

IMMIGRATION ENFORCEMENT *OFF TARGET*

Minor Offenses With
Major Consequences



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AMERICAN IMMIGRATION LAWYERS ASSOCIATION

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ABOUT THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION

The American Immigration Lawyers Association (AILA) is the national association of immigration lawyers established to promote justice, advocate for fair and reasonable immigration law and policy, and advance the quality of immigration law practice. AILA has over 11,000 attorney and law professor members who practice and teach immigration law. Founded in 1946, AILA is a nonpartisan, not-for-profit organization that provides continuing legal education, information, professional services, and expertise through its 36 chapters and over 50 national committees.

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Executive Summary

The Department of Homeland Security (DHS) maintains that it is enforcing immigration laws in a targeted manner that prioritizes those who present serious threats to public safety and our nation's security. DHS Secretary Janet Napolitano and Immigration and Customs Enforcement (ICE) Director John Morton frequently point out that they have dramatically increased enforcement against those convicted of serious crimes.¹ In June 2010, Director Morton issued a written memorandum calling for ICE agents to focus on the agency's "highest enforcement priorities, namely national security, public safety, and border security."²

By prioritizing its enforcement, DHS asserts that it is using more effectively the finite federal resources at its disposal while aggressively pursuing an agenda that maintains the rule of law. In this regard, DHS has deported unprecedented numbers of people—nearly 400,000 in the most recent fiscal year—and greatly expanded the manpower, technology, and infrastructure on the border.

But questions remain as to whether DHS is doing what it claims: Has DHS, in fact, implemented a targeted enforcement agenda and done so consistently and effectively? Does DHS have policies and systems that ensure it pursues those who truly threaten our safety rather than harmless individuals who are a low-priority for enforcement or who might even be legally entitled to stay in the U.S.?

Anecdotal case data collected by the American Immigration Lawyers Association (AILA) from its attorney members, representing 127 cases from across the country, offers clear evidence that the way in which DHS engages state and local law enforcement (LLEAs) in immigration enforcement is distracting the department from its stated priorities. Nearly every case in this survey fell well outside of DHS's stated priorities. As a whole, the cases starkly illustrate how individuals who present no criminal justice concern to LLEAs and no risk to public safety are nevertheless being funneled into the removal process.

DHS programs including the Criminal Alien Program (CAP)³ and the highly controversial Secure Communities⁴ and 287(g) programs⁵ have received the most public attention but are not the only cause for concern. Just as troubling is the practice of ICE and Customs and Border Protection (CBP) agents responding to individual roadside calls by LLEAs that often lack any articulated criminal law infraction.

¹ Testimony of Secretary Janet Napolitano before the Senate Committee on the Judiciary, "Department of Homeland Security Oversight," March 9, 2011, http://www.dhs.gov/ynews/testimony/testimony_1299683039975.shtm. Testimony of Director John Morton, U.S. Immigration and Customs Enforcement, before the House Committee on Appropriations, Subcommittee on Homeland Security, "U.S. Immigration And Customs Enforcement FY 2012 Budget Request," March 11, 2011, http://www.dhs.gov/ynews/testimony/testimony_1300735256337.shtm.

² John Morton, Director, ICE, "Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens" at 2, June 30, 2010 (reissued on March 2, 2011), <http://www.ice.gov/doclib/news/releases/2011/110302washingtondc.pdf>. The memorandum also states: that the highest priority should be placed on violent criminals, repeat offenders, and individuals who "pose a serious risk to public safety."

³ The Criminal Alien Program is a DHS enforcement program that screens individuals in more than 300 state and local jails, as well as all state and federal prisons. The operation of the program varies among participants, however, generally, the LLEA provides ICE with a list of individuals who have been booked into the jail and ICE conducts interviews of select detainees, and identifies those it believes may be removable under immigration law.

⁴ Secure Communities is a DHS enforcement program that uses fingerprints collected by local and state law enforcement to identify individuals who may be deportable under immigration law. The program was initiated in 2008 and DHS plans to activate it in every law enforcement jurisdiction in the country by 2013. For more information, see Michele Waslin, "The Secure Communities Program: Unanswered Questions and Continuing Concerns." Washington, DC: Immigration Policy Center, November 2010. <http://immigrationpolicy.org/special-reports/secure-communities-program-unanswered-questions-and-continuing-concerns>

⁵ The 287(g) program, named after the Immigration and Nationality Act code section from which it derives its authority, INA 287(g), deputizes local and state law enforcement officers to enforce federal immigration laws themselves through formal Memoranda of Agreement between the federal government and local authorities.

When DHS programs and practices encourage local authorities to become integrally involved in immigration enforcement, the distinctions between police,⁶ ICE, and CBP are blurred and create confusion in the community about who plays what role. Police are perceived as no longer just protecting public safety and enforcing criminal law but also, or even primarily, as enforcing civil immigration law. Law enforcement leaders have described how this merging of immigration enforcement with criminal law enforcement erodes immigrant communities' trust in the police and local government, and ultimately undermines public safety. Instead of investigating crimes, police are questioning accident victims or others engaged in innocent behavior about their immigration status and turning them over to ICE or CBP. In some cases, police also appear to be engaging in impermissible police practices, including racial profiling and other civil rights abuses. The overall message to the community is that any contact with local police, no matter how innocent or random, can result in deportation.

Previous reports by the government and non-governmental organizations have already identified many of the policy concerns described above.⁷ The cases in this report are overwhelming confirmation of the problems that arise when DHS involves local police in immigration enforcement. Taken together, the cases reveal that the immigration enforcement system is not acting pursuant to defined priorities and that DHS lacks coherent mechanisms to ensure that cases are evaluated and prioritized before enforcement action is taken. With the lives of so many individuals and their families at stake, as well as the broader impact on the community, DHS cannot afford to operate any longer in this haphazard manner and should take immediate steps to put immigration enforcement back on target.

Findings and Recommendations

Findings

1. Through Secure Communities, the 287(g) program, CAP, and informal practices, LLEAs regularly refer cases to ICE and CBP who do not present any threat to public safety or national security. Upon LLEA referral, DHS is taking action against these low priority individuals. In the vast majority of cases documented in this report, the people placed in removal proceedings had committed minor offenses or no offense at all, presented no public safety or security risk, and had no criminal background. By initiating and pursuing enforcement actions in these types of cases, ICE and CBP resources are being diverted away from the agencies' priorities.
2. In the vast majority of cases documented in this report, the people referred to DHS by LLEAs had compelling equities weighing in their favor. Over 80 had resided in the U.S. for over a decade or had deep ties to the community, including family members who are U.S. citizens or lawful permanent residents who depend on them for care and support. Some were eligible for immigration benefits or other relief from removal. These are precisely the type of people who warrant the favorable exercise of discretion under the June 17, 2011, ICE memorandum that sets forth comprehensive guidelines on prosecutorial discretion for all ICE agents, prosecutors, and senior officers.⁸

⁶ In this report, the terms "police" or "police officer" are being used generically to refer to any state or local law enforcement officer, including local police, state troopers, and sheriff's deputies.

⁷ See DHS Office of Inspector General, "The Performance of 287(g) Agreements," March 2010, http://www.dhs.gov/xoig/assets/mgmttrpts/OIG_10-63_Mar10.pdf; DHS Office of Inspector General "The Performance of 287(g) Agreements, Report Update," September 2010, http://www.dhs.gov/xoig/assets/mgmttrpts/OIG_10-124_Sep10.pdf; Michele Waslin, "ICE's Enforcement Priorities and the Factors that Undermine Them." Washington DC: Immigration Policy Center, November 2010.

⁸ John Morton, Director, ICE, "Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for Apprehension, Detention, and Removal of Aliens," June 17, 2011.

3. Any contact with the police, no matter how innocent or trivial, can result in immigration enforcement and removal. Police may initiate stops for the sole or primary purpose of enforcing immigration law, and may engage in racial profiling or other abusive practices to accomplish this.

Recommendations

Recommendation 1:

DHS should establish screening mechanisms and other systems to ensure that priorities are followed whenever an enforcement action initiated by a referral from a LLEA is contemplated. In particular, DHS should provide clearer guidance as to when and how DHS agents, prosecutors, and senior management should respond to roadside or other informal requests from LLEAs on immigration enforcement matters.

Recommendation 2:

DHS should not issue detainers or initiate removal proceedings against individuals charged with or convicted of misdemeanor offenses unless there is evidence that they present a threat to public safety or national security.

Recommendation 3:

DHS should establish systematic review mechanisms to ensure that in all cases, compelling equities and other factors weighing in favor of prosecutorial discretion are considered before any enforcement action is initiated.

Recommendation 4:

Whether a case comes through Secure Communities, the 287(g) program, or a roadside call, DHS should not initiate enforcement action when an LLEA or police officer under investigation for racial profiling or other improper police practices is the referring source.

Recommendation 5:

DHS should proactively consider the ways in which its programs and practices are vulnerable to abuse by LLEAs and develop and implement mechanisms nationwide to prevent this from occurring.

I. Report Methodology and Organization

Report Methodology

In May 2011, AILA requested that its attorney members provide examples of cases in which their clients had been stopped, questioned, or arrested by police for minor offenses that resulted in the initiation of removal proceedings. In the first week nearly 100 AILA attorneys responded, and ultimately more than 125 attorneys sent descriptions of over 200 incidents. This report is based on 127 of those cases (see Appendix B) which involve incidents that took place in 24 states and the District of Columbia.⁹

The initial May e-mail sent to attorneys did not ask them to specify the DHS program that resulted in their clients' identification by DHS. In follow-up communications, some provided this information but many did not know how their clients had been identified. Secure Communities, the 287(g) program, and CAP generated many referrals but most resulted from police contacting DHS agencies from the roadside or at the booking station. In the majority of cases, ICE or CBP responded by issuing a detainer or immediately driving to the location of the incident to pick up the individual.

⁹ Attorneys described incidents that took place in California, Colorado, Connecticut, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, South Carolina, Texas, Vermont, Virginia, Washington, and West Virginia, as well as Washington, DC

This report represents just a few of the thousands of individuals who have been deported as a result of contact with LLEAs and subsequent referrals to DHS. Nearly all of the cases in this report involve individuals represented by immigration counsel or who were able to speak with an immigration attorney prior to removal. Absent from this report are the far larger number of individuals who are removed from the U.S. without being able to consult with an attorney and indigent persons who are appearing *pro se* before the immigration courts.

In June, AILA sent a letter to Secretary Napolitano and Director Morton that described our preliminary findings and provided fourteen detailed case examples that are also included in this report.

Organization of the Report

The main body of this report is divided into four sections. The report also includes two appendices that provide more detailed information about the cases referenced in the main body of the report. Appendix A includes narratives of 38 of the cases (listed as Case A through Case LL). Appendix B is a comprehensive chart of all 127 cases divided by columns that include: a brief narrative of the case, the date of incident, the state where incident occurred, the reason for LLEA stop, whether charges were filed or a conviction was obtained, whether the person has a criminal history, whether a detainer was issued, whether the person was detained, the status of the person's immigration case, whether the person has U.S. citizen or lawful permanent resident family member in the U.S., and the person's nationality.

II. DHS Initiated Removal Proceedings Against Many Who Presented No Threat to Public Safety or National Security.

State and local authorities may provide valuable information and referrals to aid DHS in the enforcement of immigration law. But DHS agents and prosecutors need a systematic way to assess whether to act upon that information. The cases in this report show that CBP and ICE agents responded to calls, detained individuals, and initiated removal proceedings without first determining whether the case fell within the agency's overall priorities. In the absence of a screening process that is applied consistently, DHS will continue to expend valuable enforcement resources on the removal of non-priority individuals who are stopped for minor offenses or for no offense at all, who will not be prosecuted or even charged with any crime, or who have no previous criminal history.

Furthermore, because each LLEA has its own policies, practices, and enforcement goals, it would be wrong to assume that cases referred from LLEAs—whether through automatic mechanisms like Secure Communities or a roadside call—will match DHS's enforcement goals. To ensure that priorities are pursued consistently, DHS and its component agencies must systematically screen all cases.

A. In 82 cases, ICE or CBP initiated proceedings against individuals arrested or cited for minor offenses, including traffic violations.

Sixty-six cases involve people who were placed in removal proceedings after being arrested or cited for minor traffic violations.¹⁰ Drivers were pulled over for making right turns on red lights, U-turns, or other improper turns, or for having broken brake lights, tail lights, or lights over their license plates. They were arrested after failing to use a turn signal when changing lanes or turning, failing to wear a seatbelt, rolling

¹⁰ See cases 3, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 22, 24, 25, 28, 29, 33, 34, 35, 36, 37, 38, 39, 40, 43, 46, 47, 48, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 74, 76, 90, 93, 95, 97, 99, 101, 103, 105, 106, 107, 108, 109, 112, 113, 117, 120 and 125 in Appendices A and B. Twenty additional cases involved roadside stops, but the individuals were not arrested or cited for any offense. See cases 2, 4, 19, 20, 21, 23, 26, 27, 49, 50, 52, 82, 83, 88, 92, 98, 110, 122, 123 and 126.

through stop signs, or being involved in car accidents, regardless of whether they were at fault. Some were stopped for driving cars with tinted windows or cracked windshields, for speeding or using a cell phone while driving, or for unpaid parking tickets or expired registration tags or insurance. In some cases, individuals were not given any explanation for the initial stop. Once stopped, the most frequent basis for an arrest or citation was driving without a license or having an expired or otherwise invalid license.¹¹ The individuals in these cases, while possibly having violated minor traffic laws, are not the dangerous criminals or threats to public safety that DHS purports to target.

In summer 2009, a woman was driving in California when she was pulled over because the light illuminating her license plate was out. She was arrested for the broken light, as well as for driving without a license or insurance, and was reported to ICE. She is currently in removal proceedings. She has resided in the U.S. since childhood and graduated from a U.S. high school.¹²

In January 2011, a woman was pulled over in Minnesota for failing to signal while making a right turn. She was cited for driving without a license and having frost on her windshield, and was reported to ICE. She is currently in removal proceedings. She has a 15-month-old U.S. citizen daughter.¹³

Though traffic stops were the most common way for police to initiate contact, in 16 cases the minor offenses that led to removal proceedings were not related to a moving violation.¹⁴ People were reported to ICE following arrests for leaving a car running unattended, public intoxication, picking plants from a forest, arguing with a police officer, refusing to give their name to campus police, and selling \$2 and \$5 phone cards from a private residence.

In July 2009, a young man was arrested for sitting on subway steps in violation of New York City code. He was reported to ICE and then held in immigration detention until he was removed from the U.S. later that summer. His mother has been granted a U visa, and he is now seeking to reenter the country as a U visa derivative.¹⁵

In early 2011, a college student was in a bar in New York when a fight broke out. The police arrested everyone who was in the area where the fight occurred, regardless of whether or not they had been involved in the fight. The student was among those arrested who had not been fighting. The police notified ICE, and he was taken into ICE custody and placed in removal proceedings. The student recently married his fiancée and will apply to adjust status through her.¹⁶

B. In 41 cases, the LLEA never pursued charges against the individual for any criminal offense or violation.

In 41 cases, the LLEA either questioned individuals for no apparent reason, other than to ascertain their immigration status, or never pursued the charges that were the basis of the arrest.

¹¹ Most of the individuals in this report are barred from obtaining a driver's license because of their immigration status. Only two states—Washington and New Mexico, issue driver's licenses to individuals without checking immigration status, while Utah offers individuals who cannot prove lawful immigration status a "driving privilege" card.

¹² See case 9.

¹³ See case 51.

¹⁴ See cases 1, 42, 44, 45, 72, 73, 85, 86, 87, 96, 100, 104, 114, 116, 121 and 124. Five additional cases involved arrests for no stated reason other than an individual's inability to produce identification while in public. See cases 6, 75, 80, 91 and 111.

¹⁵ See case 86.

¹⁶ See case 87.

In 13 of those 41 cases, police questioned and then transported individuals to local jails solely because they could not prove legal immigration status.¹⁷ No reason was given for their arrest and no charges were ever filed against them. These cases include passengers in cars driven by licensed drivers, a person walking down the street, someone stopped on the roadside fixing a flat tire, and even victims of traffic accidents. By responding indiscriminately to referrals from LLEAs, ICE and CBP implicitly encourage police to act as de facto immigration agents, usually at the cost of LLEAs' own law enforcement priorities.

Moreover, these individuals were jailed by the police even though there was no criminal basis for their detention. In at least two of these cases, ICE issued detainers in direct violation of ICE detainer policy, which requires that a person be arrested for a criminal offense before a detainer is issued.¹⁸

In June 2010, a man was leaving a convenience store in Texas when he was stopped by a sheriff's deputy and asked for identification. Since he could not produce any, he was arrested. Although he was not charged with any crime, he was taken to the sheriff's office and held until CBP picked him up. Later, he accepted voluntary departure.¹⁹

In Summer 2010, a 60-year-old woman was the passenger in a car driven by her daughter, a lawful permanent resident. The car was pulled over by police in Michigan. Even though she was just a passenger, the police officer asked the woman for identification, and she produced an expired identification card. When asked why she had not renewed it, she explained that she did not have a green card yet. The officer took her into custody and ICE issued a detainer. No criminal charges were filed against her. She was held on the detainer for three or four days until she was transferred to immigration detention.²⁰

In seven of the 41 cases, police held individuals they had stopped at the roadside or another public space while they waited for ICE or CBP to pick them up. In four of these cases, no reason was given for why the police questioned the individuals,²¹ while in two cases the individuals were stopped for a violation—making a right turn on red and an expired registration tag.²² These charges were not pursued. In an additional case, the police officer transported individuals directly to an ICE processing center.²³

In June 2011, a car was pulled over in Pennsylvania for violating the regulation on tinted windows. The four passengers in the car were also asked for identification. When they could not produce any, the state police called ICE from the roadside and then brought the men to a local jail where they were held until ICE took them into custody. None of the men were ever charged with an offense.²⁴

In December 2009, a man was driving a van in Florida when he noticed a police officer following him. He pulled into a parking lot, and the officer followed him and then pulled up to the van. The officer gave no reason for the stop, and all of the van's tags and insurance were up to date. When asked for a license, the man presented an expired driver's license. The police officer did not charge

¹⁷ See cases 6, 49, 50, 52, 80, 82, 88, 91, 92, 98, 110, 111 and 122.

¹⁸ ICE's August 2, 2010 detainer policy states: "Immigration officers shall issue detainers only after an LEA has exercised its independent authority to arrest the alien for a criminal violation." Immigration and Customs Enforcement, Interim Policy Number 10074.1: Detainers, August 2, 2010.

¹⁹ See case 111.

²⁰ See case 50.

²¹ See cases 2, 20, 21, and 23.

²² See case 4 and 19.

²³ See case 126.

²⁴ See case 98.

him with anything or give him a ticket. Instead the officer detained the man in the parking lot, called ICE and waited until ICE arrived. The man was held in immigration detention for ten months and is still in removal proceedings.²⁵

In April 2011, a man was a passenger in a car that was pulled over in Florida for no apparent reason. The driver of the car had a license, so he was allowed to leave. He was never given a ticket. However, since the passenger had no proof of status, the officer held him at the roadside until ICE arrived to take him into custody. He was held in immigration detention for about three months, until he accepted voluntary departure.²⁶

In 21 of those cases, the local police and prosecutors did not pursue the charges that were the original basis for the arrest.²⁷ In some instances, it appears that the primary or sole reason for the arrests was to screen for immigration status. In four cases, the person had actually been arrested in error—yet ICE still placed them in removal proceedings.²⁸

A man and his family were moving from Oregon to Michigan in March 2011. In Michigan, they were pulled over. The man, who was driving, recently had his wallet stolen. When the officer asked for his license, he could only provide a photocopy. He was arrested for driving without a license. The charge was later dropped because he had a valid license; however, ICE had already been contacted. He was taken into ICE custody and is currently in removal proceedings. The man has three U.S. citizen children and is applying for cancellation of removal.²⁹

In May 2009, a man was driving with his wife and young son, both U.S. citizens, when the car was pulled over in Maryland. The police officer claimed that the man was not wearing a seatbelt; the man states that he had been wearing a seatbelt. The officer arrested him but the charge was not pursued. Instead, the man was taken into ICE custody and eventually removed. His wife is having trouble making ends meet because her husband is no longer in the country to help support the family.³⁰

C. In 87 cases, the individuals had no previous criminal history.

In 87 cases, AILA members reported that the individual referred to ICE or CBP had no criminal history. Combined, these cases belie the DHS assumption that individuals arrested or identified by LLEAs naturally fall within their enforcement priorities and raise serious questions about DHS and its component agencies' reliance on LLEAs to enforce immigration laws.

For those with some criminal history, the past convictions were primarily for traffic offenses and non-violent misdemeanors, but also included driving under the influence, theft, battery, domestic abuse, drug possession, and assault with a firearm.³¹

²⁵ See case 27.

²⁶ See case 23.

²⁷ See cases 1, 12, 27, 37, 40, 46, 69, 72, 73, 78, 93, 97, 99, 104, 105, 108, 109, 118, 119, 123, 124 and 127.

²⁸ See cases 78, 118, 119 and 127.

²⁹ See case 46.

³⁰ See case 27.

³¹ In 23 cases, the individual had convictions for minor offenses, such as traffic offenses or non-violent misdemeanors (excluding driving under the influence (DUI)). In 14 other cases, the individual had been convicted of a more serious charge such as DUI, theft, battery, domestic abuse, or assault with a firearm, but in several of these cases the convictions were more than a decade old or were for a juvenile offense.

III. Evidence of Racial Profiling Was Present in Many Referrals from LLEAs.

Publicly, DHS has stated that racial profiling should play no role in immigration enforcement. Secretary Napolitano has referred to racial profiling as “illegal” and “repugnant to the law.”³² ICE’s written policy states that “[r]acial profiling is simply not something that will be tolerated.”³³ Despite these pronouncements, ICE and CBP initiated removal proceedings in cases where there was strong evidence suggesting the presence of racial profiling by LLEAs. By pursuing these kinds of cases, ICE and CBP signal tacit approval of the discriminatory and questionable practices that brought the individuals to DHS attention. DHS must send a clear and strong signal—one that goes beyond policy pronouncements—that racial profiling and other civil rights abuses by police will not be tolerated. Towards that end, DHS must stop accepting cases referred from jurisdictions under investigation by the Department of Justice for racial profiling.³⁴ DHS must also proactively review its programs and practices to identify those that might inadvertently lead to racial profiling and put in place safeguards to protect against this potential.

A. In four cases, individuals were stopped by police officers who made express comments indicating they were targeted for their race or ethnicity.

In four cases, individuals reported law enforcement officers made specific comments during the initial encounter indicating that the stop or arrest was based on the individual’s race or ethnicity.³⁵

In April 2011, a young woman was sitting in a parked car outside a convenience store in North Carolina when a police officer approached her. The officer asked her for her name. Initially, she gave the officer her nickname but when she realized that the officer was serious about questioning her, she handed over her bag and passport. The police officer removed her from the car and handcuffed her, accusing her of lying by giving a nickname. The officer then said, “You fucking Mexicans are all alike.” The woman and the officer got into a heated argument, and she was charged with identity theft, making a false report to a police officer, and resisting arrest. After posting bail, she was transferred into ICE custody. The young woman has lived in the U.S. since she was two years old, graduated from high school, and volunteers in her community.³⁶

In September 2009, a woman had just dropped her daughter off at school in California when she was pulled over for making an unlawful right turn. Before she could say anything, the police officer said, “I know you’re illegal,” and repeatedly questioned her about her immigration status. An officer called ICE and held her until ICE came to the roadside to pick her up. She is currently applying for cancellation of removal.³⁷

³² Testimony of Secretary Napolitano before the Senate Commerce, Science and Transportation Committee, “Transportation Security Challenges Post-9/11,” December 2, 2009, http://www.dhs.gov/ynews/testimony/testimony_1259938923345.shtm; March 9, 2011, Testimony of Secretary Janet Napolitano, supra footnote 1 (explaining that DHS provides training for local LEAs on how to identify terrorist activity “while avoiding illegal and ineffective profiling based on race, color, national origin, or religion”).

³³ An ICE fact sheet on 287(g) agreements states that “[r]acial profiling is simply not something that will be tolerated.” Updated Facts on ICE’s 287(g) Program, <http://www.ice.gov/news/library/factsheets/287g-reform.htm>.

³⁴ For example, ICE continues to take civil immigration enforcement action against individuals referred from Maricopa County, AZ, even though it is being investigated by DOJ for racial profiling. Maricopa County has both a 287(g) program and Secure Communities. In the last eight months, ICE arrested or booked into custody over 12,000 individuals referred by the county. See http://www.ice.gov/doclib/foia/sc-stats/nationwide_interoperability_stats-fy2010.pdf, http://www.ice.gov/doclib/foia/sc-stats/nationwide_interoperability_stats-fy2010.pdf.

³⁵ See cases 4, 42, 71, and 83.

³⁶ See case 71.

³⁷ See case 4.

The explicit comments by the law enforcement officers as well as the trivial nature of the violation or lack of violation are powerful indications that the individuals were targeted based on their race or ethnicity for the purpose of enforcing immigration law.

B. In 61 cases, there is evidence that the primary reason for the stop may have been to assess immigration status.

Though explicit evidence of racial profiling was not present, the facts in 61 of the cases suggest that the prime motivation for the stop may have been to assess the person's immigration status. These include arrests on fabricated charges, individuals stopped for very minor crimes or violations, and individuals stopped or questioned without cause and then held for ICE or CBP.

1. Disputed Facts and Fabricated Charges: In 14 cases, police officers alleged that the individual had committed a criminal offense. However, evidence in the cases contradicts the officers' accounts or the facts of the case were in dispute.³⁸ For example, individuals were accused of rolling through a stop sign at an intersection where no stop sign exists or driving while intoxicated when testing showed a 0.0 blood/breath alcohol level. In one case, a man was arrested for an act that is not even against the law:

In May 2011, a man was burning leaves on his property in New Mexico when a sheriff's deputy approached him. The man explained that city officials had told him he did not need a permit to burn leaves in his yard. The deputy then asked him twice for his social security number and the man explained that he did not have one. The sheriff wrote a citation for burning leaves. Two hours later, plainclothes ICE agents arrived at his house and took him into custody. He was removed later the same day. He had lived in the U.S. for over 15 years.³⁹

In November 2009, a man was pulled over by a police officer in Pennsylvania who claimed that the car's brake lights were not working. The man was arrested but never charged with a crime, and was transferred to ICE custody. After retrieving the vehicle the next day, the car's owner checked the brake lights and signed an affidavit stating that they were working.⁴⁰

In June 2011, a man was pulled over in Texas. The sheriff's deputy immediately asked him for his passport. When the man asked why he had been pulled over, the deputy said it was because his lights were not on, even though it was already light out. The deputy wrote a ticket, recording the time 6:45am, even though the time of the stop was actually 7:15am. The officer held the man at the roadside until CBP officers came to pick him up. He is now in removal proceedings. The man's wife is a U.S. citizen, and he has lived in the U.S. for 15 years.⁴¹

2. Trivial Stops: In 23 cases, the basis given by the police for the initial stop was so trivial or flimsy as to suggest that the real reason for the stop was to assess immigration status. In many of these cases, the individual was ultimately charged with only minor offenses, such as having a broken light or driving without a license, while in other cases, no charges were pursued at all.⁴²

³⁸ See cases 12, 30, 40, 44, 81, 85, 91, 92, 93, 99, 108, 113, 118, and 126.

³⁹ See case 85.

⁴⁰ See case 93.

⁴¹ See case 113.

⁴² See cases 4, 9, 11, 13, 14, 15, 16, 17, 18, 19, 34, 35, 43, 51, 54, 55, 64, 76, 90, 100, 102, 103 and 109.

In January 2011, a man in California pulled up to a 3-way intersection. A police car was also stopped at the intersection facing him. When the cars passed, the officer looked at the man, then made a U-turn and followed him for several minutes. The officer pulled him over stating that there was a problem with his brake lights. He was arrested for driving without a license and transferred to ICE custody.⁴³

In November 2010, a man was pulled over in Georgia for violating the state tinted windows regulation. He was arrested for driving without a license and expired tags, and was referred to ICE. He is a longtime resident of the United States, has been married for 10 years to a US citizen who has disabilities and, at the time of his arrest, had temporary custody of his grandchild, who has special needs. He is currently in removal proceedings.⁴⁴

3. People stopped or questioned for unknown reasons and never charged with any offense: In 24 cases, individuals were stopped or questioned for no apparent reason.⁴⁵ Although in nine of the cases the police later discovered that the person may have committed a violation, such as driving without a license, there appeared to be no basis for the initial stop.⁴⁶ Eight of the cases involved individuals who were merely passengers in cars; in a few of these, the driver was a lawful permanent resident or U.S. citizen relative of the passenger.⁴⁷ Although the drivers may have committed moving violations, the police also questioned these passengers about their immigration status. Despite the questionable nature of the stops, ICE took custody of the individuals and initiated removal proceedings.

In January 2009, a man in New Mexico pulled into a store parking lot, saw that it was closed, and backed out. A sheriff's deputy pulled him over and asked for identification and proof of insurance, which he provided. The deputy ran the man's information and discovered that he had been previously deported. The deputy arrested him solely because of his immigration status; there is no reason for the stop listed in the criminal database. The sheriff then called ICE from the roadside and again later at the jail to say that he was holding someone for them. The man was held for a day in jail on a "courtesy hold" and three additional days on a detainer from ICE.⁴⁸

A husband and wife were driving in Pennsylvania in 2006 when they were pulled over. The husband, who has a driver's license, was driving. Both were arrested and taken to the local police station and held there for several hours. Although the police report states that the stop was for a traffic infraction, they were never issued a ticket or told why they were being arrested. Prior to transferring them to ICE custody, the police took "bail" from them in the amount of cash they happened to have on them. At the time of the arrest, both had lived in the U.S. for 15 years. They have a U.S. citizen child.⁴⁹

By responding to roadside calls and placing detainees without any review of how the individual came into police custody, DHS and its component agencies become unwitting accomplices to questionable police practices. Regardless of whether these cases involve a single rogue officer or a practice condoned by the LLEA, these examples, and the thousands of cases that they represent, should be of grave concern to DHS. Taken together, these cases strongly suggest that DHS programs and practices encourage those police officers who would choose to engage in questionable police practices to do so. DHS must make programmatic changes to ensure that its programs do not have such an effect.

⁴³ See case 11.

⁴⁴ See case 35.

⁴⁵ See cases 2, 6, 20, 21, 22, 23, 27, 38, 49, 50, 52, 69, 80, 82, 83, 84, 88, 98, 105, 107, 110, 111, 112 and 122.

⁴⁶ See cases 22, 27, 38, 69, 83, 84, 105, 107 and 112

⁴⁷ See cases 2, 21, 23, 49, 50, 88, 110 and 122.

⁴⁸ See case 84.

⁴⁹ See case 99.

IV. DHS Initiated and Pursued Enforcement Action Against Many Who Had Compelling Equities.

On June 17, 2011, ICE Director John Morton issued a new memorandum intended to provide broad, comprehensive guidance to all ICE agents, prosecutors, and senior management regarding the exercise of prosecutorial discretion. In particular, the memorandum outlined factors that should prompt “particular care and consideration” when ICE agents and other personnel determine how to proceed in a case and whether to exercise prosecutorial discretion.⁵⁰

At least 89 of the cases reported here deserve close consideration for the favorable exercise of discretion pursuant to the June 17 memorandum. Indeed, many of the individuals have resided in the U.S. for a decade or more and some came to the U.S. as children. A significant number of the cases involve individuals with U.S. citizen spouses and children, some who have serious medical conditions such as cancer, congenital heart conditions, or physical disabilities. Several are elderly or were victims of crimes. Finally, these cases include people who have made considerable contributions to their communities.

In a few of the cases, DHS has exercised discretion in favor of the individual. However, in many of the cases, it is apparent ICE and CBP did not screen the case to determine whether equities were present and whether the exercise of discretion was warranted. This was especially evident where ICE or CBP responded immediately to a roadside call. DHS devotes substantial resources in pursuing any enforcement action, which may also include the use of detention and immigration court resources. DHS needs to ensure that all ICE and CBP agents and other personnel review cases thoroughly before initiating and pursuing enforcement actions. Otherwise, DHS will continue to expend resources on individuals for whom the favorable exercise of discretion may be warranted.

A. In 79 cases, ICE or CBP initiated enforcement actions against an individual who had a U.S. citizen or lawful permanent resident family member.

Of the survey responses, 79 cases involved people who had either a U.S. citizen or lawful permanent resident family member.⁵¹ In 56 of those cases, the individuals had U.S. citizen children, most of them under the age of 13.⁵²

In April 2011, a man in Florida was driving to the pharmacy with his 10 and 12-year-old children when he was pulled over. All three of his children, who are U.S. citizens, have asthma, and he was going to pick up medicine for them. The officer never stated why the man had been stopped. The officer asked for his license, but when the man admitted that he did not have one, the officer called ICE. He was held at the roadside until ICE came to pick him up. The man asked if he could wait with his children until his brother-in-law arrived to take them; his request was denied and he was immediately taken away by ICE. He was ticketed for driving without a license and remains in immigration detention. The man has lived in the U.S. for more than 10 years and is applying for cancellation of removal.⁵³

⁵⁰ See June 17, 2011, ICE Memorandum, John Morton, *supra* footnote 8.

⁵¹ See cases 2, 3, 4, 5, 8, 10, 12, 13, 14, 18, 19, 20, 22, 24, 25, 26, 27, 28, 29, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 46, 48, 49, 50, 51, 52, 53, 56, 57, 59, 60, 62, 64, 67, 69, 70, 71, 74, 75, 79, 82, 83, 87, 88, 89, 92, 93, 94, 95, 96, 97, 99, 100, 102, 105, 107, 108, 110, 113, 115, 116, 117, 118, 119, 120, 122, 124, 125 and 127.

⁵² See cases 2, 3, 4, 5, 8, 14, 18, 20, 22, 24, 25, 26, 27, 28, 29, 33, 34, 36, 39, 40, 42, 44, 46, 51, 56, 57, 59, 60, 64, 67, 69, 70, 75, 79, 82, 83, 92, 95, 96, 97, 99, 100, 102, 105, 107, 110, 115, 116, 117, 119, 122, 124, 125 and 127.

⁵³ See case 22.

In 2010, a man in Florida was a passenger in a car driven by his wife, a U.S. citizen, when the car was pulled over. The wife was given a ticket for driving without a license. The wife went to traffic court to challenge the ticket because she had a valid driver's license. The man accompanied her to court. Even though the wife was a U.S. citizen, she was not fluent in English because she had spent many years outside the U.S. However, plainclothes ICE agents were at the courthouse arresting people who needed an interpreter, and they arrested both the man and his wife. He has been placed in removal proceedings and has no relief other than voluntary departure. He was the sole source of support for his wife and two U.S. citizen children. He also helped support his wife's U.S. citizen sister and her two children.⁵⁴

In April 2011, a young man in Michigan was driving his disabled parents, both lawful permanent residents, to a doctor's appointment when he was pulled over for a minor traffic offense. He was charged and convicted of driving without a license and placed in removal proceedings. He is 20 years old and has been in the U.S. since the age of six.⁵⁵

B. At least 36 cases involved longtime residents and individuals who made contributions to their communities.

At least 36 cases involve individuals who were longtime residents of the U.S., most for ten or more years.⁵⁶ Some cases involved students, brought to the U.S. as children, who have graduated from high school; several are pursuing higher education.⁵⁷ Others are longtime residents who have made contributions to their communities by volunteering, working at churches, or providing employment.⁵⁸

In 2010, a 19-year-old man was involved in a minor car accident in Texas. When the police arrived, an officer asked to see his license. Since he did not have one, he was arrested for driving without a license. At the jail, the police contacted ICE. Three days later, he was transferred to ICE custody and held in immigration detention for several weeks. He is currently in removal proceedings. The man has lived in the U.S. since 2001 and graduated from high school here.⁵⁹

In December 2010, the owner of a garment factory was stopped in New York for having a broken headlight and was arrested for driving without a license. His license had been suspended due to an unpaid traffic ticket that he had not known about. He had a prior removal order from ten years ago, but no criminal history. After being taken into immigration custody, he was forced to close his factory in New York and lay off his employees.⁶⁰

C. In at least 21 cases the individuals referred to ICE or CBP are applying for asylum or other immigration relief.

In 17 cases, individuals are seeking asylum or non-LPR cancellation of removal or have filed for adjustment of status based on a family petition.⁶¹

⁵⁴ See case 26.

⁵⁵ See case 48.

⁵⁶ See cases 6, 9, 22, 23, 24, 25, 27, 28, 29, 35, 39, 48, 70, 71, 74, 75, 78, 80, 82, 83, 85, 90, 99, 102, 103, 104, 105, 106, 107, 113, 115, 116, 117, 124 and 127

⁵⁷ See cases 6, 9, 62, 87, 103, 104, 106, 108 and 112

⁵⁸ See cases 27, 71, 90, 105 and 108.

⁵⁹ See case 106.

⁶⁰ See case 90.

⁶¹ See cases 4, 22, 24, 38, 41, 46, 49, 51, 79, 87, 88, 92, 95, 96, 107, 113 and 124.

In March 2011, a husband and wife were passengers in a car that was stopped for speeding in New Mexico. The driver was a lawful permanent resident, but the officer asked for identification cards from the couple as well. The officer called ICE from the roadside and the couple was taken into ICE custody. The man and woman, both in their twenties, have been living in the U.S. for over ten years. They have no criminal history. The husband remains in detention, while the wife was released to take care of their 6-month-old U.S. citizen son. Both are seeking cancellation of removal.⁶²

In four cases, the individuals were victims or witnesses to crime and may be eligible for a U visa.⁶³

A 19-year-old man from California was sitting in a park with his friends when a police officer approached him and asked for identification. The officer did not question his friends. When the man said that he didn't have identification on him because he didn't drive, the officer arrested him, took him to the station, and called ICE. He was detained for over two months in Arizona, making it difficult for his family to reach him. The man has lived in the U.S. since the age of four and graduated from high school. He was a victim of a robbery at gun point and is applying for a U visa.⁶⁴

V. State and Local Involvement in Immigration Enforcement Undermines Immigrant Communities' Trust in Local Law Enforcement and Community Safety.

DHS programs and practices are increasingly blurring the line between civil immigration enforcement and criminal law enforcement. The cases in this report illustrate how any contact someone has with police—no matter how innocent or insignificant—can lead to deportation. ICE and CBP have initiated immigration proceedings against people arrested because of a police administrative error, people stopped for no reason at all, passengers in cars, and victims of traffic accidents.

In September 2007, a man called the police after being the victim of a hit and run car accident in New Mexico. The sheriff's deputy who responded to the call repeatedly asked the man if he was "illegal." When he finally admitted to being in the country unlawfully, deputy arrested him. He was held until ICE picked him up and was eventually deported to Mexico. His lawful permanent resident wife and their U.S. citizen child moved to Mexico as well.⁶⁵

In Texas in March 2011, a man was side-swiped by another driver who was making a turn. However, when the police arrived 15 minutes later and discovered that he did not have a license, they accused him of being at fault and questioned him about his immigration status. The other driver was let go, but he was arrested for driving without a license. ICE was contacted and he is now in removal proceedings. He is a longtime resident of the U.S., graduated from high school in the U.S., and is a leader in his church's youth group.⁶⁶

⁶² See case 82.

⁶³ See cases 6, 8, 57 and 78. In another case, a man had been the victim of a violent crime in Maricopa County, Arizona. Although he assisted in the investigation of the crime, the sheriff's office in Maricopa has a blanket policy against completing a law enforcement certification for a U visa. See case 29.

⁶⁴ See case 6.

⁶⁵ See case 83.

⁶⁶ See case 108.

Fear of the police has made immigrants less willing to report crimes, serve as witnesses, or receive assistance as victims. Increased local police involvement in immigration enforcement may also cause immigrants to avoid other local government authorities, creating a chilling effect that drives people to live in the shadows. A Florida AILA member states: “People are afraid to go to court because they believe that immigration will be there to pick people up or that the judge will send people to immigration authorities. People then miss court dates, which leads to warrants being issued for their arrest, and then people are deported as a result of those arrests.” In three cases in this report, ICE detained people at state and local courts; in one, a man was simply accompanying his U.S. citizen wife to traffic court for moral support.⁶⁷ Another AILA attorney from Florida reported that people in one county were afraid to go to the police station even to pick up personal property because they were asked to provide their birth certificates.

In April 2011, a man was pulled over in New Hampshire after making an illegal U-turn and was cited for driving without a license and the illegal turn. The man had a driver’s license but did not have it with him when he was stopped. The man went to court to show that he had a valid license. As he exited the courthouse, he was met by ICE agents who took him into custody. He was held in immigration detention for a month before he was released on bond. His wife is a U.S. citizen, and he has lived in the United States for more than nine years. He is currently in removal proceedings.⁶⁸

In February 2011, Safe Horizons, a prominent assistance agency for victims of domestic violence in New York began advising its clients not to contact police out of concern that Secure Communities may place them at risk of deportation.⁶⁹

In December 2009, a woman in Maryland called the police for protection from her partner. While the police were in her home, they saw her neighbor give her \$10 in quarters and, separately, that she had several \$2 phone cards on a table. The officers never asked her about the phone cards, but they later filed charges alleging that she was illegally selling phone cards. She never received the notice about the charges, and a bench warrant was issued. When she found out about the warrant, she went to the police station. She was served with an arrest warrant, arrested, and her fingerprints were taken. Her fingerprints were shared with ICE through Secure Communities, and she was taken into ICE custody, held for several days, and then released on an ankle monitor. She has a two-year-old U.S. citizen child.⁷⁰

The impact of this fear reaches far beyond immigrant communities. Most significantly, it reduces the ability of the police to investigate crimes and protect our communities. Prominent leaders in law enforcement have expressed serious concern that immigrant communities now view the police as enforcers of immigration law, resulting in a loss of trust that hinders community policing efforts.⁷¹ In June 2011, Salt Lake City Police Chief Chris Burbank said:

⁶⁷ See cases 7, 26 and 74.

⁶⁸ See case 74.

⁶⁹ See Safe Horizon website: <http://www.safehorizon.org/index/pressroom-5/safe-horizon-in-the-news-28/news/homeland-security-laws-create-danger-for-victims-of-domestic-violence-52.html>.

⁷⁰ See case 44.

⁷¹ Los Angeles Police Chief Charlie Beck: “There is a “crisis of confidence” in Secure Communities and the program can be a “detriment when it causes the vast majority of the immigrant population, who are here as non-violent, non-crime-committing individuals, to lose trust in police.” <http://asmdc.org/members/a13/news-room/press-releases/item/2933-ca-leaders-applaud-ny-gov-cuomo-for-suspending-participation-in-failed-secure-communities-program>. Former Houston Police Chief Harold Hurtt, ICE Director of the Office of State and Local Coordination: “Immigration enforcement by local police is counterproductive to community policing efforts. It undermines the trust and cooperation of immigrant communities, could lead to charges of racial profiling, and increases our response time to urgent calls for service.” <http://www.chron.com/disp/story.mpl/special/immigration/6434287.html>.

The Secure Communities program combined with misguided state legislation has promoted a shift in local law enforcement's mission across the country and driven a wedge between the police and the public. The resulting priority adjustment places emphasis up on civil immigration action over community policing and all criminal enforcement. . . We in law enforcement must safeguard community trust. Without the support and participation of the neighborhoods in which we serve, we cannot provide adequate public safety and maintain the well-being of our nation. . .⁷²

DHS has the responsibility to ensure that its immigration enforcement initiatives promote overall public safety and security and do not get in the way of LLEAs efforts. Right now DHS is failing in that responsibility.

IV. Conclusion

This report highlights the pitfalls of federal and local collaboration in the enforcement of immigration law. At a minimum, such collaboration distracts both federal and local agencies from their primary missions. In the vast majority of cases documented in this report, DHS pursued cases against people who were low-priority and posed no public safety or national security threat. Nearly every one of the individuals in these cases were arrested by ICE or CBP and placed in proceedings or deported, resulting in serious hardship to themselves and their families. Most had lived in the U.S. for years and had U.S. citizen or LPR family members.

It is essential that DHS and its component agencies, ICE and CBP, implement far better policies and systems to screen cases referred from LLEAs before taking enforcement action. In June, ICE issued a new memorandum on prosecutorial discretion. ICE is also reviewing how it will address referrals that come through Secure Communities where the individuals in question have only been charged with minor offenses. These are important steps, but DHS must comprehensively review all the ways in which ICE and CBP collaborate with police in the enforcement of civil immigration laws and be willing to make substantive changes to its policies and practices. DHS cannot afford to ignore this difficult issue as it continues to impact the tens of thousands of individuals detained, placed in proceedings, or removed every year, as well as the safety and security of communities throughout the United States.

⁷² Statement issued by Salt Lake City Police Chief Chris Burbank, "Chief Burbank Applauds Governor Cuomo's Actions," June 11, 2011, <http://www.docstoc.com/docs/80774106/Chief-Burbank-Applauds-Governor-Cuomos-Actions>.

APPENDIX A—SELECTED CASE SUMMARIES

Case A (Chart #4)

In September 2009, Ms. A had just dropped her daughter off at school in California when she was pulled over for making a right turn on a red light. Right turns on red were prohibited during certain hours, and the restriction had been in effect for 30 minutes when she was stopped. When the police officer saw Ms. A, he told her, “I know you are illegal” and questioned her about her immigration status. Although she did not admit to being out of status, the police officer contacted ICE and detained her at the roadside until an ICE officer could pick her up. She was issued a Notice to Appear (NTA) and released so that she could pick up her daughter, who is a U.S. citizen with learning disabilities, from school.

Ms. A, who is from Mexico, was not charged or convicted of any crime and she has no criminal history. She is currently in removal proceedings. She is applying for asylum and cancellation of removal.

Case B (Chart #22)

In April 2011 in Florida, Mr. B was driving to the pharmacy to pick up asthma medication for his children when he was pulled over by the police. Two of his children, ages ten and 12, were in the car. The police officer gave no reason for the stop and ticketed Mr. B for driving without a license. The officer then called ICE from the roadside, and ICE agents came to pick up Mr. B. He asked to be allowed to stay at the car until his brother-in-law arrived to pick up the children, but ICE agents immediately took him into custody. The two children had to wait in the police car at the roadside for 35 minutes until the brother-in-law arrived.

Mr. B has no criminal history apart from one prior conviction for driving without a license. Mr. B, a Mexican national, remains in immigration detention although he has three U.S. citizen children, ages three, ten, and 12, and his wife is unable to drive due to a major operation several years ago. He has lived in the U.S. for over ten years. He is in removal proceedings and is applying for cancellation of removal.

Case C (Chart #52)

In July 2009, Mr. C, a Mexican national, and a friend were on the side of the road fixing a flat tire in Minnesota. A police officer, who was traveling in the opposite direction,

turned around and approached the car. The officer ran the car’s license plate and asked for Mr. C’s documents. The police report confirms that there were no criminal charges against either man. The officer then called CBP from the roadside.

Mr. C was taken by state police to a local jail, where he was held on a detainer. He was taken into immigration custody and released on bond shortly thereafter. Mr. C has no criminal history. He has a brother who is a U.S. citizen. Currently, Mr. C is in removal proceedings.

Case D (Chart #26)

Mr. D is a Salvadoran national married to a U.S. citizen. In 2010, Mr. D’s wife received a ticket for driving without a license in Florida, but she challenged the ticket in court because she did have a driver’s license, although she did not have it with her at the time of the traffic stop. Mr. D’s wife required an interpreter at court because, although she was born in the U.S., she resided in El Salvador for most of her life. Mr. D accompanied his wife to court for moral support. When the court began to call cases requiring interpreters, plainclothes ICE agents entered the court and arrested everyone needing an interpreter.

Mr. D and his wife were both detained by ICE. Mr. D’s wife was released after two hours when ICE determined that she was a U.S. citizen. Mr. D remained in custody until he was released on bond. Since he had no available relief, Mr. D accepted voluntary departure and returned to El Salvador. Mr. D was the sole source of support for his wife and two U.S. citizen children. He also supported his wife’s U.S. citizen sister and her two U.S. citizen children.

Case E (Chart #49)

Mr. E is a 72-year-old man from Albania. He was a passenger in his son’s van in Michigan when the police stopped the van because the turn signal was not working. Even though he was only a passenger, Mr. E was asked for identification. When he could not produce any, he was taken to the police station. No charges were filed against Mr. E or his son, who is a lawful permanent resident. The police notified ICE, and Mr. E was transferred immediately into ICE custody.

Mr. E was detained for a month before being released on bond. He has filed an application for asylum and withholding of removal. Mr. E has no criminal history.

APPENDIX A—SELECTED CASE SUMMARIES

Case F (Chart #95)

In the summer of 2010, Mr. F, a Mexican national, was at his home in Pennsylvania when police officers came to tell him that he had an unpaid parking ticket. Mr. F was unaware of the ticket but was willing to pay it; however, the officers arrested him and took him away in handcuffs in front of his six-year-old daughter. He was charged a fine for the parking ticket, which he paid. ICE issued a detainer and Mr. F was placed in immigration detention for about two weeks until he was released on bond.

Mr. F has no criminal history. He has two children who are U.S. citizens, including a daughter with a congenital heart problem. Mr. F is currently in removal proceedings.

Case G (Chart #8)

In January 2010, Ms. G, who is from Guatemala, was pulled over by a police officer after making an unlawful turn. A police officer then ticketed her for driving without a license. In the California city where this stop occurred, the police department has a policy that individuals found to be unlicensed drivers should be ticketed, but not arrested. However, in this case the officer arrested Ms. G and told her that she needed to provide identification. Ms. G called her family from jail and asked them to bring in her passport, but her family was not allowed to see her nor present the passport to secure her release from jail. Instead, ICE was contacted and issued a detainer that afternoon. She was then transferred to ICE and released on bond the same day. All charges related to the traffic stop were dropped.

Ms. G has no criminal history. She has two U.S. citizen children, a two-year-old daughter and a ten-year-old son. Ms. G has been approved for a U visa based on domestic violence for an unrelated incident. She is currently in removal proceedings.

Case H (Chart #88)

In late 2010, Ms. H was a passenger in a car whose driver, a U.S. citizen, was pulled over in upstate New York for speeding. The officer asked Ms. H for identification, and then called ICE from the roadside, who determined that Ms. H had overstayed her visa. The officer took Ms. H to the police station, where she was held on an immigration detainer until ICE came to pick her up. She was in immigration detention until she could pay bond.

Ms. H, who is from the Philippines, believes that she was asked for identification and proof of status as a result of racial profiling. She was not charged with or convicted of any crime, and she has no criminal history. Her husband, who is a U.S. citizen, has recently submitted an application for her to adjust status, but she remains in removal proceedings.

Case I (Chart #50)

Ms. I, a 60-year-old woman from the Bahamas, was a passenger in the car when her daughter, a lawful permanent resident, was pulled over in Michigan during the summer of 2010. The police officer requested identification from Ms. I even though she was a passenger. When Ms. I showed an expired identification, the officer asked why she had not had it renewed. Ms. I explained that it was because she did not have a green card yet. The officer then arrested Ms. I and brought her to the local police station. ICE issued a detainer and took her into custody. She was in immigration detention for several days, until she posted bond. Ms. I was never charged with or convicted of any crime.

Ms. I has no criminal history. She has several children who are lawful permanent residents of the U.S., and one of them is in the process of becoming a citizen. She is currently in removal proceedings.

Case J (Chart #78)

In November 2010, Mr. J, a 19-year-old longtime resident of New Jersey, was pulled over by local police. He was driving his uncle's car, which had been stolen two months previously. The car had been recovered by the police in a neighboring city and returned to Mr. J's uncle; however, the police department had not updated their records regarding the car, so Mr. J was taken to the police station based on the suspicion that he had stolen it.

At the station, the police officers quickly learned that he had not stolen his uncle's car. He was not charged with any crime. However the police questioned Mr. J about his immigration status and called ICE, which placed a detainer on him. Later that day, he was moved to a detention center for criminal aliens, despite never having been charged with or convicted of any crime. He was held in solitary confinement there for two weeks.

APPENDIX A—SELECTED CASE SUMMARIES

Mr. J, who is originally from Uruguay, is currently in removal proceedings. He is also in the process of applying for a U visa because he was the victim of an assault in an unrelated incident.

Case K (Chart #72)

Mr. K, a longtime resident of the United States, is 18 years old and originally from Venezuela. In the summer of 2010, Mr. K was walking on the campus of the University of North Carolina at Chapel Hill at 2 a.m. when a campus police officer approached him. The officer asked Mr. K for his name and why he was there. Mr. K did not believe that he was doing anything wrong, so he refused to tell the officer his name. Mr. K was arrested for resisting and obstructing and taken to the Orange County Sheriff's office, where he was questioned about where he was born. Mr. K's criminal charges were immediately dismissed; however, ICE had already issued a detainer. After Mr. K's immigration attorney intervened, the sheriff decided not to honor the detainer. Mr. K was released from custody before ICE came to pick him up. Mr. K has no criminal history.

Case L (Chart #39)

Mr. L, who is originally from El Salvador, has lived in the U.S. for over 30 years. In April 2011, he was driving in Maryland when a police officer began to follow his car and pulled him over several minutes later. Mr. L had not committed any moving violation, but the officer said that he ran the car through the police database and found that the car's owner had a suspended license. Mr. L was not the owner of the car, but he also had a suspended license, and so the officer arrested him and took him to the station. There, the police contacted ICE, and ICE issued a detainer. Mr. L was transferred to ICE custody and was held in immigration detention for about ten days until he was released on bond by an immigration judge.

Mr. L has no criminal history other than previous citations for traffic offenses and unpaid parking tickets, and had no prior contact with immigration officials. His wife and adult children are all U.S. citizens. Mr. L is currently in removal proceedings.

Case M (Chart #108)

Mr. M is a 24-year-old Mexican national. In March 2011, Mr. M was driving in Texas when a car that was trying to make a right-hand turn ran into the side of Mr. M's car. Police arrived at the scene of the accident 15 minutes later and, without any investigation, one of the officers accused Mr. M of being at fault. The officer asked Mr. M for his driver's license and questioned him about his immigration status. Mr. M admitted to not having a driver's license and being out of status. The other driver was at fault in the accident, but was let go; the officer arrested Mr. M for driving without a license. ICE issued a detainer and several days later took Mr. M into custody until he was released on bond.

Mr. M has lived in the U.S. since he was a teenager; he graduated from high school in the U.S. and he is an active leader in the youth group of his church. He has no criminal history and his father is a U.S. citizen. Mr. M is currently in removal proceedings.

Case N (Chart #110)

In June 2010, Ms. N, a Mexican national, and her family were visiting Eldorado, Texas, to go to a quinceañera (15th birthday celebration). Her husband, who is a lawful permanent resident, was driving the family's car when a sheriff's deputy pulled them over because the light on their license plate was out. The deputy asked for a driver's license and proof of immigration status, both of which Ms. N's husband provided. The deputy then asked for identification from everyone in the car and ordered everyone out of the car, including Ms. N and their three children. When Ms. N showed her valid Texas ID card, the deputy then asked for proof of her immigration status. When she could not provide it, the deputy arrested Ms. N without charging her with any crime. Ms. N was held by the local sheriff for three days over the weekend until CBP could pick her up. CBP then released Ms. N on her own recognizance.

Ms. N has a ten-year-old U.S. citizen daughter who is receiving mental health counseling as a result of seeing her mother's arrest. Ms. N has no criminal history and is a stay-at-home mom who has never driven in the United States. She is currently in removal proceedings.

APPENDIX A—SELECTED CASE SUMMARIES

Case O (Chart #105)

In February 2008, Mr. O was driving a truck with several other Latino men when he was pulled over near a worksite in northern Texas. The officer gave no reason for the stop, but asked if Mr. O had immigration papers. When Mr. O said no, the officer called ICE and took him to jail. ICE issued a detainer and came to pick up Mr. O from the jail. He was held in immigration detention until released on bond set by an immigration judge.

Mr. O has no criminal history. He is a Mexican national, has lived in the U.S. for over ten years, and has three U.S. citizen daughters. His daughters are honor students and he is a leader in his church. During his hearing, the immigration judge noted that Mr. O has excellent character and that if given discretion, Mr. O would be exactly the sort of person whom the judge would allow to stay in the U.S., but that the law does not allow him to make that decision. The case is currently on appeal to the BIA.

Case P (Chart #40)

On Mother's Day in 2009, Mr. P, who is from Brazil, was driving with his wife and their young son in Maryland. A police officer pulled him over for not wearing a seatbelt, although Mr. P states that he was wearing a seatbelt at the time. He was never charged with or convicted of any violation. Nonetheless, an ICE detainer was issued. He was held in ICE detention for two days and then was immediately deported to Brazil.

Mr. P's wife and son are both U.S. citizens. They are having trouble making ends meet since Mr. P was deported and is therefore no longer able to provide them with support.

Case Q (Chart #107)

In August 2010, Mr. Q was working as a janitor in Texas. He was driving home after work at about 2 a.m., when he was pulled over for no apparent reason. After he was stopped, the officer requested Mr. Q's driver's license, which he did not have. He was then arrested, and the local police contacted ICE from the jail. ICE issued a detainer and took custody of Mr. Q. He was held in immigration detention for several weeks until an immigration judge set bond. He was eventually charged and convicted of driving without a license, and served three days in jail. He had no previous convictions.

Mr. Q, a Guatemalan national, has lived in the United States for 10 years and has a U.S. citizen daughter. He is currently in removal proceedings and is applying for cancellation of removal.

Case R (Chart #29)

Mr. R, a Mexican national, has lived in the U.S. since he was 14 years old. In April 2010, Mr. R was driving home at night in Florida. When he pulled into a parking lot, a sheriff's deputy followed him. The deputy questioned Mr. R, searched him, and then asked if he had a driver's license. When Mr. R said no, the deputy searched his car, without asking for permission. The deputy arrested Mr. R, who was eventually convicted of driving without a license. After the arrest, Mr. R was transferred to ICE custody and detained for more than six months.

Mr. R has one conviction for petty theft in 2001 and several for driving without a license. He is a candidate for a U visa because, prior to his arrest in Florida, Mr. R and his girlfriend were the victims of a serious knife attack in Maricopa County, Arizona; the attacker also raped Mr. R's girlfriend. However, even though Mr. R and his girlfriend assisted in the investigation of that case, the sheriff's office in Maricopa has refused to certify them for U visas. ICE has also refused Mr. R's request for deferred action. Mr. R is the sole caregiver for his two U.S. citizen daughters, and he also has a son who is a U.S. citizen. Mr. R has been ordered removed, but his removal has been stayed while he applies for U.S. passports for his daughters. He was released from detention on an Order of Supervision.

Case S (Chart #87)

In early 2011, Mr. S, who is from Brazil, was having a drink in a bar in upstate New York when a fight broke out. The police were called and they arrested everyone who was in the area where the fight took place. Like the other patrons, Mr. S was given a ticket for disorderly conduct, though he had not engaged in the fight nor had he been part of any illegal activity. ICE was called from the police station and issued a detainer. Mr. S was transferred to ICE custody and placed in immigration detention until he could make bond. He is now in removal proceedings.

APPENDIX A—SELECTED CASE SUMMARIES

Mr. S has a pending application to adjust status that was recently submitted by his wife, a U.S. citizen. At the time of his arrest, Mr. S was attending college in New York and had entered the country legally on a student visa, which he had overstayed. His mother is a lawful permanent resident of the United States.

Case T (Chart #71)

Ms. T, a 20-year-old Mexican national, has lived in the U.S. since she was two years old. In April 2011, Ms. T was sitting in a parked car outside of a convenience store in Gaston County, North Carolina, when police officers approached to question her. When an officer asked her name, Ms. T was afraid, so she gave them a nickname. She then gave them her bag and her valid passport. An officer removed her from the car and handcuffed her for lying because she had given the officers a nickname. The officer said, “You fucking Mexicans are all alike.” Ms. T replied, “You are a racist bitch.” The officer then smashed Ms. T’s face into the ground. Ms. T was charged with resisting arrest, identity theft, and making a false report to police.

Ms. T was taken to the sheriff’s office and fingerprinted. The sheriff’s office then contacted the local ICE office. Ms. T paid the state bond on her criminal charge, but ICE issued a detainer and Ms. T was transferred to immigration custody about 48 hours later. She was held in detention for a few days until she could pay an immigration bond.

Ms. T has no criminal history. She has graduated from high school and volunteers regularly in her community. She is eligible to adjust her status under 245(i), but ICE has denied a request to exercise prosecutorial discretion. Ms. T is currently in removal proceedings. Her criminal case is pending.

Case U (Chart #112)

In January 2010, Mr. U, who was under 18 at the time, was pulled over while driving with several friends in Bell County, Texas. The police officer did not give a reason for pulling over the car, but Mr. U was arrested for driving without a license. The police called ICE from the station, and ICE issued a detainer. Mr. U was transferred to ICE custody and held in detention until he was released on bond.

Mr. U is a Mexican national who graduated from high school in the U.S. He has no criminal history. He is currently in removal proceedings.

Case V (Chart #74)

In April 2011, Mr. V, a Kenyan national who had failed to depart or change status after completing his educational program, was pulled over while driving in New Hampshire after he made an illegal U-turn. The police officer cited him for the illegal turn and for driving without a license. Mr. V had a valid driver’s license that he had obtained while he was in status, but he was not carrying it with him at the time. At his court hearing for driving without a license, his case was continued. When he left the hearing, ICE arrested and detained him. He was in detention for a month until he was released on bond.

Mr. V does not have any criminal history aside from minor moving and car registration violations. He has lived in the U.S. for nine years and recently married a U.S. citizen. Several of his siblings are also citizens. Currently, he is in removal proceedings.

Case W (Chart #23)

Mr. W, a Guatemalan national, has lived in the U.S. for 13 years. In April 2011, he was a passenger in his friend’s car in Florida when the car was pulled over. The officer gave no reason for the stop and asked for identification papers from Mr. W and from the driver. The driver was let go because he had papers, but Mr. W did not. The officer called ICE and held Mr. W until ICE arrived to pick him up from the roadside. Mr. W was taken into immigration detention and bond was denied.

Mr. W has no criminal history. While in immigration detention, Mr. W was assaulted and had to be taken to the emergency room. Mr. W intended to apply for a U visa based on the assault. However, the immigration judge gave Mr. W insufficient time to gather the necessary proof – the judge stated that he did not support a victim of a detention center assault seeking a U Visa because it would create incentives for detainees to beat themselves up. Because he was not able to gather proof of his assault in time, Mr. W accepted voluntary departure.

APPENDIX A—SELECTED CASE SUMMARIES

Case X (Chart #113)

Mr. X, a longtime resident of the U.S., was pulled over in June 2011 while driving a car with Mexican license plates in Texas. The sheriff's deputy immediately asked Mr. X, "Where is your passport?" Mr. X asked why he had been stopped, and the deputy stated that it was because the car's headlights were not on. However, at the time, it was already light outside. Upon the officer's request, Mr. X demonstrated that the headlights and other signals on his car worked. The deputy still wrote Mr. X a ticket, but inaccurately recorded the time on the ticket as 6:45 a.m. instead of 7:15 a.m. In June 2011, sunrise in Texas occurred between 6:35 and 6:40 a.m., and Texas law requires headlights to be used until a half hour after sunrise. The deputy then called CBP and held Mr. X on the side of the road until CBP arrived. Mr. X was held for several days, until he was released on bond.

Mr. X, a Mexican national, has lived in the United States for 15 years and is married to a U.S. citizen. He is currently in removal proceedings and is seeking to adjust his status.

Case Y (Chart #6)

In March 2011, Mr. Y, a 19-year-old longtime resident of the United States, was sitting in a park in California with his friends when they were approached by a police officer. Some of his friends were drinking alcohol, but Mr. Y was not. The police officer, however, only approached and questioned Mr. Y, who is from Mexico. The police officer asked to see identification, and when Mr. Y could not produce any, the officer told Mr. Y that he would have to go to the police station. Once there, ICE put a detainer on Mr. Y and transferred him to immigration detention. Mr. Y was held in detention for more than two months in Arizona, where it was very difficult for his family to see him. He was never charged with or convicted of any criminal offense.

Mr. Y came to the United States when he was four years old and graduated from high school in California. He has no criminal history. He is currently in removal proceedings, and is applying for a U visa because he previously was the victim of an armed robbery.

Case Z (Chart #103)

Mr. Z is a 19-year-old college student who is originally from Mexico but has lived in the U.S. since he was 10 years old. In November 2009, Mr. Z was stopped by the University of Texas police for a broken tail light. During the stop, the police officer found that there was a warrant for Mr. Z due to unpaid parking tickets. The officer arrested Mr. Z and took him to the police station. ICE issued a detainer and then held Mr. Z in immigration detention for four days until he was released on bond.

Mr. Z has no history with law enforcement other than the outstanding parking tickets, which he paid off immediately after his arrest. Mr. Z is currently in removal proceedings.

Case AA (Chart #27)

In December 2009, Mr. AA was driving a van in Broward County, Florida, when he noticed a police officer following him. Mr. AA pulled into a parking lot, and the police officer followed him and pulled up to the van. The officer gave no reason for following him but asked for a driver's license. Mr. AA presented an expired license. The officer then called ICE and held Mr. AA until ICE arrived to pick him up. The ICE agent asked Mr. AA if he had immigration status. When Mr. AA said no, he was taken to Broward Transitional Center and placed in immigration detention for ten months before he was released on his own recognizance.

Mr. AA has no criminal history. He is an Argentinian national and entered the U.S. through the Visa Waiver Program. At the time his NTA was issued, he had been in the U.S. for almost ten years. He has two U.S. citizen daughters, an 11-year-old and a two-year-old. He is currently in removal proceedings.

Case BB (Chart #82)

In March 2011, Mr. and Mrs. BB, who are from India, and their six-month old U.S. citizen son were passengers in a car pulled over for speeding in New Mexico. The driver, who had a green card, received a citation from the police and was allowed to go. Mr. and Mrs. BB were asked to produce identification, and when they could not produce proof of immigration status, the police notified ICE from the roadside. They have not been charged with any crime and they do not have any criminal record.

APPENDIX A—SELECTED CASE SUMMARIES

ICE immediately placed Mr. BB in immigration detention, where he remains. Mrs. BB was released with their son. Neither Mr. BB nor Mrs. BB has any criminal history. Both are in removal proceedings.

Case CC (Chart #85)

In May 2011, Mr. CC, a Mexican national, was burning leaves on his property in Doña Ana County, New Mexico, when a sheriff's deputy stopped to inquire what he was doing. Mr. CC explained that he had been told by city officials that he did not need a permit to burn leaves. The deputy asked him twice for his social security number, and Mr. CC replied that he did not have one. The deputy then wrote him a citation for burning leaves without a permit, despite the fact that Doña Ana County neither issues nor requires permits for burning leaves.

Two hours later, plainclothes ICE agents came to Mr. CC's house in unmarked trucks. The agents told Mr. CC they were investigating a claim that he was trafficking people in his home. Mr. CC denied the claim, but ICE agents took him into custody and he was removed later the same day.

Mr. CC has no criminal history. He had lived in the U.S. for over 15 years and had never failed to pay his taxes.

Case DD (Chart #118)

In November 2009, police officers came to a residence in Virginia, allegedly looking for a suspect. Without the consent of the owner of the residence, the officers entered and started asking the men inside for their documents. When two of the men did not have documents, the officers called ICE, and then arrested the two men and took them to the police station.

When the attorney for the two men inquired as to the reason for their arrest, an officer said that the two men were suspected of being gang members. When the attorney asked if there was any evidence of gang affiliation, the officer stated that the two men had Spanish nicknames. The attorney explained to the officer that the nicknames meant "skinny" and "whitey," and that the names had no gang affiliation; they were used by friends to describe the men because one is thin and the other pale.

The two men were taken into ICE custody and spent two months in immigration detention before being released on

bond. One took voluntary departure, and the other, whose wife is a U.S. citizen, is still in removal proceedings. Neither man had any criminal history.

Case EE (Chart #51)

In January 2011 in Minnesota, Ms. EE, who is from Honduras, was pulled over for failure to signal for a right turn. The police officer asked her for identification, and Ms. EE was ticketed for driving without a license and for having frost on her windshield. The officers called ICE from the station, and a detainer was issued. Ms. EE was then transferred to ICE custody and released on bond.

Ms. EE has no criminal history. She has a 15-month-old daughter who is a U.S. citizen. Currently, Ms. EE is in removal proceedings and is seeking asylum.

Case FF (Chart #54)

In May 2011, Mr. FF, who is from Mexico, was pulled over in Minnesota for not signaling when changing lanes. He gave the police officer valid proof of insurance, but said that he did not have a license. He was then arrested for driving without a license and taken to jail, where ICE was contacted. ICE issued a detainer and, after Mr. FF's arraignment, took him into custody and transferred him to a detention center in a different county from his home and his attorney.

The criminal case regarding Mr. FF's traffic stop is still ongoing, but he remains in immigration detention and so is unable to attend hearings. He has no other criminal history and is currently in removal proceedings.

Case GG (Chart #12)

In the summer of 2009 in Colorado, Mr. GG, a Mexican national, drove into a parking lot and got out of his car to meet with his employer when a police officer followed him into the lot. After the officer heard him speaking Spanish, the officer approached Mr. GG and stated that he had made an illegal turn and therefore needed to show identification. Mr. GG does not believe that he made an illegal turn and was never charged with any crime. Mr. GG presented the officer with his Mexican passport and was then arrested for not having verifiable identification, despite the fact that passports are a valid form of identification in

APPENDIX A—SELECTED CASE SUMMARIES

Colorado. After receiving notice from the local jail, ICE issued a detainer and placed Mr. GG in immigration detention until he was released on bond.

Mr. GG was in the U.S. on a B-2 tourist visa that he had overstayed by a few weeks. His brother, a U.S. citizen, had filed a relative petition on his behalf, and the priority date is likely to come up within a few years. Mr. GG chose voluntary departure and returned to Mexico.

Case HH (Chart #122)

In May 2011 in Vermont, a U.S. citizen was pulled over for speeding while driving a van in which six construction workers, all from Guatemala, were passengers. The police officer asked each of the men for identification and then called ICE from the roadside. ICE determined that all of the men had either overstayed visas or entered without inspection. The six men were taken to the police station. ICE issued detainers for each of them, and they were placed in immigration detention. They were detained for several weeks until they were released on bond. One man eventually took voluntary departure and returned to Guatemala; the rest are still in removal proceedings.

None of the men were ever charged with or convicted of any crime; none has a criminal history. Several men have spouses and children who are U.S. citizens.

Case II (Chart #48)

In April 2011, Mr. II was driving his parents, both lawful permanent residents who are disabled and unable to drive, when he was pulled over in Kent County, Michigan. He was arrested for driving without a license, an offense for which he was eventually convicted. The police contacted ICE, and ICE issued a detainer. Mr. II was transferred to immigration detention and held until he was able to post bond.

Mr. II, who is in his early 20s and originally from Mexico, has lived in the United States since he was six years old; he is currently in removal proceedings.

Case JJ (Chart #114)

In May 2011, Ms. JJ was involved in a shouting match outside of a restaurant in Virginia. She was arrested for

public intoxication and was held in jail overnight. While in jail, ICE was notified and issued a detainer. ICE placed her in removal proceedings and held her in a facility several hours away from her home for six weeks. Ultimately she paid a \$50 fine for the public intoxication charge.

Ms. JJ is originally from South Korea. She has no prior criminal history and, at the time of her arrest, both she and her husband had pending adjustment of status applications based upon her husband's employment. She is currently in removal proceedings.

Case KK (Chart #98)

In June 2011, Mr. KK was one of four passengers in a car in Pennsylvania when the car was pulled over by state police for violating the state tinted windows regulation. The officer asked for identification from the driver and all of the passengers. The officer then called ICE from the roadside and transported Mr. KK to a local jail, where he was held until ICE came to pick him up. Mr. KK was then placed in immigration detention.

Mr. KK has no criminal history. He was placed in removal proceedings after his arrest.

Case LL (Chart #13)

During the summer of 2009, Mr. LL was pulled over while driving in Arapahoe County, Colorado. The officer told him it was because he had an obstructed windshield – although Mr. LL only had a crack in his windshield and his view was not obstructed. When the officer requested that he show identification, Mr. LL showed a foreign identification card. The police officer asked twice if Mr. LL had other identification, and both times he said no. The officer then reached into the car and took Mr. LL's wallet without his permission. In the wallet, the officer found a social security card, and so he arrested Mr. LL for forgery. The sheriff contacted ICE from the local jail, and ICE issued a detainer. Mr. LL was transferred to immigration custody and held in detention until he could post bond. His criminal case for the traffic stop is ongoing.

Mr. LL, a Mexican national, has no previous criminal history. His wife, a U.S. citizen, is currently pregnant. Mr. LL is in removal proceedings.

Explanation of Appendix B: The 127 cases in the chart are arranged alphabetically by the state in which the initial encounter with state or local law enforcement occurred. The “Date” is the month-year of the encounter. The “Description of initial encounter with LLEA” is a description of the circumstances in which the client came into contact with state or local law enforcement. The “Arrest” column indicates whether the client was arrested at the encounter. The “Criminal case status” column includes criminal charges, convictions, and sentences that resulted from the encounter. The “Detainer” column indicates whether detainer was issued. The “Detention” column indicates whether the client was held in immigration detention. The “Imm case status” column indicates the status of the immigration case. The “USC or LPR Family” column indicates any U.S. citizen or lawful permanent family members of the client. The “Past convictions” column includes the client’s past criminal convictions. The “Notes” includes any other relevant information about the encounter or client. The “Nationality” column indicates the client’s country of nationality.

APPENDIX B—COMPREHENSIVE CASE CHART

Case ID #	State	Date	Description of initial encounter with LLEA	Arrest	Criminal case status	How was DHS notified?	Detainer	Detention	Imm case status	USC or LPR family	Past Convictions	Notes	Nationality
1	CA	May-09	Client was arrested for public intoxication.	Y	No charges pursued, no convictions	Attorney thinks sheriff called ICE	Y		T, *		None	Client has cerebral palsy and has a developmental level of a 9 or 10-year-old. The incident occurred in Marysville. Attorney was able to re-open the old asylum case of client's mother, who has a U visa. Client received U visa derivative status.	Guatemala
2	CA	Jul-10	Client was a passenger in a car with three other men (all Hispanic), returning from work around 2pm. The car passed a parked U.S. Forest Service vehicle which followed the car for about 10 minutes and then pulled the car over. The officer said he stopped the car for speeding. He ordered everyone out of the car and asked about their immigration status. They were held at the roadside until ICE came to pick them up. ICE brought them to the local jail where they were held overnight and then released with NTAs.	N	No charges, no convictions	Called by U.S. Forest Service officer at roadside	N	N, ROR	P, *	USC Wife, USC young daughter	None	There was a multi-agency marijuana eradication effort called Operation Trident going on at the time, and they apparently incorrectly assumed that the client and the others in the car were involved in marijuana cultivation. Attorney has filed motion to suppress.	withheld
3	CA	late 2010	Client was a passenger in a car that was pulled over. He was not wearing a seatbelt. When the officer asked him for ID, he gave his valid U.S. driver's license. However, a flag came up in the system because he had been deported the year before. He was arrested for not wearing a seatbelt and illegal reentry.	Y	Not charged or convicted for seatbelt, but charged & convicted for illegal reentry and sentenced to 27 months	Attorney believes ICE was notified through Secure Communities at the traffic stop.	N, *	N, *	*	Client is former LPR USC father, USC mother, 2 USC children, USC girlfriend	Assault with a firearm (2001), served 1 year.	Client was an LPR who was removed in 2010 based on a 2001 conviction for assault. He reentered the U.S. immediately following his removal because of mother's health. She is very ill and likely has cancer, although she is still being diagnosed. He consulted with an immigration lawyer about reentering legally, but was afraid he wouldn't have enough time if he wanted to see his mother again before she died. Client is currently in prison for illegal reentry conviction.	Mexico
4	CA	Sep-09	Client was dropping her daughter off at school when she was pulled over after making a right turn at a red light during hours when right turns are not allowed. After pulling her over, the police officer told client, "I know you are illegal," and repeatedly questioned her about her immigration status. She was detained at the roadside until ICE could pick her up.	N	No charges, no convictions	ICE called by police at roadside	N	N	P, *	USC daughter,*	None	Client was given an NTA but released so that she could pick up her daughter from school. Client's daughter has learning disabilities. She is seeking cancellation of removal, asylum, and withholding of removal.	Mexico
5	CA	Feb-11	Client was stopped on suspicion of DUI, and was found to be just barely over the legal limit at the roadside test. He was under the legal limit after further testing at the police station. The police officer also noted that client had an expired license. He was arrested for DUI and an expired license, and then detained at the station for a few hours until ICE picked him up.	Y	Charged with DUI, criminal case is ongoing *	ICE called by local PD at station.	UNK	N, ROR	P	USC daughter (13 years old)	None	Client is completing a pre-sentencing MADD drunk driving class, so attorney does not anticipate that he will be convicted.	Mexico
6	CA	Mar-11	Client was sitting in a park with friends when a police officer approached and asked him for ID. His friends were drinking but he was not and did not have any alcohol with him. However, the officer did not approach his friends. Client said he did not have ID on him since he was a kid and did not drive. The officer said that since the client couldn't prove who he was, he might be dangerous and so he would have to go to the police station. There was no reason for the arrest aside from lack of ID.	ANC	No charges, no convictions	Police contacted ICE	Y	Y, 2.5 months	P, *		None	Attorney is working on U visa application because the client was robbed at gunpoint at age 17. Client has lived in the U.S. since he was 4 and graduated from high school here. He wanted to go to college, but couldn't afford it, so is training to be a barber. He still lives with his parents. Client was detained by ICE in Arizona, and it was very hard for his family to reach him. The staff at the facility were very uncooperative with his family and attorney.	Mexico
7	CA	May-11	Attorney is unsure of the reason for the initial stop, but client was ticketed for no license. He was not arrested, but he was later required to go to the police station to be fingerprinted and pay a fine at the court. When he went to pay the fine, he was arrested by ICE and taken to their facility for processing.	N	Ticketed for driving without license	Met by ICE agents in civilian clothes when he went to court to pay the ticket.	N	N, B	*		None	Client has 2 prior deportations/expedited removals. Client is currently waiting for NTA to be issued.	Mexico

KEY												
Y = Yes	N = No	ANC = Arrested, but no criminal charge	B = Bond	ROR = Released on own recognizance	P = case pending	B = removed	T = case terminated	VD = voluntary departure	* = see "Notes" for more information			

Case ID #	State	Date	Description of initial encounter with LLEA	Arrest	Criminal case status	How was DHS notified?	Detainer	Detention	Imm case status	USC or LPR family	Past Convictions	Notes	Nationality
8	CA	Jan-10	Client was pulled over for making an unlawful turn and ticketed for not having a license. When she could not produce any ID, the officer arrested her for driving without a license.	Y	Charged with driving without a license and unlawful turn. Charges dropped, no conviction.	Unknown	Y	N, B	P, *	USC daughter (2 years old), USC son (10 years old)	None	It is against local police policy to make an arrest based on no license. In this case, the police officer told client that she would be arrested and should call a family member to bring ID to the jail. Client called her family from the jail and asked them to bring her passport, however, when they arrived, her family was not allowed to see her or present the passport. Attorney anticipates termination of proceedings because client was granted a U Visa based on domestic violence.	Guatemala
9	CA	Sum. 2009	Client was pulled over because the light over the license plate was out. She was then arrested for no license or insurance, and a non-functioning license plate light.	Y	Charged and convicted of no license plate light.	Local police called ICE from station	Unknown	N, ROR	P, *	expecting a child w/ USC boyfriend	None	There is a suppression motion pending in court. Client is a longtime resident of the U.S. and a DREAM Act candidate.	withheld
10	CA	Jul-08	Client was pulled over for driving with headlights off at night. Client was arrested for driving without a license and no headlights.	Y	Attorney is unsure how case was resolved	Believes officer must have notified ICE on his own, since it is not PD policy to report people to ICE.	Y	Y, several days	R, *	USC fiancée (engaged after arrest)	None	Client was removed from the U.S. within days of his arrest. He had a previous record with immigration. Attorney only learned of the case after removal, when approached by client's USC fiancée.	Mexico
11	CA	Jan-11	Client pulled up to a three-way stop sign. A police car was also stopped at the intersection, facing the client. When the cars passed, the police officer looked at the client, made a U-turn, and followed the client's car for several minutes. The police officer pulled the client over and stated that he was being pulled over because there was a problem with his brake lights. Client does not believe that there was a problem with the lights. He was arrested for driving without a license.	Y	Charged and convicted of driving without a license	County jail contacted ICE.	Y	Y, 2 weeks	P		2 driving without a license		Mexico
12	CO	Summer 2009	Client parked his car and walked into a parking lot to meet with his employer. A police officer followed him into the lot and heard him speaking Spanish. The officer stated that client had made an illegal turn and therefore needed to show ID. Client says that he did not make an illegal turn. Client presented his Mexican passport, and the officer then arrested him for not having a verifiable form of identification, even though passports are a valid form of identification in Colorado.	Y	No charges pursued, no convictions	Sheriff notified ICE from jail.	Y	N, B	VD	USC brother	Attorney does not think client had any criminal history	Client had overstayed a B2 visa by a few weeks. His USC brother had previously submitted a relative petition on his behalf, with a priority date that would likely come up within a couple of years. Therefore, client chose to take voluntary departure in order to avoid triggering a 10 year bar.	Mexico
13	CO	winter	Client was pulled over for driving with an obstructed windshield because there was a crack in his windshield. At the stop, the client showed a foreign ID. The police officer asked twice if the client had other identification, and the client said no twice. The officer then reached into the car, took the man's wallet without his permission and saw a social security card. Client was then arrested for forgery, a felony.	Y	Criminal case is ongoing	Sheriff notified ICE from jail.	Y	N, B	P	USC wife, who is pregnant	None	Incident took place in Arapahoe County	Mexico
14	CO	Fall 2010	Client was driving a car with a brown vinyl top and grey body. The car was properly registered and all lights were functioning. A police officer pulled the car over because he said that his database described the car as brown. The officer questioned the client and passengers about drugs (they had none), took everyone and everything out of the car, and checked their IDs. Client was arrested for driving under a revoked license.	Y	Criminal case is ongoing	Sheriff notified ICE from jail.	Y	N, B	P	USC wife, USC children	Previous traffic convictions (that led to revoked license)		Mexico
15	CT	Apr-09	Client was pulled over after passing a police officer driving in the opposite direction. He committed no moving violation. The police allege that they checked the car's registration against their database and found a problem. Both client and his wife were hit or pushed by the police during the traffic stop. Client was arrested for driving without a license and other traffic charges, held overnight in jail, and transferred to ICE custody after traffic court.	Y	Ticketed for driving without a license	Police officer called ICE from station	Y	N, B	P		Several driving without a license		withheld
16	CT	Apr-09	Client pulled up to a traffic light where a police officer was stopped. Although he committed no moving violation, the officer pulled him over. The police allege that they checked the car's registration against their database and found a problem. Client was arrested for driving without a license and other traffic charges, held overnight, and transferred to ICE custody after traffic court.	Y	Ticketed for driving without a license	Police officer called ICE from station	Y	Y, 2 weeks, B	P		1 creating a public disturbance, 2 driving without a license	Client had previous expedited removals. Client speaks little English, but was not offered an interpreter by local police. Client was held in immigration detention until he was released on a \$10K bond.	withheld

KEY												
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Case ID #	State	Date	Description of initial encounter with LLEA	Arrest	Criminal case status	How was DHS notified?	Detainer	Detention	Imm case status	USC or LPR family	Past Convictions	Notes	Nationality
17	CT	Apr-09	Client pulled up to a traffic light next to a police car. Although he committed no moving violation, the officer pulled him over. The police claim that they checked the car's registration against their database and found a problem. The police officer also alleges that client was not wearing a seatbelt. Client was arrested for driving without license, not wearing a seatbelt, and other traffic charges, held overnight, and transferred to ICE custody after traffic court.	Y	Ticketed for driving without a license	Police officer called ICE from station	Y	Y, 2 weeks, B	P		3 driving without a license	Client had prior contact with immigration authorities. Client speaks little English, but was not offered an interpreter by local police. Client held in immigration detention until he was released on a \$12.5K bond.	withheld
18	CT	Apr-09	Client was pulled over by a police officer although he had committed no moving violation. The police allege they saw that the car did not have proper registration tags as it drove by. Client was arrested for driving without license, improper plates, and other traffic charges, held overnight, and transferred to ICE custody after traffic court.	Y	Ticketed for improper plates	Police officer called ICE from station and made client speak to ICE on the phone	Y	N, B	P	USC children	Several driving without a license	Client speaks little English, but was not offered an interpreter by the local police.	withheld
19	DC	Dec-10	Client was pulled over for expired registration tags. ICE picked client up from the roadside.	N	No charges, no convictions	Police called ICE at the roadside	N	Y, 1.5 months	P	Several LPR relatives, USC girlfriend	2 DUIs, 1 possession of open container of alcohol, 1 concealing a deadly weapon and theft (1991)		El Salvador
20	FL	Dec-10	Client was pulled over for no apparent reason by a sheriff's deputy.	N	No charges, no convictions	ICE called by the deputy from the roadside	N	Y	VD	USC child (born 2 weeks after client placed in immigration detention)	None	Client accepted voluntary departure after being denied bond. Attorney did not learn of the case until after the man's removal, when his sister and his wife asked for help in locating the car client was driving when he was put in detention.	Guatemala
21	FL	May-11	Client was a passenger in the back of a truck full of hay. Police stopped the truck, but attorney is unsure of the reason for the stop. The police asked everyone for ID. The driver and other passenger were USCs and were allowed to continue driving. Client did not have ID and was held at the roadside until ICE came to take him into custody.	N	No charges, no convictions	Police called ICE from the roadside	N	Y, several days	VD, *		None	Client took voluntary departure within a few days of arrest, because he had no relief and was unlikely to be offered bond. Client was in the truck because he worked for the owner of 2 horse farms, and was getting a ride with some of his coworkers from one farm to the other.	Honduras
22	FL	Apr-11	Client was driving to the pharmacy with his 10 and 12-year-old children, when he was pulled over by the police for no stated reason. The officer asked for his license, but the client did not have one. He was held at the roadside until ICE came to pick him up. When he was pulled over, client asked to stay at the car until his brother-in-law could arrive to pick up the kids, but he taken away by ICE immediately. The children had to wait in the car for 35 minutes with a police officer they had never met before until the brother-in-law arrived.	N	Ticketed for driving without a license	Police called ICE from the roadside	N	Y, 3 months	P *	3 USC children (12, 10 and 3 years old)	1 prior driving without a license	Client has lived in the U.S. for more than 10 years. His children all have asthma, and he was driving to the pharmacy to pick up their medication. His wife had a major operation several years ago that continues to prevent her from driving. Client was denied bond due to his 2 driving without a license violations and has been in immigration detention since April. IJ states that bond was denied because he is a "danger to the community" because he has been pulled over for driving without a license two times. Client is applying for cancellation of removal and seeking reconsideration of the denial of bond.	Mexico
23	FL	Apr-11	Client was a passenger in a car that was pulled over for no stated reason. The officer let the driver (the client's friend) go because he had a license, but held the client because he did not have proof of status. ICE picked him up at roadside and put him into immigration detention.	N	No charges, no convictions	Police called ICE from the roadside	N	Y, 3 months	VD *		None	Client entered the US on a tourist visa in 1998. Client was assaulted while in immigration detention and was sent to the emergency room. As a result, he tried to pursue a U visa, but the IJ did not give him enough time to gather the necessary evidence. The IJ told him that if individuals assaulted in detention could apply for U visas, detainees would beat themselves up to qualify. Because the IJ wouldn't allow more time for the U visa, client accepted voluntary departure. However, he has been in immigration detention since the traffic stop and has not been able to obtain a passport, so he may not be able to depart in time. Though the client speaks little English, he was not offered an interpreter at the traffic stop.	Guatemala

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24	FL	Mar-09	Client was pulled over and arrested for driving with an expired license. Attorney is not sure if there was a reason given for the stop.	Y	Charged and convicted of driving with an expired license. *	Local jail has 287(g) officers	Y	Y, 10 days	P, *	3 USC children	Possibly 1 driving without a license	Client has lived in the U.S. for more than 10 years. He is applying for cancellation of removal. Client was not sentenced to jail time for the traffic charge, but was held for 2 or 3 weeks until he pled out. After the conviction, ICE took him into custody. Police in the area will sit by the roadside and check the license plate numbers of cars passing by in their computer system to see if any come up as having expired or suspended licenses associated with them, especially if the driver appears to be Latino.	Mexico
25	FL	Spring 2011	At a security checkpoint that requires everyone entering the Fort Lauderdale port to show ID, client was stopped and accused of using a false ID. He was given a ticket, his vehicle was confiscated, and CBP immediately took him into custody.	N	Charged and convicted of driving without a license.*	Broward Sheriff's Deputy called CBP from the scene	N	Y, 1 month	R	USC child (5 years old)	None	Client was deported. He had been in the U.S. for just short of 10 years. He was found guilty in absentia of the criminal charge after he had already been removed.	Jamaica
26	FL	2010	Client was riding in a car with his USC wife and child. His wife was driving. The car was pulled over and the wife was given a ticket for driving without a license. She has a license but did not have it with her at the time.	N	No charges, no convictions	ICE came to traffic court and arrested everyone that required an interpreter	N	N, B	VD	USC wife, 2 USC children	None	Client's wife was born in the U.S., but resided in El Salvador for most of her life, so she does not speak very much English. Client went with his wife to traffic court for moral support. They waited over an hour until the Court began to call cases requiring interpreters. Plainclothes ICE agents entered the courtroom and arrested everyone needing an interpreter. Client's wife was arrested and detained for 2 hours until ICE realized that she was a USC. Client was taken into ICE custody. Client was released on bond, but had no relief other than VD. Client was the sole source of support for his USC wife and their 2 USC children. He was also supporting his wife's USC sister and her 2 USC children because the father of the children abandoned them.	El Salvador
27	FL	Dec-09	Client was driving a van in Broward County when he noticed a police officer following him. He was nervous, so he pulled into a parking lot and the police officer followed him and pulled up to the van. No reason was given for the stop and all of the van's registration and tags were up to date. Officer asked for license and client presented an expired license.	N	No charges, no convictions	Police called ICE from the roadside	N	Y, 10 months	P	2 USC daughters (11 and 2 years old)	None	Client is a pastor. He entered the U.S. under the Visa Waiver Program. His NTA was issued only a few months before he became cancellation eligible. Client was held in immigration detention for 10 months. While in detention, he collected a list of all of the people who were stopped in Broward County and placed in immigration detention but had never been charged with a crime or even given a traffic ticket. He saw people forced by ICE officers to sign documents. In some cases, the officer would hold the detainees' hands to the document.	Argentina
28	FL	Feb-11	Client was pulled over while driving and arrested for driving while license suspended, 3rd offense.	Y	Charged with a felony traffic violation, which was dropped to a misdemeanor at a hearing. *	ICE notified through the 287(g) program	Y	Y	VD, *	USC child	3 driving without a license, 1 driving vehicle in unsafe condition, 1 violation of probation (no driver's license), 2 prior encounters with border patrol in 2001	Client had lived in U.S. for almost 10 years at time of arrest. He was arrested in Collier County, which is very aggressive in implementing the 287(g) agreement. After the client was charged in the criminal case, he was assigned a public defender and posted bond. He was immediately transferred to ICE custody where his motion for a bond was denied. Client was given voluntary departure after several months in detention. However, because he was transferred between ICE facilities leading up to the day of his departure, he was unable to use the plane ticket his family bought for him. He has requested an extension of the time to leave. At the time of his criminal court hearing, client was still in immigration detention and so was unable to attend the hearing. Although friends of the client had contacted the public defender's office to explain that client was in immigration detention, the public defender stated that he did not know where the client was, and the court issued a warrant for failure to appear. Client has recently been transferred to Collier County to resolve the traffic violations.	Guatemala

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29	FL	Apr-10	Client pulled into a parking lot and was followed by a police officer. The officer searched the client and his vehicle, and client was arrested for driving without a license.	Y	Charged and convicted of driving without a license; served 25 days	Unknown	Y	Y	R	2 USC daughters in his sole physical custody; 1 USC son	1 petty theft, several driving without a license	Client moved to the U.S. when he was 14 years old. He and his girlfriend were the victims of a knife attack and rape in Maricopa County, AZ. The couple cooperated with the investigation of the crime. However, he has been unable to apply for a U visa because the sheriff's office in Maricopa has a policy of never completing a law enforcement certification for U visas. ICE has refused to grant deferred action. Client has been ordered removed, but the removal order is stayed while the client applies for U.S. passports for his daughters.	Mexico
30	GA	Nov-10	Client was pulled over with her son for having invalid registration tags. When she gave the police her documents, an officer told her that the name on her documents did not match the name in their system. She was arrested for forgery. However, client denies having forged documents, and attorney believes the entire arrest was due to confusion over the client's full name.	Y	Charged with forgery, 2nd degree. Never arraigned or convicted.	ICE was notified due to 287(g) at the county's jails	Y	Y	R		None		Mexico
31	GA	Apr-11	The police were called to the client's home during a dispute with his wife, and the client was arrested for simple battery.	Y	Charged with failure to appear for a prior case and simple battery. Never arraigned or convicted.	ICE was notified due to 287(g) at the county's jails.	Y	Y	R		1 DUI (2003), 1 open simple battery case, no conviction (2008)		Mexico
32	GA	Jan-11	Client was pulled over on suspicion of DUI and arrested for DUI, improper parking, consumption of alcohol by a minor, and driving without a license.	Y	All charges were eventually dismissed (nolle prosequi)	Unclear, but likely that ICE was called from the police station.	Y	*	P, *		None	Client is a minor and an orphan. He was placed in ICE custody and then transferred to custody of the Office of Refugee Resettlement. He is seeking special immigrant juvenile status (SIJS).	withheld
33	GA	May-11	Client was stopped at a roadblock and arrested for driving without a license.	Y	Charged and convicted of driving without a license.	ICE was notified through 287(g)	Y	Y, 2 months	P	USC child	1 driving without a license	Client is still in immigration detention. Attorney's practice sees many similar cases with people stopped for no license and turned over to ICE, especially since the 287(g) agreement went into effect.	Mexico
34	GA	Jun-11	Client was pulled over for improper registration tags. Client was arrested for improper registration and driving without a license.	Y	Charged and convicted of driving without a license and improper registration	ICE was notified through 287(g)	Y	Y, B, *	P	2 USC children	2 driving without a license	Client's immigration bond was set at \$10K.	Mexico
35	GA	Nov-10	Client was pulled over for tinted windows, and then arrested for driving without a license and expired tags.	Y	Charged and convicted of tinted windows, expired tags, and driving without a license; spent 1-2 months in jail.	Unknown	Y	Y	P	USC wife	Several driving without a license, several no insurance	Client is in his 50s, has been married for 10 years to a USC with disabilities, and has temporary custody of a grandchild with special needs.	Mexico
36	IL	Mar-11	Client was pulled over for a traffic violation and was arrested for driving without a license	Y	Charged and convicted of driving without a license		Y		P	USC children	1 DUI	Stop took place in Jerseyville.	Mexico
37	IL	Sep-10	Client was pulled over for a traffic violation and arrested for driving without a license and no proof of insurance.	Y	No charges pursued, no convictions	Police contacted ICE.	Y		P		None	Stop took place in Fairmont City.	Mexico
38	MA	Feb-11	Client was driving with his wife, a USC, in Western MA. He was pulled over by the police, but no reason was given for the stop. The officer asked for his driver's license, which client did not have. The officer took client's name and returned to the patrol car. When he returned, he called client a "frequent flyer" and arrested him for driving without a license.	Y	Charged and convicted of driving without a license	Unclear, but attorney thinks police called ICE.	Unknown	B	T	USC wife	None, *	Client is applying for adjustment of status. He was charged with but not convicted of driving with a suspended license and unregistered vehicle in 2005.	Guatemala
39	MD	Apr-11	A police officer pulled client over after the officer followed him for several minutes. Client had not committed any moving infraction, but the officer said he was making a routine stop because the owner of the car (not the client) showed up in the police system as having a suspended license. The officer then found that client also had a suspended license.	Y	Charged with driving with a suspended license and released - criminal case is ongoing	Local police contacted ICE from station.	Y	Y, 10 days, B	P	USC wife, USC adult children	Minor traffic violations	Client has lived in the U.S. for almost 30 years.	El Salvador
40	MD	May-09	Client was pulled over by a police officer alleging that he wasn't wearing a seatbelt, which client disputed.	Y	No charges pursued, no convictions	UNK	Y	Y, 2 days	R	USC wife, USC young son	None	Wife and young son, both USC, were in the car as passengers. USC family is suffering financially and emotionally because of the client's removal.	Brazil

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41	MD	Jun-10	Client was a passenger in a car that was pulled over because both he and the driver were not wearing seatbelts. The police officer found drugs in the car, not belonging to the client, but client was arrested.	Y	Charged with drug possession but the case was later dismissed	Unknown	Y	Y, B	P	LPR mother	None	Client recently turned 21. He and his mother had both applied to adjust status, and they had interviews on the same date. She was granted residency, but his file was transferred to ICE. USCIS is not proceeding with his adjustment of status case because his file is with ICE. Client has received an NTA, but it has not been filed with the court.	Venezuela
42	MD	Apr-11	Client, a stay-at-home mom, was selling \$2 and \$5 phone cards to earn money. She was arrested on a raid in her home and taken to the station to be booked.	Y	Charged with violating business regulations for operating a business without a trader's license. Charges were dismissed (nolle prosequi).	ICE notified through Secure Communities	N		VD	2 USC sons	None	Upon arrival at the police station, an officer asked her in Spanish if she spoke English. She said she did not. He told her, "since you don't speak English, I am sending you to jail." NTA was issued 3 days later. The incident occurred in Hyattsville.	withheld
43	MD	Apr-11	Client was pulled over because one of her taillights was not working. The police officer requested her driver's license, and the client showed her Brazilian driver's license. She was arrested for driving without a license.	Y	Charged and convicted of driving without a license. Received probation. Conviction is on appeal.	Unknown	Y	N	P	USC husband	1 misappropriation of identity information (currently seeking post-conviction relief)		Brazil
44	MD	Dec-09	Client called for police for protection during a fight with her partner. While the police were in her home, they saw her neighbor give her \$10 in quarters and, separately, that she had several \$2 phone cards on a table. The officers never asked her about the phone cards, but they later filed charges alleging that she was illegally selling phone cards. She never received the notice about the charges, and a bench warrant was issued. When she found out about the warrant, she went to the police station. She was served with an arrest warrant, arrested, and her fingerprints were taken.	Y	Charged with selling phone cards without a license.	ICE notified through Secure Communities after client was fingerprinted.	Unknown	N *	P	USC daughter (2 years old)	None	Client was not selling phone cards. Her neighbor was returning quarters that the client had lent her for laundry. Client had several phone cards because it was Christmastime, and she planned to call her family. Client was held in ICE custody for several days until she was released on an ankle monitor. The arrest took place in Prince George's County.	withheld
45	MD or VA	Early 2011	Client was walking home from a liquor store with a closed alcoholic beverage container in his backpack when a police officer stopped him and said he would be arrested for drinking in public.	Y	Received citation for drinking in public and a court date, but no conviction	Unknown			*		None	Client states that he was not drunk and did not have an open container of alcohol. He is still in removal proceedings or already removed.	Latin America
46	MI	Mar-11	Client and family were moving to MI from OR and driving through Ottawa County. Client's wallet was stolen right before they had moved from OR, and client had a photocopy of his valid OR driver's license. Attorney doesn't know the reason for the initial stop, but client was arrested for driving without a license. The driving without a license charge was later dropped, because client had a valid driver's license.	Y	No charges pursued, no convictions	Called by police	Y	Y	P	3 USC children	None	After client was transferred to DHS custody, his bond was denied even though he had no criminal history. Client is seeking cancellation of removal.	Mexico
47	MI	April/May 2011	Attorney does not know the reason for the initial stop, but client was arrested for driving without a license.	Y	Charged and convicted of driving without a license	Called by police	Y		VD		None	Client was driving someone to a doctor's appointment when she was pulled over in Kent County.	Mexico
48	MI	Apr-11	Client was driving his parents, both lawful permanent residents, to the doctor's. Both parents are disabled, and client is the only one physically able to drive. Attorney does not know the reason for the initial stop, but client was arrested for driving without a license.	Y	Charged and convicted of driving without a license	Called by police	Y		P	LPR parents	None	The stop occurred in Kent County. Client has been in the U.S. since he was around 6 years old. Client has been released on bond. He is seeking to be added to his parents' family petition.	Mexico
49	MI		Client was a passenger in a van driven by his son, a lawful permanent resident. The van was pulled over because the turn signal wasn't working. Client was asked for ID, and when he could not produce any, he was taken to the police station.	ANC	No charges, no convictions	Police notified ICE from roadside.		Y, 1 month	P	LPR son	None	Client, who is 72 years old, is applying for asylum and withholding of removal. He entered the U.S. in 2006 on a visitor visa.	Albania
50	MI	Summer 2010	Client was a passenger in car driven by her daughter, a lawful permanent resident. The car was stopped, but the daughter never received a ticket. The police requested ID from client, and she showed an expired ID. When asked why she hadn't renewed the ID, she said that she didn't have a green card yet.	ANC	No charges, no convictions	Police contacted ICE.	Y	Y, 3-4 days, B	P	several LPR children	None	Client, who is 60 years old, was previously denied petition for failure to submit additional evidence, but she never received the Request for Evidence. One of her LPR children has applied for citizenship.	Bahamas
51	MN	Jan-11	Client was pulled over for failure to signal for a right turn. She was arrested for not having a driver's license and having a windshield covered in frost.	Y	Charged and convicted of driving without a license and failure to use turn signal. *	Local police talked to ICE from the station	Y	N, B	P	USC daughter (15 months old)	None	Client entered on a visitor's visa and is now seeking asylum. Client was not sentenced to time in jail, but was held without bail before her hearing.	Honduras

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52	MN	Jul-09	Client was on the side of the road with a flat tire when he was approached by a police officer who had been travelling in the opposite direction on the highway. There was no violation, but the state police ran his plates, asked for ID, and took him a county jail to await transfer to immigration custody.	ANC	No charges, no convictions	CBP called by state police from roadside.	N	Y, B	P	USC brother	None		Mexico
53	MN	May-11	Client was pulled over for a driving with a broken taillight. Police ran his information and found a warrant for an arrest for a previous DUI, of which the client had not been notified. Client did not know about the warrant.	Y	Criminal case is ongoing	ICE was notified at time of booking into the county jail	Y	Y, 3 weeks	P	USC fiancée	1 DUI (that led to this arrest)	Client entered the U.S. with a valid visa 7 years ago. He is in the process of marrying his USC fiancée.	Mexico
54	MN	May-11	Client changed lanes but did not signal the lane change. The police pulled him over. Client gave valid proof of insurance but said he did not have a license. Client was arrested for driving without a license and was taken to the local jail.	Y	Charged with driving without a license, but released to ICE after arraignment and removed from county. Criminal case is ongoing.	Police notified ICE from jail.	Y	Y	P		None	The public defender's office sees a lot of cases like this one where an individual is released into ICE custody immediately after arraignment and taken to other counties that are hours away. It makes criminal defense work very difficult. Often clients are not brought back for their criminal hearings and so they receive a warrant. Not all defendants know the consequences of having a warrant out for their arrest, and so they may not even seek to return for their criminal hearings.	Mexico
55	MN	May-10	Client was pulled over and arrested for driving with a cracked windshield.	Y	Charged and convicted of driving without a license		Y		VD		None	Attorney heard about the incident from client's family members, who were prospective clients. Stop took place in Anoka County.	Mexico
56	MO	Jan-10	Client was pulled over for a traffic violation and was arrested for driving without a license and lack of insurance	Y	Charged and convicted of driving without a license and without insurance.	Unknown	Y		P	USC spouse, USC children	None	Stop took place in St. Louis County.	Mexico
57	MO	Oct-10	Client was pulled over for speeding and given a ticket.	N*	Ticketed for speeding	Sheriff's deputy notified ICE	Y		P	USC child	None	When client went to court to pay his speeding ticket, he was detained by Perryville Sheriff's Office for immigration reasons only. Client is seeking cancellation of removal and a U visa.	Mexico
58	MO	May-09	Client was pulled over for speeding, and then arrested for driving without a license.	Y	Charged and convicted of driving without a license	Police called ICE.	Y		VD		None	Stop took place in Webster Groves.	Mexico
59	MO	Sep-09	Client was pulled over for a traffic violation.				Y		P	USC children	Minor traffic violations		Mexico
60	MO	May-09	Client was pulled over for a traffic violation.				Y		VD	USC child	None		Mexico
61	MO	Feb-09	Client was arrested for driving without a license after being involved in a traffic accident.	Y	Charged and convicted of driving without a license	Police contacted ICE	Y		VD		None	Stop took place in Florissant.	El Salvador
62	MO	Mar-09	A rock spun off of the client's truck tire and hit the window of a police car. The incident was registered as a traffic accident and client was arrested for driving without a license.	Y	Charged and convicted of driving without a license	Police contacted ICE	Y		P	USC siblings, LPR mother	Minor traffic violations	Client is potential DREAM Act candidate. Stop took place in Clarkton.	Mexico
63	MO	Jan-10	Client was involved in a traffic accident and was stopped and arrested for leaving the scene of an accident, driving without a license, and failing to keep proper lookout.	Y	Charged and convicted of various traffic offenses	Police contacted ICE	Y		VD		None	Incident took place in Creve Coeur.	Mexico
64	MO	Apr-10	Client was pulled over for violating a tinted windows regulation and was arrested for driving without a license.	Y	Charged and convicted of driving without a license; spent 59 days in jail.	Police contacted ICE	Y		T	USC children	1 misdemeanor trespassing, 1 DUI	Stop took place in Scott County.	Mexico
65	MO	Jan-09	Client was stopped for turning and passing on a private road and was arrested for driving without a license and lack of insurance.	Y	Charged and convicted of driving without a license and driving without insurance	Police contacted ICE	Y		P		None	Stop took place in Ballwin.	Mexico
66	MO	Feb-10	Client was pulled over for a traffic violation and arrested for driving without a license.	Y	Charged and convicted of driving without a license	Police contacted ICE	Y		P		None	Stop took place in Ballwin.	Mexico
67	MO	2009	Client was pulled over for a traffic violation and arrested for driving without a license and no valid ID.	Y	Charged and convicted of driving without a license		Y		P	USC child	None		Mexico
68	MO	2009	Client was pulled over for a traffic violation and arrested for driving without a license.	Y	Charged and convicted of driving without a license	Police contacted ICE	Y		P		Minor traffic violations	Stop took place in Ballwin.	Mexico

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69	MS	Jun-09	Client was pulled over by an unmarked police car for no apparent reason. He was not speeding. The police were extremely rude to him. He did not have ID, so he was arrested.	Y	No charges pursued, no convictions	Called ICE from road-side when couldn't present valid ID	Y	Y, B	P	3 USC children	None		Mexico
70	NC	Mar-10	Client was pulled over when the police officer recognized him as someone with a revoked license. He was arrested for driving with license revoked.	Y	Charged and convicted of driving while license revoked; spent 45 days in jail.	ICE agent was working in the jail	Y	Y, 2 months	P	2 USC daughters	Traffic violations, *	Client has lived in the U.S. for over 15 years. Previous traffic violations include: failure to wear a seatbelt, driving without a license, driving without insurance, 2 speeding, 3 driving while license revoked.	El Salvador
71	NC	Apr-11	Client was sitting in a parked car outside of a convenience store. Someone from the store called the police, who then came and questioned her. When she was approached by the police and asked her name, client was scared so she gave them a nickname. When she realized the police were serious about questioning her, she gave them her bag and her valid passport. A police officer then removed her from the car and handcuffed her for "lying" by giving them the nickname. The police officer said, "You fucking Mexicans are all alike." The client then said to the police officer, "You are a racist bitch." The officer smashed the client's face into the ground and charged her with resisting arrest, identity theft and making a false report to the police.	Y	Charged with resisting arrest, identity theft and making a false report to the police - criminal case is ongoing	Gaston County Sheriff's Office contacted ICE Charlotte Field Office after fingerprinting	Y	Y, 1 week, B	P		None	Client paid state bond on the criminal charges, and was transferred to ICE about 48 hours later. Client, a 20-year-old woman, has lived in the U.S. since she was 2 years old and never had any contact with law enforcement. She graduated from high school and volunteers regularly in her community. She is 245(i) eligible. Currently, ICE has denied a request for prosecutorial discretion.	Mexico
72	NC	2010	Client was walking on UNC campus at 2am when a campus police officer approached him and asked for his name and why he was there. Client refused to tell the officer his name and was arrested for resisting and obstructing.	Y	No charges pursued, no convictions	Attorney contacted Sheriff and negotiated client's release before ICE picked him up.	Y		*		None	Attorney negotiated with Sheriff and client was released before he could be transferred to ICE. Attorney thinks the campus police officer was being overly cautious because it was his first or second day of work.	Venezuela
73	NC	May-11	Client was at Wal-Mart with his cousin. The cousin opened a box of condoms, put it back on the shelf, and walked away. The store called the police and both client and the cousin were arrested. There were no charges for shoplifting. Attorney is not sure why the client was arrested.	Y	No charges pursued, no convictions	Unknown	Y	N, ROR	P		None	Incident took place in Wake County, which has Secure Communities and a 287(g) agreement.	Mexico
74	NH	Apr-11	Client was pulled over after making an illegal U-turn, and cited for driving without a license. Client had a valid license, but did not have it with him at the time. He was not arrested. Later, he went to court to show his license and was detained by ICE agents.	N	Citation for U-turn, but client was detained by ICE before matter was resolved	Client went to court appearance to show valid license; was met by ICE agents as he exited courthouse	N, *	Y, 1 month, B	P	USC wife, USC siblings	Traffic violations*	Client entered the country legally on an F-1 visa, and had a valid MA driver's license. His previous traffic violations were for failure to maintain registration, tinted windows, and 3 speeding tickets over a span of 9 years. He had never appeared in court before because he had paid his tickets in a timely manner.	Kenya
75	NJ	Apr-11	Client was at a worksite with a group of Hispanic men at 1 or 2am when he was approached by police and asked for ID. When he could not produce any, the police told client that he was being arrested because he did not have ID.	ANC	Charged and held for outstanding child support. Held for 1 week in jail and released after he paid the support.	Called by police	Y	Y	P	3 USC children, 1 USC brother	None	Client's child support matter was cleared up within a matter of days. Client has lived in the U.S. for 24 years. Stop in Patterson, NJ	Peru
76	NJ	Aug-08	Police claim that they pulled over client after seeing an expired insurance sticker on his car. Attorney believes stop was suspect because during cross-examination, the officer gave conflicting information about how far away the car was when he saw the sticker.	Y	Ticketed for expired insurance	ICE called (attorney not sure if local police called by phone or computer notification).	Y		P		1 traffic ticket, 1 driving without a seatbelt	Motion to suppress on appeal to the BIA.	
77	NJ	Oct-09	Client's wife called the police after a domestic dispute, and the client was arrested for assault.	Y	Charges dropped, no conviction	Criminal Alien Program	Y		P		None		
78	NJ	Nov-10	Client was stopped because the police mistakenly believed the car he was driving was stolen. Car was stolen about 2 months before, but was recovered by the Newark police department and returned to the owner (client's uncle). However, the Newark police failed to update the state's records. Client was arrested by Montclair police and taken to the station. After the arrest, the Montclair police contacted the Newark police, who verified client's story. Client was questioned about a social security number and his immigration status.	Y, *	No charges pursued, no convictions	ICE called by police at station	Y	Y, 2 weeks	P	USC girlfriend	None	Client, who is 19 years old, has lived in the U.S. since he was a young child. On the day of his arrest, client was transferred to Essex County Jail and detained for about 2 weeks. He was held in solitary confinement for over 10 days. Essex County Jail rents beds to ICE, but only for criminal aliens. Non-criminal aliens are housed at the Elizabeth Detention Center. Client was originally placed in Essex because it was a Saturday and normally would have been transferred out within a day or two, but was kept in solitary confinement there because of his reaction to a TB test. Client is seeking a U visa because he was the victim of an assault and testified during the trial.	Uruguay

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Case ID #	State	Date	Description of initial encounter with LLEA	Arrest	Criminal case status	How was DHS notified?	Detainer	Detention	Imm case status	USC or LPR family	Past Convictions	Notes	Nationality
79	NJ	Sep-09	Client took his daughter to the emergency room because she was having an epileptic seizure. However, the hospital staff accused him of assaulting her because initially, they did not believe that she was epileptic. He was arrested for endangering the welfare of a child.	Y	Charged with endangering the welfare of a child; prosecutor withdrew the charge 6 months later	Unknown but it is not unusual for the police to contact ICE	Unknown		T	USC wife, USC daughter	None	Client entered the U.S. with a visa. He is applying for adjustment of status through his USC wife.	Costa Rica
80	NJ	early 2009	Client was stopped on the street for loitering and arrested. No charges were filed, and a public records request showed that there was no record of why the client was arrested.	ANC	No charges, no convictions*	ICE notified by local police	*	Y, 8 months	P		2 misdemeanors (non-violent, not drug-related)	Client came to the U.S. when he was 12 years old. Client was held in jail without charges for 7 days before being transferred to ICE custody. He was in immigration detention for 8 months and was released only after extensive advocacy by attorneys and advocates. The incident occurred in Atlantic City.	Middle East
81	NJ	07-'08	Client was arrested for DUI. Client insisted he had not been drinking and that he never drinks.	Y	Charged with DUI, but removed from U.S. before the criminal hearing	Unknown			R, *		Unknown	When attorney received discovery from the defense counsel a month later, he saw that the breathalyzer test had registered "0.0." However, client had already been removed by that time.	
82	NM	Mar-11	A wife and husband, together with their 6-month-old USC son, were passengers in a car that was stopped for speeding. The driver, who had a green card, was ticketed. However, the police officer demanded identification from the passengers as well, and they arrested them	ANC	No charges, no convictions	ICE notified by police from roadside	Husband: Y Wife: N	Husband: Y Wife: N, ROR	P	USC son (6 months old)	None	The couple, who are in their mid 20s, have lived in the U.S. for more than 10 years without ever having any trouble with the law. The husband has been in immigration detention since the stop. Bond was denied. The wife was released on her own recognizance with their baby and was issued an NTA.	India
83	NM	Sep-07	Client was the victim of a hit and run car accident while driving his boss' truck. He called the police to report the accident. When the officer-a supervisor from the sheriff's office--arrived, he repeatedly asked the client if he was "illegal." Client answered that he was not mirandized and answered "no" repeatedly until he felt compelled to respond "yes," at which point he was arrested. Client was held for ICE who recommended prosecution for illegal entry.	ANC	Charged and convicted of illegal reentry; sentenced to 13 months but served less.	Sheriff's office notified ICE			R	USC child, LPR spouse	1 cocaine distribution, *	Client came to U.S. as an LPR when he was 8 years old, but lost his status and was deported in his late teens after being convicted of cocaine distribution. His defense attorney advised him to plea to the charge, even though he and his roommates--his codendants--only had a small amount of cocaine for personal use. When the client went to court for sentencing and was told of the immigration consequences, he tried to back out of the plea deal, but the judge wouldn't allow it. Client returned to the U.S. because his whole family was here, got married, had a child, worked 7 days a week in construction, and had no further involvement with drugs. Client and his LPR wife owned their home, but while he was in custody, they lost it. His wife ended up moving to Ciudad Juarez with their child, even though both had legal status in the U.S. At the time of client's arrest, Bernalillo County sheriff's manual prohibited questioning about immigration status.	Mexico
84	NM	Jan-09	Client pulled into a store parking lot, saw that the store was closed, and began to back out of the parking lot. A sheriff's deputy pulled him over as he backed out even though there was no moving violation and no reason is listed in the police database for the stop. The deputy gave no reason for the stop but requested a driver's license and proof of insurance. The deputy ran the client's information and found that he had previously been deported. Client was not charged with anything, but was arrested and held on a "courtesy hold" for immigration.	Y	Charged and convicted of illegal reentry; served 15 months in jail.	Sheriff's deputy called ICE from the roadside and again from the jail to notify ICE that they were holding someone	Y		R		1 marijuana trafficking (10 years ago)	Client was held in jail on a courtesy hold for one day and an additional 3 days on a detainer. Incident occurred in the Albuquerque area.	Mexico
85	NM	May-11	Client was burning leaves on his property when a sheriff's deputy approached him. Client explained he had asked city officials if he needed a permit and was told a permit was not needed. The deputy asked twice for his social security number. Client answered that he didn't have one. The deputy then wrote him a citation for burning leaves without a permit and left. Two hours later, plainclothes ICE agents came to his house in unmarked cars and said they were investigating a claim that the client was trafficking people in his home. Client denied the claim, but ICE took him into custody.	N	*	Attorney believes the sheriff's deputy notified ICE	N	N	R		None	Client has lived in the U.S. for over 15 years. At the time of the arrest, he had an immigration attorney who had been working to adjust his status. The case took place in Dona Ana County. No permit is required to burn leaves in Dona Ana County, so it appears the citation was invalid.	Mexico
86	NY	Jul-09	Police arrested client for sitting on the subway steps in violation of NY City Code.	Y	Charged with sitting on subway steps, unknown if case was resolved	ICE picked up client at criminal arraignment	N	Y	R		None	Once taken into ICE custody, client was removed because of a prior expedited removal order from when he was 17 years old. His mother has been granted a U visa, and client was approved as a derivative. He is now seeking to reenter the country as a U visa derivative.	Mexico

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87	NY	early 2011	Client, who is over 21, was in a bar when a fight broke out. The police arrested everyone who was in the area of the bar where the fight occurred, regardless of whether or not they had been involved. Client was not involved in the fight, but he was arrested for disorderly conduct.	Y	Ticketed for disorderly conduct	ICE called from police station	Y	Y, B	P, *	USC wife	None	Client is a college student. His mother is a lawful permanent resident. Client was waiting to get his green card through a relative petition at the time of the arrest. Since the arrest, client has married his fiancée and he will apply to adjust status through her. However, removal proceedings have not yet been terminated.	Brazil
88	NY	late 2010	Client was a passenger in car when the driver, a USC, was pulled over for speeding.	ANC	No charges, no convictions	ICE called by the police at roadside	Y	Y, B	P, *	USC husband	None	Client entered the U.S. with an H-1B visa, which had expired. Client believes she was asked for identification and proof of status at the traffic stop because of racial profiling. Since the arrest, client has married her fiancé, and will adjust status through him. However, removal proceedings have not yet been terminated.	Philippines
89	NY	Feb-11	Client was pulled over for reckless driving. He was arrested for reckless driving and fleeing, both misdemeanors.	Y	Criminal case is ongoing	Unknown	Y	Y, 3 months	*	USC wife	None	At the time of his arrest, client had a pending TPS application, which had been delayed for an unknown reason (USCIS may have lost the paperwork). Client was held in immigration detention for 3 months. Advocacy from a local Congresswoman led to the TPS application being found and the client was released on bond.	Haiti
90	NY	Dec-10	Client was stopped for having a broken headlight. He was arrested for driving without a license when the officer discovered that his license had been suspended for an unpaid parking ticket. Client was unaware of the parking ticket.	Y	Charged and convicted of driving without a license and aggravated unlicensed operation of a motor vehicle, 3rd degree	Local police notified ICE		N, ROR	R		None	Client owned a garment factory in NY. He has since closed his business and laid off all his employees. Client was ordered removed 10 years ago, and he is waiting for the Chinese embassy to issue travel documents.	China
91	PA	Aug-10	Client was walking down the street when approached by police who asked to search his bag. The police never explained why he was stopped.	ANC	No charges, no convictions	Police called ICE after searching client's bag. ICE interviewed him over the phone.	Request by phone		P		None	Police did not give client any reason for searching his bag. Police are claiming now that the client was stopped because he matched the descriptions of a robbery suspect. However, at the time of the encounter, client was not asked any questions about a robbery, and there is no mention of him being a suspect in the police report. Incident occurred in Philadelphia.	withheld
92	PA	Nov-09	6 men were driving home from work when police pulled over the car and asked for name, date of birth, and driver's license. At the time, no reason was given for the stop. The police report states that the light over the van's license plate was out, but the driver contests this and no ticket was issued for the light. The driver was taken out and questioned about his immigration status. The men were all taken into custody, but faced no criminal charges - except for the driver who was arrested for driving without a license.	ANC	Driver: Charged with driving without a license Passengers: no charges, no convictions	Police called ICE at the roadside. ICE interviewed the men over the phone.	Request by phone		P, *	Driver: 2 USC children	None	The driver is seeking cancellation of removal, and 3 of the passengers have a pending motion to suppress.	
93	PA	Nov-09	Police state that they pulled client over for a broken brake light. Client disputes that the brake light was broken.	Y	No charges pursued, no convictions	Police called ICE from station	Y		P	Yes	None	Client was driving his boss' car at the time. The next day, his boss went to claim his car at the impound lot, and swore in an affidavit that the brake lights were working. There was no ticket issued for the light.	
94	PA	Apr-11	Client was stopped at a DUI checkpoint and told to take a breathalyzer test, which did not show him to be over the legal limit for blood alcohol. However, he was sent to the hospital for a further blood test, which showed him to be at 0.8 BAL, just over the legal limit. Client was then arrested for DUI.	Y	Charged and convicted of DUI	Unclear, but believe police contacted ICE from station.	Y	Y, 3 weeks, B	P	USC sibling	1 prior juvenile offense		Mexico
95	PA	Summer 2010	Police came to client's home to tell him that he had an unpaid parking ticket, which the client wasn't aware of and was willing to pay off. Police arrested him and took him away in handcuffs in front of his 6-year-old daughter.	Y	Paid a fine for the parking ticket	ICE contacted from police station.	Y	Y, 2 weeks, B	P	2 USC children	None	Client is seeking cancellation of removal. Daughter has a congenital heart problem.	Mexico
96	PA	Summer 2010	Client was asked by a friend, who has since returned to Mexico, to help transfer ownership of the friend's car to a third person. When the client went to the clerk's office, the clerk accused him of trying to use false identification, even though client was not trying to pass himself off as his friend and in fact had his own ID with him. Client was arrested for use of false identification.	Y	Charged with use of false identification but pled guilty to disorderly conduct*	ICE contacted from police station.	Y	Y, 2 weeks	P	2 USC children	None	Client is seeking cancellation of removal. Client eventually pled guilty to disorderly conduct because he had been held on the criminal charge for 6 months without ever going to trial. He was not sentenced to any jail time.	Mexico

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97	PA	Summer 2010	Client was involved in a minor car accident and police asked for her driver's license. When she presented police with a Mexican ID card, the officer asked if she was "illegal." She said yes, and the police contacted ICE.	N	No charges, no convictions	Police called ICE when client said she was not in status.	N		VD	USC husband, USC child	None	Client has USC spouse and child. She was not detained because she had a young child, but an NTA was issued.	Mexico
98	PA	Jun-11	Client was one of four passengers in a car pulled over by state police for violating the state's tinted windows regulation. Driver and passengers were asked for ID. Client was arrested but only for lack of immigration status.	ANC	No charges, no conviction	State Police contacted ICE from the roadside	Y	Y	R		None		Mexico
99	PA	2006	Husband and wife were pulled over. They were not given any reason for the stop. The husband, who was driving, had a driver's license. They were then both arrested and brought to the local police station. The police report stated that they were arrested for a traffic infraction, but they never received a ticket and were never told why they were arrested.	Y	No charges pursued, no convictions*	Police notified ICE		N, ROR	R	USC child	Husband: None (1 charge of driving with license suspended - dismissed 10 years ago) Wife: None	Both husband and wife had lived in the U.S. for about 15 years at the time of the arrest. They were held for several hours at the station, and then the police took "bail" from them for the amount of money they had on them before transferring them to ICE custody. Former attorney had conceded all charges on the NTA and had the case transferred to NY, where the couple lived. Current attorney requested that the NTA be dismissed because of the many defects with the underlying criminal arrest, but the IJ denied the motion because the former attorney already had already conceded the charges.	Mexico
100	SC	May-11	Client left his vehicle running while he went to a convenience store to get coffee. When he exited, a police officer asked him for his driver's license. He was arrested for driving without a license and unattended vehicle.	Y	Charged and convicted of driving without a license and unattended vehicle, *	Jail notified ICE	Y	Y, 5 days	P	USC wife, 4 USC children	1 misdemeanor DV, 1 signing a false affidavit, several driving without license	Cited for unattended vehicle (leaving an unattended vehicle running). Client was held in ICE custody for 5 extra days once he was granted bond. His wife went to pay bond the day after the bond hearing. However, she arrived at 2pm and ICE stops collecting bond at 1:30pm. When she returned the next day, a Friday, he had been transferred by ICE to another state. She was told to return to pay the bond the following Tuesday because it was a holiday weekend. Client was unable to contest the driving without a license and unattended vehicle charges. He paid bail but instead of being released, he was transferred to ICE custody. Because he was in immigration detention, he was unable to attend his traffic court hearing. His bail was forfeited and he was convicted of the charges in absentia.	Mexico
101	SC	Sep-10	Client was stopped for a traffic violation and asked for a driver's license. The client was arrested for driving without a license.	Y	Charged with driving without a license. Criminal case is ongoing.	Police contacted ICE	Y	Y, 1 week	P		None	The incident occurred in Charleston.	Mexico
102	South U.S.	Spring 2010	Client was pulled over for not using a turn signal. During the course of the stop, she was arrested for having fake driver's license, although she never presented it to the police.	Y	Criminal case is ongoing	ICE notified from police station	Y	N, ROR	P	USC children	None	Longtime resident of the U.S.	Mexico
103	TX	Nov-09	Client was stopped by state police for a broken taillight and they discovered that he had a warrant for unpaid tickets.	Y	Paid a fine for taillight and parking tickets	After arrest, he was taken to the local police who contacted ICE	Y	Y, 4 days, B	P		None	Client is a DREAM eligible college student and has been in the U.S. since he was 10 years old. He is seeking deferred action.	Mexico
104	TX	Mar-10	Client was attending a music festival when she got into an argument with a police officer. The officer requested that she step back from where she was standing. She disputed that she had to step back, and the officer asked her for ID. She was arrested (attorney is unsure of the charge).	Y	Charges dropped, no conviction	ICE notified from police station	Y	ROR	T		None	Client is a DREAM eligible college student, who entered the U.S. on a tourist visa as a child. The petition her USC uncle filed for her father is pending. Client's removal proceedings were terminated, and she was granted deferred action.	Mexico
105	TX	Feb-08	Client was driving a truck with several other Latino men as passengers. The truck pulled over near a worksite in northern TX for no apparent reason. Client was not speeding, and he was never charged with any offense. Attorney believes he was stopped due to racial profiling. He was asked directly if he had immigration papers. When he could not provide any, he was arrested and turned over to immigration.	Y	No charges pursued, no convictions	Called ICE from roadside	Y	Y, B	P	3 USC daughters	None	Client has lived in the U.S. for well over 10 years. His daughters are honor roll students, and he is a leader in his church. The IJ, noting his excellent character, stated that the client is exactly the sort of person who should be allowed to stay in the U.S. and that he would make an ideal citizen. However, the IJ stated that the law does not grant him that authority. The case is on appeal to the BIA.	Mexico

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106	TX	Aug-10	Client was in a minor car accident. When the police arrived, they asked to see his license. He was arrested for driving without a license.	Y	Charged and convicted of driving without a license; 3 days in jail.	Police contacted ICE from the jail	Y	Y, 2 weeks	P		None	Client has lived in the U.S. since 2001 and graduated from high school here.	Mexico
107	TX	Aug-10	Client was driving home from his job as a night janitor at 2am. Police pulled him over for no apparent reason (he was not speeding), and then found that he had no driver's license. He was arrested for driving without a license.	Y	Charged and convicted of driving without a license; 3 days in jail.	Police contacted ICE from the jail	Y	Y, several weeks	P	USC daughter	None	Client has lived in the U.S. since 2000. He is applying for cancellation of removal.	Guatemala
108	TX	Mar-11	Client was sideswiped by another driver, who had been trying to make a right turn. When the police arrived at the scene of the car accident, the officer accused client of being at fault. The officer said that since the client didn't have a license, he must not know how to drive, and asked if client was a citizen. When the client did not answer, he asked "are you legal or illegal," and the client said, "illegal." The other driver, who was at fault, was let go. Client was arrested for driving without a license.	Y	No charges pursued, no convictions	Police called ICE from jail.	Y	Y, several days	P	USC father	None	Client has lived in the U.S. since he was a teenager, graduated from high school in the U.S., and is active as a leader in his church's youth group.	Mexico
109	TX	Jan-09	Client was stopped by the police after she allegedly rolled through a stop sign. She was asked for her driver's license and insurance. She produced insurance, but had no driver's license. She was arrested, handcuffed, put in police car, and then turned over to ICE through CAP. The arresting offense was driving without a license.	Y	No charges pursued, no convictions	Police called ICE from the station	Y	N, B	P		None		Mexico
110	TX	Jun-10	Client and her family were visiting a small town in Texas to go to a quinceañera (15th birthday celebration). The family was in their car and the husband, an LPR, was driving when a sheriff's deputy pulled the car over because the light over the license plate was out. The deputy asked the client's husband for his license, which he supplied, and proof of immigration status, which he also showed. The deputy then asked for IDs from everyone in the car. Client showed her valid Texas ID card. The deputy then asked her for proof of her immigration status, which she did not have. The deputy arrested her but did not charge her with anything. The couple's children were in the car with them.	ANC	No charges, no convictions*	Sheriff called CBP	*	N, ROR	P	LPR husband; USC daughter	None	Client is a stay at home mom who does not drive. The client's 10-year-old daughter is receiving mental health counseling as a result of witnessing the mother's arrest. It is not known whether a detainer was issued, however, client was held for 3 days by the sheriff until CBP came to pick her up. Attorney has called the sheriff's office several times to try to find out what offense the client was arrested for, and the people he spoke to at the sheriff's office admitted that there was no criminal offense. The stop took place in Eldorado.	Mexico
111	TX	Jun-10	Client was leaving a convenience store when he was detained by a sheriff's deputy. He was not given a reason for the stop. The deputy requested ID, and when the client could not produce one, he was arrested for lack of ID.	Y	No charges pursued, no convictions	Sheriff called CBP	*		VD		Unknown	The deputy took client to the sheriff's office, and client was detained until CBP picked him up. It is unknown if a detainer was issued. The incident took place in Eldorado.	Mexico
112	TX	Jan-10	Client, who was a teenager, was driving with several friends who were also Latino. They were pulled over for no apparent reason and client was arrested for driving without a license.	Y	Charged and convicted of driving without a license	Police called ICE at the station	Y	N, B	P		None	Client was a teenager at the time of his arrest. He graduated from high school in the U.S. and would be a DREAM Act candidate. This incident took place in Bell County.	Mexico
113	TX	Jun-11	Client was pulled over by a sheriff's deputy for no apparent reason. The deputy initially asked, "Where is your passport?" Client asked why he had been stopped, and the deputy told him that it was because his lights were not on, even though it was already light out. At the deputy's request, client demonstrated that his car lights and signals were working. The deputy still wrote a ticket, but on the ticket recorded the time incorrectly as 6:45am so that it would be more believable that the client should have had his lights on. The actual time of the stop was 7:15am. The deputy then called CBP and held client at the side of the road until CBP arrived.	N	Ticketed for not having lights on	Sheriff's deputy called CBP from the roadside	N	N, B	P, *	USC wife	None	Client has lived in the U.S. for about 15 years and is seeking to adjust status.	Mexico
114	VA	May-11	Client was involved in a shouting match outside of a restaurant and was arrested for public intoxication.	Y	Paid a \$50 fine, so the hearing on public intoxication was waived, *.	ICE notified by police	Y	Y, 6 weeks	P		None	Pending adjustment of status petition (derivative beneficiary of her husband's employment petition). Client was held in jail overnight, but did not serve any time for the public intoxication conviction.	South Korea
115	VA	Dec-10	Client was pulled over and arrested for DUI.	Y	Charged and convicted of DUI. Received 30 day suspended sentence.		Y	Y	P	2 USC daughters, 3 USC brothers	1 DUI, 1 cocaine possession (1998)	Client is a longtime resident of the U.S. who tried to obtain legal status in the early 1990s. Stop took place in Fairfax.	Guatemala
116	VA	Feb-11	Client was arrested for being drunk in public.	Y	Charged and convicted of being drunk in public and paid a fine		Y	Y	P	4 USC children	1 DUI (2007)	Client is a longtime resident of the U.S. who arrived in 1991 and has been gainfully employed since entering.	Mexico
117	VA	May-10	Client was pulled over for a traffic violation and arrested for driving without a license.	Y	Charged and convicted of driving without a license; Received suspended sentence.		Y	Y, 1.5 months	P	USC wife, 2 USC children, LPR mother	None	Client has lived in the U.S. since 1990. One of his USC children has cancer.	El Salvador

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Case ID #	State	Date	Description of initial encounter with LLEA	Arrest	Criminal case status	How was DHS notified?	Detainer	Detention	Imm case status	USC or LPR family	Past Convictions	Notes	Nationality
118	VA	Nov-09	Two clients were in a residence when the police came to the house looking for someone. Without the consent of the owner, the police entered the home and asked the men inside for proof of their immigration status. When the clients could not produce any, the police called ICE and then arrested the men for allegedly being gang members.	Y	No charges pursued, no convictions	Police called ICE from the house	N	Y, 2 months	Client A: VD Client B: P	Client B: USC spouse	Client A: None Client B: None	When the attorney called the police station to ask for the men's release, the arresting officer said that the clients were self-admitted gang members. The clients maintain that they are not gang members. When the attorney asked for evidence of their gang membership, the officer replied that the two men had Spanish nicknames. The attorney explained that the two nicknames meant "skinny" and "whitey" and were what their friends called the men because one was thin and the other was pale. The nicknames had no gang affiliation.	El Salvador
119	VA	Jun-10	Police mistook client for a different person for whom they had an arrest warrant. Client was arrested and taken to the station and asked about his immigration status.	Y	No charges pursued, no convictions	Unknown	Y		P	3 USC children	None	Attorney thinks that mistaken arrest likely took place because client does not understand much English and so could not explain to the police that he was not the person they were looking for. Arrest took place in Arlington, VA. Client had a prior order of deportation, but he was unaware of it.	Honduras
120	VA	2010	Client was stopped for a traffic violation and arrested for driving without a license.	Y	Charged and convicted of driving without a license; spent 10 days in jail.		Y		P	USC spouse, USC sister, LPR brother	1 marijuana possession	Stop took place in Prince William County	Brazil
121	VA	Mar-10	Client was arrested for public intoxication.	Y	Charged with public intoxication and paid a fine	Turned over to ICE after arrest by police. Locality has a 287(g) agreement	*	N	VD	1 brother w/ TPS	1 public intoxication	Client was taken briefly into ICE custody and released with an order of supervision and ankle monitor. Most people who are intoxicated in public simply get a citation. Attorney sees people in this situation at least once a month at open intake hours, but typically there is no relief available and they have already admitted alienage.	El Salvador
122	VT	May-11	6 construction workers were riding in a van driven by a USC. The van was pulled over for speeding. Clients were detained by the police.	ANC	No charges, no convictions	Police called ICE at the roadside	Y	N	One client: VD Other clients: P	Several have USC spouse & children	None		Guatemala
123	WA	May-11	Client pulled over for talking on the phone while driving.	N	No charges, no convictions	Police officer who pulled over client requested that CBP assist with identifying client at the scene	Y	Y	P		None		Guatemala
124	WA	Jan-11	Two clients were stopped by a park ranger for cutting plants in a national forest. They were arrested for cutting and theft of forest products.	Y	No charges pursued, no convictions	ICE contacted from county jail on day of arrest	Y	Y, 2 weeks, *	Client A: R Client B: P	Client A: USC sibling Client B: USC child, USC sibling	Client A: None Client B: None, 1 removal order	Client A: He was not granted a bond and so agreed to removal. Client B: He has been in the U.S. since 2000 and is applying for cancellation of removal. He has been released on bond.	El Salvador
125	WA	Mar-11	Client was stopped for speeding. When the officer ran his record, he saw that he had a suspended license and owed money on that charge. He was arrested for driving while license suspended.	Y	Charged and convicted of driving while license suspended; spent 3 weeks in jail.	Jail contacted ICE while being held overnight	Y	Y, 1 month	P	USC wife, USC children	5 suspended license charges over several years		El Salvador
126	WV	Apr-10	Two clients were driving home from work in a car with five other Hispanic men when a state trooper pulled the car over. The trooper did not say why he pulled them over, but requested proof of their immigration status. The police report states that the car failed to stop at a stop sign but attorney reports that there is no stop sign at scene. The state trooper took the clients to a local ICE holding facility.	N	No charges, no convictions	ICE called from the roadside	N		P		None		withheld
127		Withheld	Abusive boyfriend falsely claimed that client attacked him. The police arrested her, according to their standard procedure, but did not charge her as soon as they saw the case history of abuse by the boyfriend. The police planned to release her, however, ICE had already been notified.	Y	No charges pursued, no convictions	ICE notified through Secure Communities	Y	N	R	2 USC children	None	Client has a removal order from 10 years ago.	Mexico

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