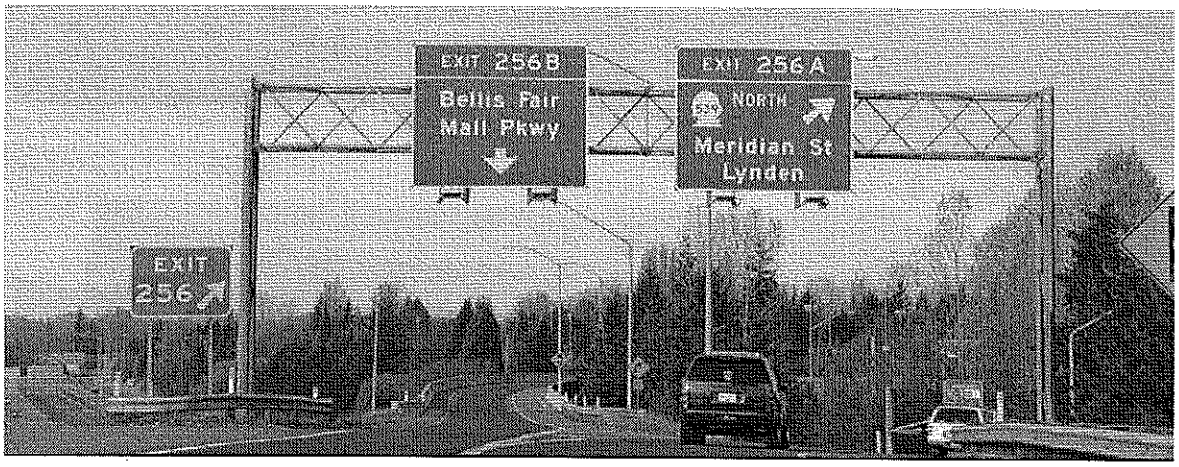
The Border Patrol has insisted that those who are law abiding have nothing to fear. In public statements, Chief Bates of the Blaine Sector has indicated that the mere fact that undocumented migrants fear deportation is not his concern; it remains his job to identify and detain them. Yet this oversimplifies the impact of the Border Patrol's behavior in a number of important ways.

As the cases documented here show, immigrant communities along Washington's northern border are characterized by multigenerational households with mixed immigration status. The effects of widespread fear, then, cannot be isolated to undocumented workers; even their U.S. citizen children, spouses, and family members experience harassment for no other reason than the color of their skin, and fear contact with law enforcement and emergency services because it might invite immigration scrutiny leading to the deportation of loved ones

Indeed, many of the incidents we documented left U.S. citizen children living in struggling single parent households or to be raised by extended family following the deportation of a parent.

For this reason, then, the suggestion that law-abiding Americans with legal authorization to be in the country are unaffected by these practices is simply false. U.S. citizen children are deeply impacted. Many children in Washington State's northern border region are struggling with the aftermath of their parent's deportation. Researchers from UC Davis and UC Berkeley Law School studied the impact of deportation on children concluded that the deportation of a parent causes the child to "suffer psychological harm, undergo behavioral changes, and experience serious declines in health, increased depression, sleeplessness, anxiety. . .plummeting grades and desire to drop out of school" (Baum, Jones, & Barry 2010).

It is not only the children of deported parents or undocumented immigrants who suffer stress because of the environment of collaboration created along the northern border. The reality is that along the northern border there are not just mixed status families, but mixed status churches, schools, and neighborhoods. The behavior by CBP is pervasive and causes anxiety for Latino children and residents. The story below is particularly telling as it demonstrates the psychological anxiety that even U.S. citizen children with no undocumented family members experience in this collaborative environment near the border.



Raquel, a local health advocate, shared a story with us about her daughter that demonstrates the psychological fear that many children and adults live under constantly. Raquel's daughter, *Emilia*, who was four years old, was playing with neighborhood children last summer when a local law enforcement vehicle showed up. One of the neighbors made a joke in poor taste to the children that they had to run because "la migra" (immigration) was coming to get them. The game immediately disbanded. Emilia burst into tears and ran frantically to the house to her mother and reported that the *Migra* was coming for her. Raquel explained to her daughter that both she and Emilia are U.S. Citizens, but she has not been able to dispel the fear in Emilia, who has also seen other youth from her church taken by CBP.

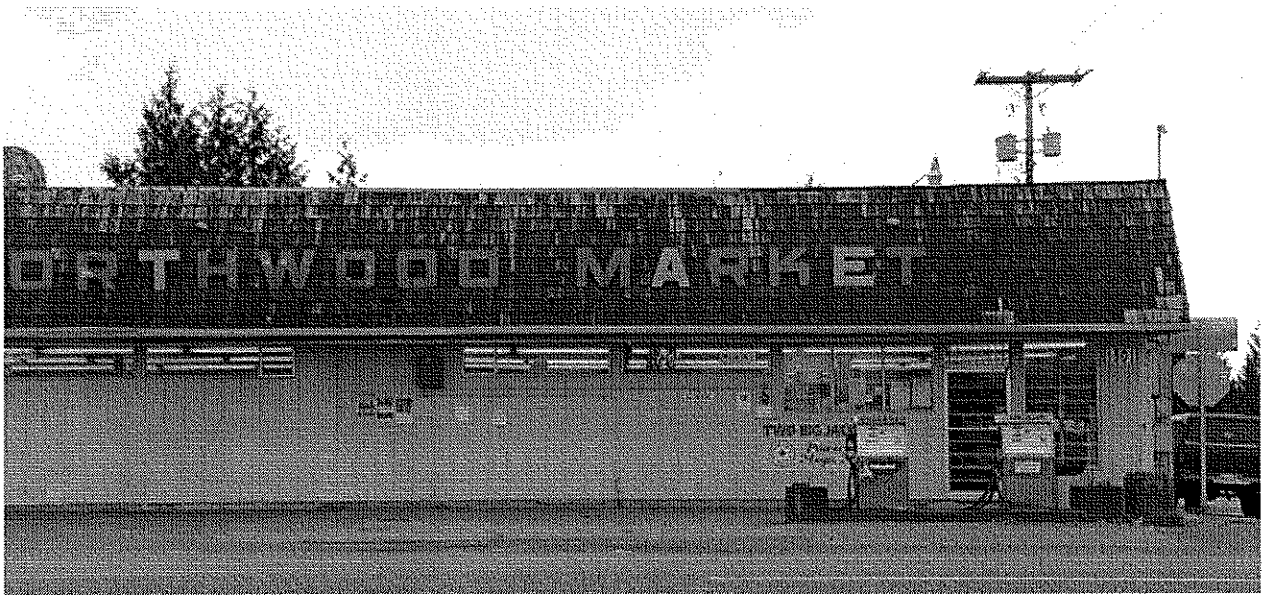
Raquel and Emilia like others who are documented or have grown up in the northern border region get nervous when they see local police or CBP driving through the neighborhood—they know what it could mean for their friends or members of the community. They also know that just because they are U.S. Citizens it doesn't mean they are exempted from facing racial profiling. Indeed, there have been numerous instances in Washington and across the state reported by immigration attorneys, some documented in successful lawsuits against federal agencies, that racial profiling of U.S. born Latino children and adults is increasingly common. For example, the neighbors of a U.S. citizen teenager reported that he was pulled over for speeding and CBP was called. He was detained in Tacoma for three days before he was released. Of course, the U.S. citizen teenagers on their way to zumba who were highlighted in section one were only released by CBP when their mother brought their birth certificates (*See Section 1*).

Youth struggle with how to process this unequal treatment. These Latino youth identify strongly with America and they struggle with how to deal with feelings of alienation and discrimination in their home country. They cannot reconcile what has happened to them or could happen to them with what they believe America to be. Luis is Luz's son (*See Section 1- Public Transportation: Questioned in the Midst of a Medical Emergency*). He tells us how he felt that day on the ferry when he was stopped and questioned even when they needed to get to the hospital. He routinely carries his birth certificate with him.

Children Struggle After Mother Detained on Thanksgiving

It was Thanksgiving Day 2011 The house was filled with family and food and everyone was eager to sit down for dinner—especially siblings América, Cristina, Daniela, and Eliso, But they all waited for Analilia, the children's mother. It grew later and she still had not arrived. The excitement of the holiday died away and the family was only left with anxiety. That evening the phone rang. Analilia was at the Tacoma Detention Center. She told them what happened.

Analilia and her boyfriend Alberto were headed to Thanksgiving dinner when she was pulled over along Valley Road. She doesn't think she was speeding or "doing anything wrong." She had trouble understanding the officer who pulled her over because she only speaks Spanish. She did not have a driver's license that she could show. The Border Patrol was called. Alberto and Analilia were both detained and deported.The grandparents say that there has not yet been a day when América, Cristina, Daniela, and Eliso do not ask for their mom and cry. It is particularly difficult on the children knowing the oldest is undocumented, like their mother.



Scan this code to watch a video about racial profiling at the northern border.

"You are questioned about your citizenship and you already have it and you were born here and you're just a kid and it kind of makes you feel like what is wrong with these people? Why are they treating me like this if i'm suposedly one of their kind...Furious, enraged, blazing with complete madness where I wanted to completely just throw something across the wall, just this anger frustration everything like that. It was just a bunch of emotions were coming through at the same time. . .What I really hate—is they [CBP] feel like everyone is part of the same thing...I hate the way they always try to intimidate people by calling them Mexican...We all come from a different background. That is what an American is. America is the combination of many races coming into one."

Both international human rights norms and a long tradition of Constitutional law in the United States have clearly established that some basic civil rights extend to all people in the United States, regardless of their immigration status. These include the rights to equal protection and due process as established under the 14th Amendment to the U.S. Constitution. While the Border Patrol has a legal obligation to protect the nation's borders and enforce immigration law, it does not have the authority to ignore the U.S. Constitution.

Feelings of fear and anxiety were reported in nearly 70 percent of incidents documented. This fear is a product of patterns of abuse—irrefutable incidents of racial and religious profiling occurring on a regular basis that have dire consequences on the well-being of Latino children and the overall community. The research documents fear of far more than fear of deportation. The level of fear expressed not simply of immigration enforcement, but of police, emergency services, and other agencies whose operations are vital to the health and safety of all people in our communities, whether they have legal immigration status or not, is certainly a grave concern.

Conclusion and Key Recommendations

As discussed at the outset of this report, the justification for the post-9/11 buildup of Border Patrol in our communities was that the porous, difficult-to-police nature of the northern border constituted a site of particular vulnerability to international terrorism. A decade later, communities along the U.S.-Canadian border have been transformed, not only by the use of border enforcement tactics documented in this report, but also by the presence of a sophisticated surveillance network including cameras and sensors, Predator drones, Blackhawk helicopters, and other military-grade equipment. Ten years and hundreds of millions of dollars later, are we safer?

The practices documented in this report suggest that in fact, communities of color in Washington State find themselves fearful of the very agencies that are entrusted with their protection. What's more, however, a systematic review of all terrorism-related prosecutions occurring in Washington State since 9/11 show that not a single case has resulted from the activities of the Border Patrol in our state. **Of 43 prosecutions for terrorism in Washington State since 2001, zero have been referred to the courts by Border Patrol.**

We believe firmly that we must not trade away our rights for security. Documenting what is happening allows us to educate our policy makers so we can push together to change the situation. Based on our interviews, we have developed a list of policy recommendations to address the growing human rights crisis along Washington's northern border. To implement these recommendations, we will require political leadership and the will to ensure that America remains the great protector of liberty and justice for all.

Key Recommendations

The policy recommendations below seek to address some of the serious concerns outlined in this report regarding patterns of abuse by CBP. CBP must serve in a way that protects national security, but also respects civil rights, constitutional requirements, and federal statutes and regulations, and contributes to the overall safety and vitality of the communities where they operate. Recommendations are also included for Congress, other federal agencies, and local government. These entities can also play a key role in addressing the growing human rights crisis along the northern border.

RECOMMENDATIONS FOR DEPARTMENT OF HOMELAND SECURITY CUSTOMS AND BORDER PROTECTION

The below recommendations were developed in partnership with the Northern Borders Coalition.

- Implement a CBP-wide sensitive locations policy similar to ICE that restricts enforcement at sensitive locations, including schools, hospitals, places of worship, public religious ceremonies, public demonstrations, and courthouses.

- Implement a written policy that clearly outlines that CBP will not engage in enforcement during assistance with emergency checkpoints, health epidemics, or natural disasters.

- CBP must bring its enforcement practices in line with DEPARTMENT OF HOMELAND SECURITY priorities. Just as ICE has directed its officers and attorneys in the use of prosecutorial discretion, CBP should develop an enforcement policy that establishes (and provides training opportunities) regarding how CBP personnel are to carry out their duties in furtherance of DHS priorities.

- In particular, CBP should place lower priority on interior enforcement cases involving immigrants who are not recent entrants. CBP and ICE should be aware that many living in the 100 mile zone are long-rooted community members and exercise prosecutorial discretion.

- While the 100-mile rule is enacted by statute, reforms are necessary for operations in regions along the border. CBP agents should not arbitrarily stop, question or arrest individuals without reasonable suspicion or probable cause that the individual has entered the United States illegally.

- CBP should adopt a policy barring the use of agency personnel and resources to perform civilian law enforcement functions and state and local police officials should not be engaged in Border Patrol operations. CBP should not respond to routine law enforcement calls such as traffic incidents or serve as emergency response emergency. CBP should not serve as interpreters.

  If CBP continues to serve as interpreters, they must develop a written code of ethics for interpreting that includes clearly states expectations for interpreters such as stating that interpreters will not ask immigration status and will not carry weapons.

  A better solution would be for DHS to appropriate some resources specifically for trained interpreters who act separately from Border Patrol and simply interpret without providing any information to CBP or ICE.

- CBP must increase its transparency. CBP should provide transparent and accessible information on stops—even those that do not result in a deportable offense.

  CBP should regularly make available other data in a generous and timely manner. FOIA requests should not be generally required to obtain statistics, policies, and data.

  CBP should develop metrics other than apprehensions to measure the effectiveness of its policies and share them with the public.

- All CBP officers should receive periodic use of force and de-escalation techniques training. Training should include specific instruction on U and T visas, asylum and refugee status, as well as Violence Against Women Act visas.

- DHS Office of the Inspector General should undertake a broad investigation of CBP's practices.

RECOMMENDATIONS FOR THE DEPARTMENT OF JUSTICE

- Reform the Department of Justice 2003 "Guidance Regarding the Use of Race by Law enforcement by Federal Law Enforcement Authorities" to improve protections for those affected by profiling practices at the border, including prohibition of racial profiling based on national origin, language and religion, among other reforms.

  Expand the guidance to prohibit racial profiling based on national origin, language, and religion.

  Eliminate the exception for "national security and border integrity," which weakens the ban on profiling at borders, ports of entry, and in border communities.

  Expand the guidance to apply to local law enforcement.

  Hold officers accountable by adding a mechanism that provides consequences for violating the Guidance.

- Investigate CBP's interior enforcement practices in and outside courthouses and the use of CBP as interpreters or as emergency response and whether these practices

limit meaningful access of Limited English Proficient individuals to 911, emergency services, and the courts under TITLE VI of the CIVIL RIGHTS ACT OF 1964.

RECOMMENDATIONS FOR U.S. CONGRESS

- Do not increase appropriations at the northern border, until an investigation has been completed examining the use of resources along the northern border.
- Move forward immediately with the reauthorization of the VIOLENCE AGAINST WOMEN ACT, including the strongest protections possible for immigrant women, by renewing and strengthening the U visa program.
- Move forward swiftly with COMPREHENSIVE IMMIGRATION REFORM that provides an earned path to legalization for the millions of undocumented immigrants in the U.S., which will offer relief to mixed status families, power to workers to end worksite exploitation, relief to scrupulous businesses who contribute to the economy; and clearer lines of communication between immigrants and law enforcement to improve community safety.
- Co-sponsor and pass the END RACIAL PROFILING ACT OF 2011 (S.1670 & H.R. 3618), which would prohibit the use of profiling based on race, religion, ethnicity or national origin by any federal, state, local or Indian tribal law enforcement agency.

RECOMMENDATIONS FOR WASHINGTON STATE

- State and local police should refrain from asking immigration status.
- State and local police should refrain from enforcing federal immigration laws, including by engaging in interior enforcement operations with Border Patrol agents and requesting translation assistance from Border Patrol. State and local law enforcement should also work to end practices and programs that undermine the bright line between federal immigration enforcement and local law enforcement, such as Secure Communities or the honoring of ICE detainer holds by local governments.
- Local Law Enforcement Agencies should draft language access plans to ensure they meet TITLE VI regulations. The use of CBP as interpreters should not be used as part of an agency's language access plan. A code of ethics for law enforcement interpreters should be developed by WASPC.
- State legislature and local governments should support local police departments by prioritizing the resources local law enforcement offices need to provide language access.
- The Governor and Attorney General should monitor CBP's interior operations to ensure that the rights of Washington's residents are protected.

COMMENTARY:

University of Washington Center for Human Rights

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The University of Washington Center for Human Rights (CHR) is gravely concerned about the human rights implications of the practices noted in OneAmerica's report, *The Growing Human Rights Crisis Along Washington's Northern Border.* The stories documented here suggest the use of detention and surveillance practices apparently guided by ethnic and linguistic profiling; a dangerously porous relationship between CBP's work and that of local law enforcement; and a disturbingly widespread climate of fear in immigrant and Latino communities near Washington's northern border.

The CHR recognizes the responsibility of the Border Patrol to safeguard this nation's borders. Yet the Border Patrol must carry out its work with full regard to internationally recognized human rights and fundamental rights enshrined in the U.S. Constitution. A number of the cases documented here suggest that such guarantees are routinely violated in these communities.

Background

OneAmerica invited the CHR to collaborate on this project beginning in June 2011. Since that time, faculty and graduate students affiliated with the CHR have reviewed records of all interviews conducted by One America, including audio and video recordings as well as written notes, and conducted follow-up interviews with a select number of community members in Lynden and Bellingham.

In addition, to contextualize the practices community members reported, we sought information from the Border Patrol itself. We attended community meetings and roundtables with CBP officials when possible. We filed a Freedom of Information Act request, which remains pending. And we also sought an interview with Chief John C. Bates, Chief Patrol Agent in CBP's Blaine Sector, although we received no response to our request.

Lastly, using a database of records on federal law enforcement, we conducted a systematic review of 43 prosecutions for terrorism in Washington State to determine the extent to which these practices contributed effectively to the CBP's stated mission of keeping our communities safe.

Human rights concerns raised by CBP practices in Washington State

Some of the routine CBP practices documented by OneAmerica and the CHR constitute rights violations in and of themselves; other practices create obstacles to the enjoyment of certain other rights by members of the Latino and Spanish-speaking populations along Washington's northern border.

Right to freedom from discrimination

Many of the practices documented in this report raise grave concerns about the apparent use of racial profiling to target individuals for questioning about their immigration status due to perceived ethnic or linguistic traits. To the extent that these practices subject a particular ethnic group to unequal treatment, these practices are discriminatory, violating core human rights protections enshrined in international law.

Data gathered from interviews with community members suggests that members of the Latino community are subjected to greater scrutiny than other Washingtonians through practices related to CBP's provision of support services for other agencies. First, members of immigrant communities frequently report being brought into contact with Border Patrol as a result of the Border Patrol's provision of interpretation services for local law enforcement or other agencies. According to many interviewees, the Border Patrol's participation in such encounters often extends far beyond interpretation, as once on the scene they ask for proof of legal status. In this way, for those who are perceived to lack fluency in English, a routine traffic stop or other encounter with local law enforcement turns into an opportunity for immigration enforcement. Those who are not perceived as requiring interpretation are not subjected to scrutiny of their immigration status as part of their encounter with law enforcement. This constitutes unequal treatment.

Second, in CBP's Blaine sector, the Border Patrol plays a particularly unusual role as the dispatcher for 911 calls. Upon receiving a call, they dispatch civilian law enforcement or emergency services, and if requested, accompany as backup or to provide interpretation. Some interviewees reported that when they called 911, Border Patrol agents arrived alongside first responders, and asked about their immigration status. Others reported a reluctance to call 911, out of concern that emergency assistance would come accompanied by immigration enforcement. This policy may imperil immigrants' access to police protection, urgent medical attention, fire protection, and other emergency services. The human rights issues at stake include the right to equal protection of the laws, the right to health, the right to life, and the right not to suffer discrimination in the enjoyment of these rights.

These are key human rights principles. Article II of the American Declaration of the Rights and Duties of Man provides that "all persons are equal before the law and have the rights and duties established in this Declaration, without distinction as to race, sex, language, creed or any other factor."1 While it is widely accepted under international law that states may establish mechanisms to control the flow of undocumented migrants into their territory, international human rights norms require that immigration laws be enforced without engaging in discriminatory practices.

In this regard, the Inter-American Court of Human Rights has stated the following:

> "States must abstain from carrying out any action that, in any way, directly or indirectly, is aimed at creating situations of de jure or de facto discrimination. This translates, for example, into the prohibition to enact laws, in the broadest sense, formulate civil, administrative or any other measures, or encourage acts or practices of their officials, in implementation or interpretation of the law that discriminate against a specific group of persons because of their race, gender, color or other reasons. In addition, States are obliged to take affirmative action to reverse or change discriminatory situations that exist in their societies to the detriment of a specific group of persons."2

In applying these principles to the specific context of immigration enforcement in the United States, the Inter-American Commission on Human Rights recently stated,

> "In the enforcement of immigration laws, the basic right to equal protection before the law and non-discrimination requires that States ensure that their immigration law enforcement policies and practices do not unfairly target certain persons based solely on ethnic or racial characteristics, such as skin color, accent, ethnicity, or a residential area known to be populated by a particular ethnic group. Furthermore, international human rights law not only prohibits policies and practices that are deliberately discriminatory in nature, but also those whose effect is to discriminate against a certain category of persons, even when discriminatory intent cannot be shown."3

The fact that in some cases, Latino immigrants experience discrimination related to their perceived4 need

1 http://www.cidh.oas.org/Basicos/English/Basic2.American%20Declaration.htm

2 Inter-American Court of Human Rights, Juridical Condition and Rights of the Undocumented Migrants, Advisory Opinion OC-18/03, available at http://www.unhcr.org/refworld/docid/425cd8eb4.html, para 119

3 Inter-American Commission on Human Rights, Report on Immigration in the United States: Detention and Due Process, 30 December 2010, para 95

4 Several interviewees also suggested that the determination to call for interpretation appeared to be based on arbitrary criteria related to a person's

for interpretation is also important in human rights terms. The right to interpretation from the moment of initial arrest is guaranteed by the International Convention on Civil and Political Rights, Article 14(3) f, and by the American Convention on Human Rights, Article 8(2)a. This right is related to core due process protections enabling one to defend oneself, as elaborated in General Comment No. 32 of the United Nations Human Rights Committee, which stipulates,

> "Access to administration of justice must effectively be guaranteed in all such cases to ensure that no individual is deprived, in procedural terms, of his/her right to claim justice. The right of access to courts and tribunals and equality before them is not limited to citizens of States parties, but must also be available to all individuals, regardless of nationality or statelessness, or whatever their status, whether asylum seekers, refugees, migrant workers, unaccompanied children or other persons, who may find themselves in the territory or subject to the jurisdiction of the State party. ... The guarantee is violated if certain persons are barred from bringing suit against any other persons such as by reason of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."5

In the cases documented in this report, however, what is at stake is not the availability of an interpreter, but the impartiality of that interpreter. Far from enabling limited English speakers to participate in judicial proceedings or access social services, CBP's particular form of "interpretation"—which reportedly often includes questions about legal status—creates an additional disincentive for communities to seek access to social services. At a time when, for example, many in law enforcement and anti-domestic violence communities are endeavoring to build trust and collaborative relationships with immigrant communities, these practices undercut public safety and public health priorities. And because these practices target Spanish speakers, leaving them more vulnerable than other groups, they also run afoul of antidiscrimination principles.

These same practices also threaten the enjoyment of other rights, enumerated below.

Access to justice and due process rights

Numerous interviewees mentioned the presence of Border Patrol agents in or around courthouses; some respondents described them as stationed within the courthouse lobby while others placed the agents immediately outside. CBP agents approach people who are leaving the courthouse at the conclusion of their legal proceedings, and inquire as to their national origin. Although those questioned have the legal right to decline to respond, when approached by a uniformed agent in or near a courthouse, many immigrants feel compelled to answer. In this way, a routine visit to the courthouse, like a routine encounter with law enforcement, can become an immigration checkpoint.

These practices raise concerns about the extent to which immigrants' right to access justice and due process rights may be imperiled by overzealous immigration enforcement.

Article XVIII of the American Declaration of Rights and Duties of Man stipulates,

> "Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights ." 6

Creating obstacles to the community's ability to access justice services constitutes an important violation of guarantees of equality before the law. In its Advisory Opinion on the "Juridical Condition and Rights of Undocumented Migrants," The Inter-American Court of Human Rights has emphasized that

> "for the 'due process of law' a defendant must be able to defend his interests effectively and in full procedural equality with other defendants.... To accomplish its objectives, the judicial process must recognize and correct any real disadvantages that those brought before the bar might have, thus ob-

perceived ethnic identity rather than actual mastery of the English language.

5 See Article 14, Section II, http://www1.umn.edu/humanrts/gencomm/hrcom32.html

6 Available at http://www.cidh.oas.org/Basicos/English/Basic2.American%20Declaration.htm

> serving the principle of equality before the law and the courts and the corollary principle prohibiting discrimination. The presence of real disadvantages necessitates countervailing measures that help to reduce or eliminate the obstacles and deficiencies that impair or diminish an effective defense of one's interests."7

Clearly, the CBP's presence in or near courthouses constitutes a barrier to access for immigrants, and a violation therefore of their rights to equality before the law.

Other associational rights

The cumulative effect of CBP practices creates widespread fear in the Latino communities near Washington's northern border. This has spillover effects that may be relevant to the exercise of other rights. For example, many respondents reported that the frequent use of traffic stops as the gateway to immigration enforcement led them to go to great lengths to avoid driving. In rural areas with limited public transportation, this curtails immigrants' ability to participate in key elements of family and community life, including attending social gatherings or community events, visiting friends, or even satisfying basic needs. The extent of this fear was so widespread that many spoke of limiting their visits to the supermarket, or asking others to buy groceries for them. One pastor spoke of his effort to take prayer services to immigrants in their homes, because they were otherwise too frightened to come out to worship.

While the Border Patrol justifies its practices in the name of a worthy objective—keeping our country safe fromterrorism and drug trafficking—these findings suggest that the Border Patrol has systematically engaged in overzealous and arbitrary practices. Far from making anyone safer, these have undermined connections between communities and local police, imperiled immigrant families' access to the justice system, and left communities of color—including native-born U.S. citizens in some cases—effectively unable to enjoy some of the basic rights to which they are entitled under international human rights law, as well as the U.S. Constitution.

The Center for Human Rights congratulates OneAmerica on its important community-based human rights documentation and education work, and its mission of striving for justice for all, and urges Customs and Border Patrol to respond to these concerns in an open and transparent fashion.

7 Inter-American Court of Human Rights, Juridical Condition and Rights of the Undocumented Migrants, Advisory Opinion OC-18/03, available at http://www.unhcr.org/refworld/docid/425cd8eb4.html, para. 121

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Appendix—A

Community Profiles-Incidents Collected through Human Rights Documentation

All names written in italics have been changed to protect community member's identities. In some cases, individuals have preferred that only their real first name be used. Dates of incident written as Month/Day/Year signifies that the incident occurred within that month and those written as 1/1/Year means that it occurred within that year. Incidents are organized by city (Anacortes-Sumas).

COMMUNITY MEMBER (Names in italics are pseudonyms)	CITY	DATE OF INCIDENT	SUMMARY
Miguel Angel Gaitan and Benito Sanchez	Anacortes	4/20/2011	U.S. Citizen and Legal Permenant Resident go on trip to San Juan Islands and are followed and harassed twice by Border Patrol agents to prove immigration status at Anacortes Ferry Terminal.
Gabriel	Anacortes	4/8/2011	Father detained and deported after police stop him for broken taillight and ask for immigration status. He leaves behind U.S. Citizen child and pregnant wife.
Ramon	Bellingham	8/12/2011	Man knows many cases of CBP interpreting for local police and refuses to shop at Wal-Mart because Border Patrol often waits out in the parking lot watching community.
Lupita	Bellingham	1/1/2011	A woman tells us about her friend. 22 year-old victim of domestic violence doesn't leave house or call police for help because mother in law threatens to call immigration.
Janette Berg	Bellingham	2/28/2012	Teacher talks about targeting of youth and 4 young people she knows who were detained or deported.
Alejandro Pelayo	Bellingham	11/20/2011	Man pulled over various times by local police for no given reason and asked for his social security number or immigration status. Also has witnessed local police pulling over others and BP arriving shortly after.
Aamir, Ihsan, and Mukakkir	Bellingham	9/28/2011	Faith leader reported three Muslim men pulled over by local police and asked to prove immigration status. They left scared of retaliation and how it could affect their visas.
Linda Fuller	Bellingham	9/27/2011	Domestic Violence advocate tells how many victims are scared to call 911 because one of their family members may be detained by immigration.

Elisa	Bellingham	9/22/2011	Domestic Violence Advocate shares many stories where victims are scared to call 911 out of fear of BP or police asking immigration status.
Lori Ritter	Bellingham	9/10/2011	Domestic Violence Advocate discusses alternatives for Border Patrol interpretation or answering 911 calls.
Pastor *Gustavo*	Bellingham	8/18/2011	Pastor tells stories from his congregation including raids and fear to drive to church or call 911 for help.
Jorge	Bellingham	8/1/2011	Man detained and deported after local police call CBP for interpretation. He was bilingual in English-Spanish.
David	Bellingham	7/23/2011	Man describes context of fear, local police calling BP for interpretation, and family separation. Reports that recently community members were detained while shopping and in parking lot at Wal-Mart.
Jose Roberto Palma	Bellingham	7/23/2011	Observations and general sentiment of fear near border. He tells story of a church member who felt sick when she was walking through town and asked local police for help. He called her son to come pick her up and when he arrived, law enforcement asked the son for his immigration documents and detained him.
Rina And Juan Cruz	Bellingham	7/23/2011	Family verbally harassed and threatened by Border Patrol when they take a friend to the Greyhound Bus Station. Their friend is asked for immigration status, detained, and deported.
Jacinta	Bellingham	6/3/2011	Young woman deported after local police stop her for driving the wrong way on a street and call Border Patrol for interpretation.
Maribel	Bellingham	5/20/2011	Woman driving is waved to side of road by CBP while they close down street. They ask for her and 5 year-old daughter's immigration status and detain mother. While mother is in detention the child is so distraught her face became paralyzed from stress.
Jovita	Bellingham	5/18/2011	Mother of 2 U.S. Citizen children detained and deported after being stopped by local police on her way home from work.
Lorenzo	Bellingham	5/10/2011	Husband pulled over by local police because the "van was not his" and then asked for immigration status. He was detained by Border Patrol and separated from his 2 U.S. Citizen children and wife with severe medical conditions.
Maria Fernandez	Bellingham	1/1/2011	Mother tells story of son committing suicide after harsh conditions and treatment by law enforcement while being detained in local jail.
Carla	Bellingham	1/1/2011	Every time woman goes to Greyhound bus station, CBP approaches people in line with dark skin and asks for their papers.
Vicente	Bellingham	9/1/2010	Border Patrol enter man's home without warrant and threatens to take his kids if he doesn't tell them where his wife is. He is handcuffed and detained.

Pastor *Gustavo*	Bellingham	8/1/2010	Pastor went to courthouse with member of church, and the man is asked for papers and detained by agent in civilian clothes when exiting courtroom. This is third time he's seen this happen.
Adán And Oscar	Bellingham	6/1/2010	Store owners report local Police follows dairy worker into Mexican grocery store, asks for papers, and detains him until Border Patrol arrives. Store is without clients for days.
Alan	Bellingham	5/1/2010	Three men are detained (one with 3 U.S. Citizen children) after being approached by Border Patrol while crabbing and asked for papers.
Jabir	Bellingham	3/1/2010	Muslim American stopped by Sheriff deputy and verbally harassed and asked what country he was from.
Adam	Bellingham	8/1/2009	Cambodian American stopped by CBP while driving and asked for papers. Discusses post 9/11 changes.
Julia And Lorenzo	Bellingham	2/1/2009	Mother detained in front of children when CBP enter looking for someone else.
Consuelo	Bellingham	1/1/2012	Local police visit home and ask U.S. Citizen grandmother for immigration documents.
Felix	Bellingham	1/1/2012	ICE visits wife at home and deceives her into taking them to her husband's work where they detain him.
Lola	Bellingham	9/20/2011	Court interpreter routinely sees CBP asking for people's papers inside and outside courts. She tells stories of racial profiling and environment of fear.
Yaman	Blaine Border Crossing	9/23/2011	Muslim American visited Canada often before 9/11. Now he is stopped at border for hours at a time and asked questions relating to Islam.
Gerson Nolasco	Blaine	10/1/2008	Legal Permanent Resident stopped by local police for driving slightly over speed limit and asked to prove his immigration status.
Adette	Blaine Border Crossing	3/1/2011	Grandparents renew green card in Blaine and they are asked to show U.S. Citizen granddaughter's papers and not allowed to leave without showing her social security card.
Alin	Blaine Border Crossing	8/21/2010	Somali Muslim American college student stopped for hours at border crossing and searched.
Alex	Blaine Border Crossing	5/2010-Ongoing	Testimony provided at May 2010 racial profiling hearing. He and his wife are Muslims and they must travel frequently across the Canadian border to visit her family. They are held for many hours at the border and questioned separately each time. His wife is often asked, "Did you know your husband is a terrorist?" Crossing the border and enduring intense stress each time is tearing apart their marriage.
Saleh	Blaine Border Crossing	Ongoing	Muslim man from Jordan is stopped every time he crosses. He thinks it is racial profiling because once they realize it is him they release him. He wants the country to be safe, but feels harassed.

Susana	Burlington	6/1/2011	Woman followed by ICE after leaving her home, pulled over, and boxed in. She is asked for immigration status, if she has children, and detained.
Isabel and Ernesto	Custer	10/26/2011	Undocumented dairy workers go to hospital after being beaten with belt at work by another worker and scared to call police out of fear that he will call immigration.
Alfonso	Custer	3/1/2010	Sheriff calls BP to interpret and father of 2 U.S. Citizen children is detained and deported. His pregnant wife gives birth to baby with medical issues-now struggling single mom.
Felix	Custer	1/1/2010	Bilingual English/Spanish speaking Father with 2 U.S. Citizen children is detained and deported after Sheriff calls BP to interpret.
Ceferino	Custer	1/1/2008	Bully documented worker beats coworker at dairy until he is unable to move and then calls Immigration and Border Patrol. The victim is detained.
Carolina	Custer		Tells stories of families too fearful to call 911 and farm worker raids in the fields by their home.
Veronica and Jesus	Everson	1/1/2012	Blackhawk helicopter hovers over home and drug dogs search house after family is mistakenly accused of shoplifting. Father is asked for immigration status and detained in front of his family.
Lilia	Everson	10/5/2011	Often Sheriff and Border Patrol will park outside of Mexican Grocery Store for two hours. During this time they have no business.
Isabel	Everson	9/2/2011	Family of workers pulled over by local police and BP is called for interpretation. While they are being detained, Farmer arrives and convinces officers to let them go.
Tracy	Everson	8/27/2011	Advocate reports worksite raid in Everson where immigration transport vans take away field of workers. OneAmerica volunteers followed up with neighbors by field and there were no witnesses willing to speak.
Andrea and Maria	Everson	8/18/2011	Women raspberry workers share they stay close to the migrant camps where it's safe. CBP pull over people on their way home from working in fields.
Abel	Everson	6/1/2011	Father of 9 year-old U.S. Citizen daughter deported after local police call Border Patrol for interpretation.
Patricia	Everson	1/1/2011	Woman describes common worksite abuses happening in area and how workers are often denied wages for labor.
Mariena	Everson	5/15/2010	Indigenous woman is found crying and walking along road with her small child searching for her husband. He was detained with other workers while pruning berries.
Eva Moreno	Everson	5/1/2010	Woman shares CBP took nearly all her neighbors at the migrant housing complex. Local police waited roadside and stopped everyone with dark skin. If they didn't speak English, they called CBP to interpret and detained.

Ralph Lopez	Everson	5/1/2010	Man pulled over by CBP for making hand signal, asked for papers and detained. Also tells of CBP telling workers that if he saw them outside of the field he would arrest them.
Sergio	Everson	1/1/2010	Man's car slides off road in heavy rain storm and local police respond to scene. They call CBP for interpretation and he is detained, leaving 3 U.S. Citizen children and wife.
Agustin	Everson	1/1/2010	After paying speeding ticket at courthouse, man is approached outside by BP, asked for immigration documents, and detained.
Suzana	Everson	1/1/2007	Local police pull over farm workers on their way home from work and call CBP for interpretation. All are deported except for one woman with U.S. Citizen child. She is scared what will happen if she is stopped again.
Octavio	Everson	1/1/2006	Grocery store employee calls 911 after a woman steals client's car. CBP and police arrive and check immigration status of all people involved, detaining man whose vehicle was stolen and employee that called 911. Employee was deported, leaving 2 U.S. Citizen children.
Lena	Everson	1/1/2002	Store was robbed at gunpoint and owner called 911. No one responded for over 4 hours, and they wonder how they are supposed to feel safe when they aren't protected.
Roberto and Gaspar	Everson	1/1/2000	Two Guatemalans are grabbed and detained by Border Patrol while entering grocery store. They are released after their legal status is confirmed.
Magali	Everson	1/1/2010	CBP stand on edges of field and watch farmworkers while they work. Vehicles drive regularly through fields and visit area at night.
Josefina	Everson	5/1/2010	Husband detained for driving without a license. Family reports verbal harassment by Border Patrol to supervisor and is told they are just doing their job.
Martin Castro	Ferndale	7/26/2011	Man is asked for papers by local police and detained by Border Patrol. Describes deep fear of people to call 911 or seek help when in situations of domestic violence.
Teresa	Ferndale	8/30/2011	Woman pulled over by local police for not using turn signal and asked for her immigration status.
Noel	Ferndale	8/18/2011	Guatemalan resident pulled over three times and describes how if you don't speak English it gives them a reason to question your immigration status.
Victor Sanchez	Ferndale	8/14/2011	Mechanic's client pulled over by local police for broken taillight and detained after they call CBP for interpretation. He calls mechanic to pick up car and tell family.

Francisco	Ferndale	1/1/2011	Minor stopped by local police for traffic violation and is detained by Border Patrol. He is released from Tacoma Detention Center after they realize he is a U.S. Citizen.
Pastor Gil Alvarado	Ferndale	1/1/1989	Pastor of First Hispanic Church in Lynden detained because he drove people from his church to their home.
Christian and Panfilo	La Conner	10/14/2011	Broccoli Farmworkers pulled over on their way to work by local law enforcement and asked for their immigration status. ICE was called and both were detained.
Talia and Jose	Lynden	1/23/2009	Husband pulled over by local police because his windows were too dark and officer called CBP for interpretation. He was deported, leaving behind pregnant wife.
Savameno	Lynden	11/1/2006	Man paid speeding ticket and was called to return back to court. When he arrived, the clerk pointed him to the door and Border Patrol was waiting to detain him.
Hector	Lynden	12/2/2011	Construction worker and son followed by BP from his work to home. Over 6 BP vehicles arrived as they searched his car for drugs and asked him to prove ID.
Analilia and Alberto	Lynden	11/28/2011	Local Police pull over pregnant woman on way to Thanksgiving dinner and call Border Patrol. She is detained in front of her 5 year-old child and deported. Grandparents adopt her children.
Serena Lopez	Lynden	11/14/2011	2 Tacoma men are pulled over by Lynden police on way to visit a friend and CBP arrive for interpretation. Friend comes quickly and is asked to interpret because BP isn't able. The car is searched with drug dogs and both men are detained. They are deported without signing voluntary departure.
Posillo	Lynden	11/13/2011	Brother and friend detained after being pulled over by local police. Border Patrol arrives shortly after.
Liz	Lynden	10/9/2011	When argument begins at Quinceañera party a guest calls 911 and local police and CBP arrive. More than 7 Border Patrol vehicles wait in parking lot until party is over, frightening everyone.
Maria	Lynden	9/23/2011	Many people pulled over by local police and detained by CBP. Tells story of woman pulled over on way to daycare and wasn't given opportunity to say bye to her kids.
Ana Eugenia	Lynden	9/23/2011	People don't report crimes or abuses out of fear local police will call immigration. Tells about how her neighbors and friends are stopped and then just disappear.
Carmen	Lynden	8/18/2011	Woman farmworker scared to leave camps because so many co-workers have been pulled over and deported for broken tail lights or other reasons.
Dahlia Lopez	Lynden	8/15/2011	Advocate reports woman detained after she is pulled over by local police for driving with a taillight out and they call CBP for interpretation.

Jorge Martinez	Lynden	7/23/2011	Family members and friends pulled over multiple times by local law enforcement and had their cars searched for drugs and immigration status checked.
Juan Jose Maldonado	Lynden	7/23/2011	Highlights stories of BP interpreting and mistrust of law enforcement.
Pablo	Lynden	7/12/2011	Father detained and deported after being pulled over on the way to courthouse for child custody hearing. He spoke English, yet local police called CBP for interpretation.
Saul	Lynden	7/11/2011	Man is asked for papers and detained while in line for domestic flight at Bellingham Airport. Family members worried frantic when they could not locate him.
Rosa	Lynden	7/3/2011	Woman describes how when familes in the community are separated "the kids are the ones that suffer".
Carolina	Lynden	7/1/2011	Scared woman goes to library to get advice on if she should attend courthouse to serve on jury. Staff can't tell her in good faith she won't be detained.
Hector	Lynden	7/1/2011	Legal Permanent Resident approached and asked to prove immigration status while pumping gas at a gas station.
Ira	Lynden	7/1/2011	Local police pull over young man for taillight out and call Border Patrol. They ask him for immigration status.
Sira	Lynden	7/1/2011	Family pulled over by local police because their "muffler is too loud." Border Patrol arrives for interpretation and detains the father and son. They give the son the option of being deported in place of his sick mother.
Esmeralda	Lynden	6/23/2011	Mushroom worker followed by 3 Border Patrol to her home. They ask for her husband and threaten to detain her while her children watch crying.
Jacinta	Lynden	6/3/2011	ICE enters home with warrant for someone who no longer lives there and detains 3 family members.
Erika	Lynden	6/1/2011	Latina woman pulled over because her taillight was out and he asked her if she needed interpretation. She replied no, and he let her leave.
Laura Ventura	Lynden	5/24/2011	Farm worker followed by Border Patrol after work. The agent signaled her to pull over by beeping horn, asked her for her immigration status, searched car for drugs, and then detained her. She suffered face paralysis in detention center.
Orlando	Lynden	5/1/2011	Teen farmworkers describes how U.S. Citizen kids are "safety blanket" for their parents, and drive with them wherever they go because they can speak English. There have been many car accidents where neighbors have been detained.
Rosa	Lynden	5/1/2011	Man is pulled over for speeding by local police. The 60 year-old grandmother in passenger seat is asked for papers, detained, and in deportation proceedings.

Miguel Guzman	Lynden	4/20/2011	Mechanic shares community's fear and mistrust of law enforcement in area, raids, and surveillance of community.
Ruth	Lynden	3/23/2011	Man pulled over by local police for a broken taillight and called Border Patrol for interpretation. When he showed his green card, they accused him of having a fake residency card. He feels he was racially profiled. Wife shares if she had to call 911 she would make her kids call in English.
Gilberto	Lynden	3/1/2011	Sheriff pulls over Guatemalan workers for driving with tinted windows and searches vehicle for drugs. He calls CBP for interpretation and they ask them to show their visas. When they go to pay ticket at courthouse they are approached by BP and again asked for papers.
Alejandro Perez Martinez	Lynden	2/28/2011	Mentally ill man shot and killed by BP and Local Law Enforcement after they respond to 911 call. CBP is on scene to interpret but fires gun. He is shot 13 times total by Border Patrol and Local Sheriff, handcuffed, and dragged 10 feet before given any health assistance.
Carlos	Lynden	2/20/2011	Legal Permanent Resident stopped by same Border Patrol three times and detained for a week and a half in Tacoma.
Claudia	Lynden	1/1/2011	Mother too scared to leave home for groceries and waits until her daughter visits every 8-10 days.
Marguerita	Lynden	12/10/2010	Woman's son is pulled off field by his neck while working and detained in front of other workers.
Angelina	Lynden	7/1/2010	Woman detained after she is pulled over by local police without driver's license and they call Border Patrol.
Sandra Morales	Lynden	7/1/2010	Parents stopped by local police while driving to pick up their sick baby from Day Care. Border Patrol arrives and detains father, leaving sick baby in their care temporarily.
Juan	Lynden	7/1/2010	Three Raspberry workers approached by Border Patrol while eating lunch on their break and asked for papers.
Bello	Lynden	6/1/2010	Father is detained and deported after paying a speeding ticket at courthouse. He is separated from wife and 2 U.S. Citizen children.
Rafael	Lynden	4/1/2010	Three family members are pulled over by local police for driving over speed limit. The driver only speaks Spanish and officer calls CBP for interpretation. Driver is detained and U.S. Citizen cousins are asked to prove immigration status.
Iván	Lynden	5/22/2009	Man goes to pay ticket at courthouse and as he exits courtroom is asked for papers and detained by ICE official in civilian clothes.

Irma	Lynden	11/1/2006	Husband is detained after local police pull over family for expired tags and call CBP for interpretation.
Cristina Rodriguez	Lynden	6/1/2004	Husband is detained after local police pull him over and call Border Patrol for interpretation. Simple things like going to grocery store or doctor make her nervous.
Joel and Felipe	Lynden	7/1/2011	Two men are detained after local police calls Border Patrol for interpretation. Bilingual family member tries to interpret and advocate for them.
Beverly	Lynden	12/8/2011	Latina legal permanent resident feels she is racially profiled after being stopped by Border Patrol and checked for papers without any reason given.
Beverly	Lynden	12/1/2011	Woman tries to call Lynden police and cannot find any number. She gets rerouted to Border Patrol and Bellingham Sheriff Department.
Jorge Martinez	Lynden	7/23/2011	Describes fear to drive and tells how at the end of raspberry season you see BP pick up workers after their shifts.
Jaime	Lynden	1/1/2010	Latino man is hit in car accident and CBP are the first to respond to the scene. They check the victim's immigration documents and detain him.
Daniel	Lynden	1/1/2010	A Caucasian woman runs a stop sign and hits a Latino man while driving. Five Border Patrol respond to the accident and ask the man for his immigration documents.
Sofia and Luz	Maple Falls	4/1/2011	Adult sisters walk their babies in strollers down the street and are approached by a CBP agent who asks for their IDs and age of their children. When they don't have IDs with them he makes them write their names in a notebook. The women leave scared.
Pastor Emilio Benites	Mt Vernon	1/1/2004	ICE arrives at Pastor's home and tries to coerce him to work for them to find out who is making fake IDs. They carry his photo and threaten to arrest him but don't.
Salvador Cruz	Mt. Vernon	2/28/2012	Describes community members' fear to drive or leave their homes.
Rogelio	Mt. Vernon	9/1/2011	Man is detained after he is pulled over by local police on his way to work and they call Border Patrol.
Diego Bernal	Mt. Vernon	9/5/2011	Farm worker tells of harsh working conditions including limited water and many youth from 3-16 years old laboring in fields.
Rudolfo	Mt. Vernon	7/1/2011	ICE arrives at home looking for someone who no longer lives there and asks immigration status of family members. They aggressively detain father in front of kids.

Eduardo	Mt. Vernon	6/16/2011	Student boxed in his parking spot at community college by an ICE agent and asked for his papers.
Summer Garcia	Mt. Vernon	9/1/2010	Man hits deer and is too scared to call local police or tow truck for help because he thinks immigration may come.
Fernando	Mt. Vernon	1/1/2010	Latino man asked for papers and detained while standing outside Mt. Vernon Restaurant.
Maria Trinidad	Mt. Vernon	5/1/2007	ICE arrives to home without warrant and detains father in front of kids, won't tell them why he is being arrested.
Adrian	Mt. Vernon	1/1/1996	15 years ago ICE raided popular Mt. Vernon restaurant, arresting all workers. Old incidents still contribute to current climate of fear.
Maria	Nooksak	7/26/2010	Little girl falls during a birthday party and mother calls 911. Border Patrol arrive with sheriffs and begin to wander the party. Many people leave.
Luis Aguilar	San Juans	9/23/2011	U.S. Citizen teenager must take birth certificate with him when he travels from San Juan Islands to Anacortes. Every time their family crosses he must wait hours and gets singled out by Border Patrol.
Luz Aguilar	San Juans	9/23/2011	Woman describes isolation of islands and checkpoints on ferries. Tells stories of being racially profiled every time their family leaves island. Once the officers held them for hours while her husband had a medical emergency and needed to go to the hospital.
Loretta	Sedro Wooley	10/3/2011	Latina woman racially profiled and mistakenly arrested by local police for shoplifting. She is now scared to call police for help.
Jesus	Sedro Wooley	8/5/2011	Dairy worker pulled over by local police for taillight out and BP arrives. Officers ask for their immigration status and threaten to arrest them if they ever see them again.
Raquel	Sedro Wooley	4/11/2011	Family nervous after church youth were detained by Border Patrol. Later, police arrive in neighborhood and woman's young U.S. Citizen daughter runs into the home crying when someone jokes that "the migra is coming".
Maricela	Sumas	8/15/2011	Woman, husband, and roommate are detained after being pulled over by local police on way to buy groceries. They aren't given reason and CBP comes to interpret. Only the woman isn't deported because they have 2 U.S. Citizen kids.
Mark and Maria	Sumas	9/1/2009	16 and 17 year-old U.S. Citizen siblings are surrounded by 7 Border Patrol vehicles and have their car searched by drug dogs after being stopped without driver's license. Mom must bring birth certificates to prove status.

Appendix—B

Sample Documentation Form and Human Rights Card

NORTHERN BORDER STORIES:

AMERICA With Justice for All

NAME OF PERSON (OR NICKNAME):

INTERVIEWED BY:

PHONE NUMBER:

LANGUAGE:

DATE/TIME OF INCIDENT:

FULL NAME OF THOSE AFFECTED:

REGION (PLEASE CIRCLE):

BORDER WHATCOM SKAGIT SNOHOMISH SAN JUAN ISLANDS OLYMPIC PENINSULA

TYPE OF INCIDENT (PLEASE CIRCLE):

TRAFFIC SHOPPING WORK HOUSE B CROSSING PEDESTRIAN STOP OTHER____

ADDRESS OR STREET WHERE OCCURRED:

TYPE OF LAW ENFORCEMENT (PLEASE CIRCLE):

LOCAL POLICE SHERIFF BORDER PATROL CE STATE PATROL OTHER _____ __ ____

STORY WHAT HAPPENED

HOW HAS THIS EVENT AFFECTED YOU/YOUR FAMILY EMOTIONALLY? DO YOU ACT DIFFERENT NOW?

STORY INCLUDES: 911 CALL INTERPRETATION COURTHOUSES WORKSITE FEAR RP

WHAT ITEMS WERE CHECKED (PLEASE CIRCLE):

ID LICENSE REGISTRATION IMMIGRATION DOCUMENTS OTHER ____ _____ _ ____

DO YOU FEEL THIS HAPPENED DUE TO YOUR RACE, RELIG ON, OR ETHN CITY? YES NO (COMMENTS ON BACK)

WAS ANYONE DETAINED? YES NO

IF IN HOUSE DID OFFICER HAVE WARRANT FOR ARREST? YES NO

AJ IF IN DETENTION CENTER:

REFERRED TO: NWIRP OR OA LAWYER REFERRAL_____

OA FOLLOW UP NEEDED: VIDEO TESTIMONY VOLUNTEER OTHER_____

CAN WE SHARE YOUR STORY AS COMPLAINT WITH US DEPT OF CIVIL RIGHTS? YES NO

ANNONOMOUS OR WITH CONTACT INFO

WHAT DO YOU SEE?
REPORT HUMAN RIGHTS ABUSES

LOOK for 3 things:

officer's name and badge number

license plate numbers

location and time of incident

You have the **RIGHT** to live free and without fear

Local police **DO NOT** have the right to ask about your immigration status

NO ONE has the right to discriminate based on your race, religion or nationality

We **CAN** hold law enforcement accountable
BE the VOICE of JUSTICE FOR ALL

HUMAN RIGHTS LINE **360-755-5349**

¿QUÉ OBSERVAS?
MANTENTE ATENTO Y REPORTE LOS ABUSOS DE LOS DERECHOS HUMANOS

FÍJATE en 3 cosas:

nombre y número de placa del oficial de migración o policía

número de placa de coche

lugar y hora del incidente

Tu tienes el **DERECHO** a vivir libre y sin miedo

La policía local **NO** tiene el derecho a preguntar sobre tu estatus migratorio

NADIE tiene el derecho a discriminarte por tu raza, religión o nacionalidad

Todos PODEMOS hacer que la ley se cumpla de manera responsable SÉ la VOZ de JUSTICIA PARA TODOS

LÍNEA DE LOS DERECHOS HUMANOS **360-755-5349**

Appendix—C

People's Hearing Statement of Moral and Human Values

As part of the data collection process we held two community hearings where community members testified. The below was signed on to by hearing attendees in response to the evening's testimony.

After tonight's People's Hearing, it is clear that we are faced with a moral crisis in northern Washington. We may not have the legal authority to remedy the many abuses brought before us, but as faith leaders, service providers, teachers, lawyers, and community members we are compelled to state plainly with the people's authority that policies that deny immigrants' dignity and humanity are not the values of our community. Tonight we have heard many testimonies from community members who are scared to drive to work, the grocery, or to their child's school for fear of being pulled over and CBP called to the scene. We have heard that the community no longer feels like 911 is a phone number for them. It is this fear that cloaks our towns that weighs the heaviest on us. The harassment and profiling of Latino and Muslim community members that result in senseless deportations and the separation of families must end.

In light of this moral crisis, we must ask ourselves what do we as a community believe? Will we stand on the side of racial profiling, exclusion, and fear or do we stand for equality for all, welcoming our neighbors and keeping families together, and love?

The People's Hearing's Statement of Moral and Human Values

We believe that every member of our community, authorized or not, possesses inherent dignity, value, and inalienable rights.

We believe in the value of our immigrant community members for their contributions—for their love of family, faith, courage, perseverance, hard work, and economic contributions.

We believe that families are the foundation of our community and that the love and stability of a strong family are two of the most important ingredients needed to raise thriving children who will carry us into a promising future. We value all families and children. We oppose policies that result in deportation and the unnecessary separation of families. We oppose policies that generate such fear that children's access to health, nutrition, or other social services may be limited.

We believe that any person of goodwill—no matter their race, religion, or status—who (like all of us) is pursuing the best life possible for themselves and their family should never be followed, harassed, or needlessly pulled over by law enforcement or CBP on the way to work, school, community health clinics, or church services.

We believe that community safety and emergency services are for everyone and that to keep us all safe there must be trust between law enforcement and the immigrant community. For this reason, we believe that a routine emergency call to 911 in Spanish should never result in CBP serving as back up or translation. A call in Spanish (or any other language) requesting help should never again result in deportation, death, or panic. We must find another way to provide language access services in our community.

We stand united tonight as we say that without our region's immigrant families and workers our economic and moral fabric would not be as strong—our communities would not be the same. We call on our neighbors to stand with us in asking for accountability from the Department of Homeland Security, the Department of Justice, and our local law enforcement agencies. We ask that policies that violate our human and moral values are ended so that everyone in our community can live with freedom from fear.

Authors: Sarah Curry, Kendra Anderson, Angelina Snodgrass Godoy, Carolyn Pinedo Turnovsky / Editors: Pramila Jayapal and Sarah Curry

Graphic Design: Tracy Curley / Interactive Media: Otts Bolisay / Photography by: Alex Montalvo

Find this report online at: WeAreOneAmerica.org/northern-border

OneAmerica, formerly Hate Free Zone, is a 501(c)(3) non-profit organization that advances the fundamental principles of democracy and justice by building power within immigrant communities.

Referred to CBP for Direct Reply to Requester

From: (b) (6)
Sent: Friday, July 29, 2011 10:57 AM
To: (b) (6)
Cc: Schlanger, Margo; (b) (6)
Subject: RE: Follow up

Attached are CRCL's notes from the June 29 CBP-CRCL meeting on 1) Border Patrol provision of interpretive services to other law enforcement agencies, and 2) Border Patrol dispatch center in Whatcom County, Washington answering local 911 calls. Please let us know if CBP or Border Patrol have any corrections or additions. Thank you.

From: Schlanger, Margo (b) (6)
Sent: Thursday, July 28, 2011 7:57 AM
To: VITIELLO, RONALD D
Cc: (b) (6) (b) (6) Shora, Kareem; (b) (6) ; (b) (6)
Subject: RE: Follow up

I believe that our meeting on Friday is a listening session with LGBT groups. Totally unrelated. We have representatives from a number of LGBT groups coming, to discuss issues they've been having with both OFO and Border Patrol.

(b) (6) [redacted]

The below email is following up from our meeting several weeks ago, on the topic of provision of interpretive services and how to avoid having it chill immigrant calls to police, etc. I had thought that what we agreed to at that last meeting was some kind of written guidance. This is becoming a hotter topic by the day, and we really need to figure out an appropriately robust response.

Should we touch base on the phone, prior to tomorrow's meeting, just to make sure everyone is prepared for the NGOs?

Margo

Margo Schlanger
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(b) (6) [redacted]
(b) (6) [redacted]
http://www.dhs.gov/crcl

Referred to CBP for Direct Reply to Requester [redacted]

[redacted]

[redacted]

[redacted]

From: Schlanger, Margo (b) (6) [redacted]
Sent: Wednesday, July 27, 2011 10:40 PM
To: VITIELLO, RONALD D

Cc: (b) (6) (b) (6) Shora, Kareem; (b) (6)
Subject: FW: Follow up

Hi –

Here is some recent email traffic we've gotten. I believe where we left things on this issue was that you were thinking through what kind of guidance you might actually be able to provide that might ameliorate the problems highlighted below that arise in some situations in which Border Patrol is asked to interpret.

When do you think you might have a draft?

Thanks much,

Margo

Margo Schlanger
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(b) (6)
(b) (6)
http://www.dhs.gov/crcl

From: Jorge L. Baron [mailto:jorge@nwirp.org]
Sent: Wednesday, July 27, 2011 02:38 AM
To: (b) (6) <(b) (6)
Cc: (b) (6)
Subject: RE: Follow up

Everyone,

I realize that I will be seeing Kareem and (b) (6) very soon, but I realized that I had not followed up on our earlier exchanges about the interpretation issue by Border Patrol. I did have some additional information that I wanted to pass on, as outlined below and in the attached document. As you will see, the additional information includes instances in which law enforcement agencies including the U.S. Forest Service, the Jefferson County Sheriff's office, the Sumas Police Department, and the Lynden Police Department had all apparently contacted Border Patrol for interpretation assistance and triggered immigration enforcement activities. I say "apparently" because in the last episode listed, an attorney discovered a police report that completely contradicted the Border Patrol's version of events: the Border Patrol claimed that the local police had requested interpretation assistance but the police report indicates that no such request was made. The attorney in that case is planning on filing a separate complaint with your office. In light of this troubling incident, I now have to wonder if there are situations in which the Border Patrol is claiming that they were called in to "interpret" when there was no such request but the agent recognized that the local law enforcement had engaged in profiling. I understand a complaint with the details of that very troubling incident is being submitted by the attorney to your office soon.

The incidents described below are additional to the ones I shared with you earlier. Note that all of these reports occurred in the last three months. I will continue to pass on information as I gather it, but I hope this helps to inform your deliberations and I look forward to seeing Kareem and Kara soon.

Jorge

NWIRP Complaint Filed:

On May 14, 2011, a Forest Service officer made a vehicle stop in the Forks area in the Olympic Peninsula of Washington State. According to our client, the officer appears to have made a call for Border Patrol assistance even before engaging in any kind of conversation with the occupants. According to press reports and a Border Patrol statement, the Forest Service officer had requested interpretation assistance. When Border Patrol arrived, one of the occupants fled the scene, fell or jumped into a nearby river and drowned. The other individual (our client) was detained by Border Patrol. (See formal complaint filed with US Department of Agriculture's Office of the Assistant Secretary for Civil Rights).

Reported by AILA Member:

Two individuals in a vehicle were pulled over by the Lynden Police Department (Whatcom Co.) on May 7, 2011. They were stopped because the driver was talking on his cell phone while driving. According to the I-213 filed in the case, the Lynden PD officer requested "translation assistance" from the Border Patrol. A Border Patrol agent responded and questioned the individuals as to their citizenship. The individuals were detained and taken to the Northwest Detention Center in Tacoma and placed in removal proceedings.

Reported by AILA Member:

Traffic stop by Jefferson County Sheriff deputy in May 2011 on Highway 101 between Forks and Aberdeen. According to I-213, Border Patrol was called in for interpretation assistance in serving five citations (unclear what citations were for). Five individuals detained in this instance.

This same attorney reported another case in Sumas, WA (Whatcom Co.). In that case, the individual was a passenger in a vehicle that was stopped for traffic violation. Border Patrol was brought in to interpret and was immediately asked for "papers."

Reported by AILA Member:

June 23, 2011: Traffic stop by Anacortes Police Department. According to police report, Anacortes police called Border Patrol because the individual did not have a social security number listed on license; however, Border Patrol report (I-213) states that they were responding because of request for translation assistance. Police report completely contradicts Border Patrol account of what occurred. Attorney is filing complaint with OCRCL.

Jorge L. Barón | Executive Director | Northwest Immigrant Rights Project
615 Second Ave., Suite 400, Seattle, WA 98104 | email: jorge@nwirp.org
Direct: (206) 957-8609 | Fax: (206) 587-4025 | www.nwirp.org

From: Jorge L. Baron [mailto:jorge@nwirp.org]
Sent: Wednesday, June 08, 2011 2:04 PM
To: Shora, Kareem

Cc: Tosado, Rebekah; Hong, Traci; Dansky, Kara
Subject: RE: Follow up

Kareem, (b) (6), (b) (6) and (b) (6)

Apologies for the delay in responding but it's been busier than usual the last 48 hours.

I really appreciate your office's involvement in reviewing our serious concerns about the practice of Border Patrol carrying out enforcement activities when acting as interpreters for local and federal law enforcement agencies. I am attaching documents relating to two examples involving two different law enforcement agencies:

- The first is a redacted copy of an I-213 filed by the Border Patrol describing the arrest of several individuals who had been initially detained by the Kitsap County Sheriff's office. As you will see, the report notes that the Kitsap County deputies had "requested translation assistance from Border Patrol." Notably, the report makes clear that when the Border Patrol agent showed up at the scene, he did not actually engage in translation assistance but went straight into immigration enforcement: "Agent Edwards responded to the scene and identified himself as a United States Border Patrol Agent and questioned each individual as to their citizenship." This is therefore a clear example of a situation where individuals were singled out for questioning simply because they were LEP.
- The second document is a copy of a police report from the Oroville Police Department in Okanogan County, describing the arrest of a domestic violence survivor who had called 911. Border Patrol responded to the scene, again for "translation." Despite the fact that it had been the woman who had called 911 and that, after her arrest, she had to be x-rayed to make sure she had not broken any bones, she was the one arrested that evening. Not surprisingly, the local prosecutor dropped the charges the next day but Border Patrol had already placed a detainer on her and she was transferred to the immigration detention facility in Tacoma. We were able to advocate on her behalf and DHS agreed to release her and not pursue removal proceedings. However, I understand that many people in the community heard about this incident and you can imagine the negative implications for the safety of DV survivors when the story is that a DV survivor called 911, the Border Patrol showed up and the survivor ended up being detained.

I am currently working on another more recent example involving the U.S. Forest Service and will send you information on that case as soon as possible.

Thanks again for your interest in this issue, and please do not hesitate to contact me if you have any questions.

Jorge

Jorge L. Barón | Executive Director | Northwest Immigrant Rights Project
615 Second Ave., Suite 400, Seattle, WA 98104 | email: jorge@nwirp.org
Direct: (206) 957-8609 | Fax: (206) 587-4025 | www.nwirp.org

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Washington, DC 20528

July 29, 2011

MEMORANDUM FOR: Meeting participants

FROM: (b) (6) [redacted]
Policy Advisor, Immigration Section
Office for Civil Rights and Civil Liberties

SUBJECT: Summary of June 29, 2011 CRCL/CBP meeting

On June 29, 2011, the Officer and staff of DHS Office for Civil Rights and Civil Liberties (CRCL) met with U.S. Customs and Border Protection (CBP) personnel to discuss Border Patrol provision of interpretation services for other law enforcement agencies (LEAs), where such activity leads to subsequent immigration enforcement actions by the Border Patrol. The parties also briefly discussed the Border Patrol dispatch center in Whatcom County, Washington answering local 911 calls. This meeting was a follow-up to an initial meeting on the same issues which took place on May 17, 2011.

Participants

Margo Schlanger, DHS Officer for Civil Rights and Liberties
(b) (6) [redacted], Policy Advisor, Immigration Section, CRCL
(b) (6) [redacted], Senior Advisor, CRCL
Ron Vitiello, Deputy Chief, Border Patrol
(b) (6) [redacted], Office of Diversity and Civil Rights, CBP
(b) (6) [redacted], Office of the Commissioner, CBP

Get backs

1) CRCL will draft language describing Border Patrol's limited involvement in Whatcom County 911. Once CBP and CRCL agree upon and finalize the description, CBP will work with Whatcom County and the City of Bellingham to incorporate that language in their description of the Whatcom County 911 process. See http://www.cob.org/services/safety/911/whatcomm.aspx for current description.

2) CRCL will inform CBP when DOJ posts the final FAQs about language access, so that CBP is aware of how Border Patrol interpretive services are described in that document.

3) CBP will provide CRCL with any written policy/guidance relating to enforcement operations carried out in dwellings.

4) CBP will provide CRCL with a draft guidance or muster on the topic of avoiding harm to community policing/victims/witnesses when providing assistance with language interpretation.

Summary

CRCL gave brief summaries of cases that had come to its attention where Border Patrol serving as interpreters for other LEAs lead to subsequent immigration enforcement by Border Patrol. Based on reports from nongovernmental organizations (NGOs) and the press, interpretation/enforcement issues appears to have arisen in Clallam, Kitsap, Jefferson, and Okanogan Counties in Washington State, as well as in Montana (Havre Sector), California (El Centro Sector), and Louisiana (New Orleans Sector). Some of the people placed in removal proceedings in these cases were domestic violence victims who had called the police for help, or people who were cooperating with the police in search for fugitives.

Officer Schlanger observed that when similar situations arose in the context of Secure Communities, some LEAs and many NGOs expressed concerns about such events making unauthorized immigrants and/or their U.S. citizen or legal immigrant family members afraid to report crimes to the police, and the resulting adverse impact on community policing efforts.

(b) (5)

Officer Schlanger asked Border Patrol to think about how it could best address this issue. Chief Vitiello responded that he would like to use musters or other relatively low-key guidance.

Then (b) (6) briefly described DHS' and LEAs' responsibilities under Title VI of the Civil Rights Act and Executive Order 13166 in dealing with limited English proficient (LEP) populations and ensuring that LEP individuals have equal access to government services and programs. She and Officer Schlanger also discussed the role of the Department of Justice (DOJ) in enforcing these laws, and the recently-circulated draft DOJ Frequently Asked Questions

Homeland Security

Office of Inspector General
Washington, DC 20528
www.oig.dhs.gov

AUG 16 2012

Ms. Melissa Crow
American Immigration Council
1331 G Street NW, Suite 200
Washington, DC 20005

Subject: Freedom of Information Act Request No. 2012-135 – Final Response

Dear Ms. Crow:

This responds to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Office of Inspector General (OIG), dated May 31, 2012, and seeking records related to U.S. Customs and Border Protection (CBP) participation in 9-1-1 dispatch activities, from January 2009 to the present (copy attached for reference). Your request was received in this office on June 18, 2012.

The DHS-OIG conducts independent investigations, audits, inspections, and special reviews of DHS personnel, programs, and operations to detect and deter waste, fraud, and abuse, and to promote integrity, economy, and efficiency within DHS. In response to your request, a search of the DHS-OIG's Offices of Audits (AUD), Inspections (ISP) and Investigations (INV) was conducted. As we explained in our conversation with you on July 3, 2012, that search resulted in no responsive records to your original request.

In our follow up email of July 25, 2012, we agreed on search terms for a second search in INV. An exhaustive search was conducted within DHS-OIG's investigative indices electronically using the following search terms: "Customs and Border Protection," "CBP," "Border Patrol," "BP," "9-1-1 call," "9-1-1 dispatch," "911," "911 call," "911 dispatch," "911 Emergency dispatch," "dispatch," and "Emergency" (email attached for reference). Because of the broad nature of these search terms, INV responded with a list of hundreds of complaints and/or investigations on the affected agency CBP. The FOIA Unit then extracted those cases manually that may have been responsive to your request in the attached spreadsheet. We reviewed the responsive records under the FOIA to determine whether they may be accessed under the FOIA's provisions. Based on that review, this office is providing the following:

_____ page(s) are being released in full (RIF);
__2__ page(s) are being released in part (RIP);
_____ page(s) are withheld in full (WIF);
_____ page(s) are duplicate copies of material already processed;
_____ page(s) are non-responsive to your request and therefore withheld in full;
_____ page(s) were referred to another entity.

The exemptions cited for withholding records or portions of records are marked below.

Freedom of Information Act, 5 U.S.C. § 552			**Privacy Act, 5 U.S.C. § 552a**
☐ 552(b)(1)	☐ 552(b)(4)	☐ 552(b)(7)(B)	☐ 552a(j)(2)
☐ 552(b)(2)	☐ 552(b)(5)	☒ 552(b)(7)(C)	☐ 552a(k)(2)
☐ 552(b)(3)	☒ 552(b)(6)	☐ 552(b)(7)(D)	☐ 552a(k)(5)
	☒ 552(b)(7)(A)	☐ 552(b)(7)(E)	☐ Other:

OIG redacted from the enclosed documents, names and identifying information of third parties to protect the identities of these individuals. Absent a Privacy Act, the release of such information concerning the third parties named in these records would result in an unwarranted invasion of personal privacy in violation of the PA. That information is also protected from disclosure pursuant to Exemptions 6 and 7(C) of the FOIA.

Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of "personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." *See* 5 U.S.C. § 552(b)(6)(emphasis added). DHS-OIG is invoking Exemption 6 to protect: the names and initials of lower level employees, non-agency employees, and private citizens.

Exemption 7(A), 5 U.S.C. § 552(b)(7)(A)

Exemption 7(A) authorizes the withholding of "records or information compiled for law enforcement purposes...to the extent that production of such law enforcement records or information...could reasonably be expected to interfere with enforcement proceedings." *See* 5 U.S.C. § 552(b)(7)(A). DHS-OIG is invoking Exemption 7(A) to protect information pertaining to investigations within this list of narratives that include ongoing proceedings.

DHS-OIG also asserts Exemptions (b)(6) and (7)(C) for this information. Although other exemptions may be applicable to this information, DHS-OIG is not in a position to assert other exemptions at this time since these matters are still pending. An enclosure to this letter provides a brief explanation for additional exemptions that may be present.

Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)

Exemption 7(C) protects from public disclosure "records or information compiled for law enforcement purposes...[if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy." *See* 5 U.S.C. § 552(b)(7)(C). The DHS-OIG is invoking Exemption 7(C) to protect the identities of law enforcement agents, third parties mentioned or referenced during the conduct of the investigation, and any information that could reasonably be expected to identify such individuals.

Fees

Regarding your request for a fee waiver, because there were only two responsive pages, your fee waiver request is moot.

You have the right to appeal this response. Your appeal must be in writing and received within 60 days of the date of this response. Please address any appeal to:

FOIA/PA Appeals Unit
DHS/Inspector General
STOP 2600
245 Murray Drive, SW, Building 410
Washington, DC 20528

Both the envelope and letter of appeal must be clearly marked, "Freedom of Information Act/Privacy Act Appeal." Your appeal letter must also clearly identify the DHS-OIG's response. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.9. If you have any questions about this response please contact Kirsten Teal, FOIA/PA Disclosure Specialist, at 202-632-0346.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may email that entity at ogis@nara.gov or call 877-684-6448.

Sincerely,

Katherine R. Gallo
Assistant Counsel to the Inspector General

Enclosures