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## The American "Deportation Mill"

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# The American “Deportation Mill”

*Immigrant families detained in Artesia, New Mexico, are suing the U.S. government*

Lauren Carasik

September 09, 2014

The father of M.R.R.’s children was stabbed to death, but the gang that killed him wasn’t satisfied. They continued to send death threats to M.R.R. and her kids. Terrified and traumatized, the family fled their native Honduras for the United States.

M.R.R. and her children have viable refugee claims under international law, but the U.S. government is refusing to follow its own asylum protocols, designed to protect those imperiled in their home countries. So M.R.R. and her children are languishing in an immigration jail.

They are some of the more than 600 women and children being held at an isolated makeshift detention facility in the Federal Law Enforcement Training Center (FLETC) located in Artesia, New Mexico. The town of 11,000 lies almost 200 miles from El Paso, the nearest metropolitan city, and far from pro bono immigration lawyers. The Department of Homeland Security, charged with overseeing the facility and the immigration process, declines to label those living in the FLETC barracks inmates, calling them residents instead. But they are not free to leave, and their access to visitors, phone calls, and legal advice is limited.

In response, on August 22, the American Civil Liberties Union, American Immigration Council, National Immigration Project of the National Lawyers Guild, and National Immigration Law Center [filed a lawsuit](#) on behalf of M.R.R., six other women, and three children being detained at FLETC. The suit claims that the government is running a “deportation mill,” which threatens the lives of detainees who are being denied due process and substantive protections.

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These women and their children are emblematic of a larger pattern. Though unaccompanied minors crossing the border have garnered more attention of late, a comparable number of families have fled Central America: [about 63,000 parents with at least one child](#) have been apprehended at the border in the last nine months. Like those unaccompanied minors, most of the families are escaping violence and poverty in Guatemala, Honduras, and El Salvador.

Honduras's per capita homicide rate, the highest in the world, exceeds that of many countries experiencing armed conflict.

Even when they are not victims themselves, some mothers embark on the dangerous journey north because they have no other way to protect their children from imminent danger. More than a thousand Hondurans under the age of twenty-three were murdered last year, a per capita rate over four times that of the United States. One gruesome example is Kenneth Castellanos, whose body was found in a squalid neighborhood of Honduras's most dangerous city, San Pedro Sula, bearing the [marks of beating and torture](#). He was seven years old, out looking for his thirteen-year-old brother, Anthony, who had been shot in the head. An eleven-year-old boy's throat was slit, reportedly because he did not pay a fifty-cent extortion fee. There is no safe harbor: schools are a favorite gang recruiting ground. Reports of "[social cleansing](#)," whereby police, at their own discretion, kill young people suspected of gang membership, lend little comfort to residents seeking protection from violence.

Gender-based violence is pervasive. Girls are often [claimed by gangs for sexual exploitation](#). According to a 2011 study, in each of the three countries, the [rate of femicide](#) is among the top six in the world, with El Salvador ranked number one. Record numbers of girls are on the run from domestic abuse, gang- and drug war-related attacks. With domestic violence rampant, on August 26 the Department of Justice's Board of Immigration Appeals [held](#) that a Guatemalan survivor could qualify for asylum because Guatemala "has a culture of 'machismo and family violence'" and because police have consistently failed to protect women. Similar conditions exist in Honduras, where the UN Special Rapporteur on violence against women found that gendered violence is "[widespread and systematic](#)." About 95 percent of domestic violence and sexual crimes in Honduras go [officially unpunished](#).

Yet, in spite of increasing attention to the mayhem plaguing these countries, it is becoming harder for refugees to argue for a right to stay in the United States. The fate of most Central American immigrants is predetermined. As Homeland Security Secretary Jeh Johnson said, "Our message to this group is simple: we will send you back."

And so we have. In late June administration officials outlined their [plan to process and deport the immigrants](#) housed at Artesia within ten to fifteen days. Deportations were then delayed because of a chicken pox quarantine, but the first wave came on July 14, with a planeload of [families repatriated to Honduras](#). As of August 20, nearly 300 women and children had been deported from Artesia.

But under U.S. law, the Constitution, and international laws, refugees are supposed to have a chance to present their cases, and this has not been happening, according to Trina Realmuto, a lawyer with the National Immigration Project. "The deportation mill in Artesia lacks even the most basic protections, like notice and the opportunity to be heard, that form the cornerstone of due process in this country," she said.

The lawsuit alleges that the Department of Homeland Security is violating the Immigration and Nationality Act, the Convention Against Torture, and the due process clause of the Fifth

Amendment by prejudging claims, applying an overly burdensome “credible fear” standard to assess whether migrants truly need protection, intimidating and coercing plaintiffs to deter them from pursuing their rights, erecting barriers that impede women from understanding their rights and availing themselves of legal advice and assistance, and creating conditions that make it difficult for immigrants to prepare their cases.

While immigrants to the United States have long faced a challenging detention and review process, these alleged violations reflect the administration’s recent policy changes. Before the surge of children inflamed a national debate, families apprehended at the border that established a credible fear of persecution were typically placed in removal proceedings—given a notice to appear at immigration court on a particular date—and released. But today’s public outcry has prompted Immigration and Customs Enforcement (ICE) to institute a “no bond” or “high bond” policy at some facilities, including FLETC. Asylum applicants are now required to satisfy a heightened standard of credible fear before seeing a judge, and even if they clear this hurdle, they are detained without regard to flight or security risks they might pose.

Lawyers for the families at Artesia claim the Obama administration’s aggressive deportation regime is rife with procedural flaws that jeopardize their clients’ rights to a fair hearing. Immigrants have the right to be represented in proceedings, though not at the government’s expense, yet the suit claims that the detained families are deprived of access to counsel and information. There is only one Spanish-speaking lawyer within forty miles of the facility, and this lawyer does not practice immigration law. Artesia officials gave detainees a list of pro bono lawyers, but none of them provides representation in that region of New Mexico.

At least two women allegedly were given no advance notice of their credible fear interview, leaving them without time to prepare their cases. And because they are prevented from obtaining legal guidance, many detainees don’t even know what factors are relevant to their cases. For instance, one woman did not disclose to the screener that she is a lesbian even though this would have placed her in a higher risk category, thereby improving her chances of obtaining asylum. She did not know her sexual orientation would be considered.

When the women at FLETC are able to speak with attorneys, they are not provided a private place to do so. Often they must recount their trauma while ICE officers are within earshot. Because FLETC policies require mothers to be with children at all times, including during interviews, youngsters must hear of brutality their mothers have suffered, sometimes at the hands of their fathers, and the ongoing threat if they are forced to return. Women are summoned to the makeshift “law library”—a room with no books or Spanish-language documents—without being told they are meeting an attorney, so they fail to bring documentation necessary to substantiate their claims.

Activists have also noted inadequate food and lack of medical and mental health treatment at Artesia, echoing conditions at other ICE facilities. In a letter to her attorney, [one FLETC](#)

detainee reported, “There is no medicine here, they treat us very badly, and the children are suffering.” Her own eleven-year-old daughter, she said, had lost fifteen pounds. At FLETC, where the average imprisoned child is six years old, officials may be violating New Mexico’s child welfare laws.

Poor conditions and lack of due process aimed at accelerating deportations and deterring future migrants appear to be having their intended effect: nationally, in the year or so prior to Artesia’s opening, asylum officers found migrants’ claims of fear credible 77 percent of the time. But just 38 percent of claims originating from the migrants in Artesia during its first seven weeks of operation were found credible.

Thus they are deported. While political pressure on the administration is alleviated, the women and children rushed through the system without adequate due process safeguards are sent back to violence-ridden countries whose governments have proven unable or unwilling to protect them from grievous harm. So too, apparently, is the United States.