

More Double Jeopardy for Immigrants with Convictions

The Obama Administration's August 18th announcement of a new policy that purports to suspend deportations against immigrants without criminal convictions has seemed to sprout a range of reactions from immigration advocates, from full-hearted celebration to cautious optimism to weary suspicion.

It does seem true that the national outcry across the country about the failure of real reform and the explosion of S-Comm has prompted this "new policy" response (though we note that Immigration and Customs Enforcement has long held prosecutorial discretion powers that it has claimed to exercise). And to the extent that this announcement can actually help the small percentage of people who could qualify for a temporary reprieve from deportation, we share deeply the temporary sense of relief of these immigrants and their families. Too many of us know the devastation of deportation.

But as the lead organizers of the coalition that got Governor Cuomo to pull out of "Secure Communities," we know how much ICE has tried to employ divide-and-conquer tactics, to manipulate and lie to the public, to flip-flop back and forth without ever acknowledging its previous position. So we, too, remain highly skeptical, especially since ICE's refusal to revise its removal quotas means that its deportation dragnet will remain at least just as active. Along with groups such as the New York State Youth Leadership Council, we also believe that this move seems more like a token appeasement to win votes in the next election than any meaningful shot at reform.

And we want to be clear that this isn't what many of us have asked for. In fact, it's the exact opposite. Our coalition has vociferously called for the protection of the rights of all immigrants, not just those who can be deemed "innocent" or "low priority." That's why we continue to firmly object to the targeting of people with criminal convictions through this and any other policy.

Our position might fly in the face of conventional wisdom about who should and should not be deported. But we cannot accept that people with criminal convictions should be so easily tossed out of our country. They've already paid their price in a criminal justice system that seldomly lives up to its promise of fairness and equality – particularly for those from low-income, of color, and immigrant communities. They don't deserve a harsh second punishment of permanent exile through a deportation system we all know is patently unjust and broken. And no matter what, they still belong with our families and communities.

Take, as just one example, our friend Mark. We could easily talk about so many others who equally deserve to stay. But Mark is particularly close to us and he was detained just yesterday, in the fallout of last week's announcement. A long-time green card holder, Mark serves as the primary caretaker for his mother, an older woman with severe diabetes who requires constant care. He has all his family – all U.S. Citizens – here in this country. He knows no life in his country of origin. He has a conviction from about 15 years ago. And so he is ICE's first priority for deportation.

We're pretty certain that ICE now feels like it has even less reason to listen to our pleas to stop Mark's deportation. After all, so many across the country have turned their backs on, or at least implicitly condoned the deportation of, people like him. In the weeks and months and years to come, it seems like we can only expect more and more people like Mark to get thrown into the deportation machinery, as few object to – and many applaud – ICE's so-called new policy.

Let us be explicit, then: We care about ALL people dealing with deportation, including those with criminal convictions. We care about them proudly and profoundly. And targeting people with convictions for deportation is something we can never be okay with.

We hope it's not too late for us to keep Mark here with his loved ones. For him and too many others, the truth is it may very well be, especially since so much of our country seems to regard their deportation as anything from a desired goal to an unfortunate but necessary sacrifice. That saddens us to no end. For now, our only solace is to commit to continuing to fight hard alongside them and their families for a better future for us all.

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On Behalf of the New York State Working Group Against Deportation (<http://newyorkagainstd deportation.wordpress.com>)
and in Tribute to Mark