

IMMIGRATION ENFORCEMENT

⇒ LAW ENFORCEMENT VIOLENCE AGAINST MIGRANT WOMEN & TRANSPeOPLE

Law enforcement violence against migrant women and transpeople — including sexual abuse — is enabled by U.S. immigration policy. The U.S. government's strategy of militarization of the U.S.-Mexico border, and anti-immigrant interior enforcement through the use of raids, expansion of immigration detention facilities, and collaboration between federal immigration enforcement and local police agencies¹ creates an environment where immigrant women are vulnerable to violence and sexual assault.

⇒ BACKGROUND FACTS

Women and Migration. The International Organization for Migration estimates that there are over 192 million migrants in the world today, over 3% of the world's total population. Over 95 million of these migrants are women.² In the U.S., over 55% of immigrants — both documented and undocumented — are women.³

Anti-Immigrant Law Enforcement. During the past fifteen years, the U.S. government has increased its spending on anti-immigrant law enforcement almost tenfold since 1993 (\$1.5 billion: INS). In 2008, President Bush's budget called for a total of \$13.6 billion for anti-immigrant law enforcement. This total included \$8.8 billion to hire 17,800 border patrol agents, and provide for the construction of 370 miles of fencing along the U.S.-Mexico Border.⁴

⇒ VIOLENCE AT THE BORDER

Violence against migrant women at the border is not random or isolated: as representatives of the UN Development Fund for Women report, at least 60 to 70% of undocumented women migrants who cross the border alone experience sexual abuse.⁵ The danger is even greater for migrants from Central American countries, who must pass through two militarized borders—between Guatemala and the U.S. and between Mexico and the U.S.

Border Patrol and other law enforcement agents prey on migrant women's vulnerability: "many women who cross the border report that rape was the 'price of not being apprehended, deported, or of having their confiscated documents returned.'" For example:

Luz Lopez and Norma Contreras were repeatedly sexually assaulted by a Border Patrol agent who captured them crossing the Rio Grande near El Paso, TX. "We are not the first, nor the last," Contreras said.⁶

A California INS officer was convicted in 2004 of demanding sex and cash from two Chinese women seeking asylum.⁷

On September 3, 1993, Juanita Gomez and her female cousin crossed the border between Nogales, Sonora, and Nogales, Arizona to meet two male friends to go shopping. Larry Selders, a Border Patrol Agent, stopped all four people, but only detained Gomez and her cousin. Selders then told Gomez and her cousin that he would not take them to the Border Patrol department for deportation if they would have sex with him; after both women refused, he raped Gomez.⁸
A detective investigating the women's complaint told them he didn't believe them, asking "Isn't it true that you are a prostitute?"⁹



IMMIGRATION ENFORCEMENT

Haime Flores was stopped at a checkpoint and taken to a Border Patrol station. After it was determined that her documents were valid, the agents went on to detain her for six hours and order a search, during which a female agent inserted her finger into Flores' vagina while three male officers laughed and joked. No contraband was found.¹⁰

While anti-immigrant forces have focused on alleged rapes by fellow migrants and “coyotes” as justification for stirring up racist anti-immigrant sentiment and calling for enhanced border enforcement and militarization, they have been notably silent on rapes by Border Patrol and other law enforcement agents, as well as the increased vulnerability to sexual abuse created by intensified anti-immigrant measures forcing migrant women into more desperate and desolate border crossings.

➤ VIOLENCE IN THE INTERIOR

Since 1996, the U.S. government has engaged in what it views as a “comprehensive interior enforcement strategy.” The objective: to “protect” communities by identifying and deporting individuals in violation of immigration laws in non-border areas. Immigration law enforcement officials have conducted raids at schools, shopping centers, and workplaces, sweeping the area for undocumented immigrants.¹¹

In February 2007 ICE agents stormed into Nelly Amaya's home. When she asked to see a warrant -- which the agents did not have -- they roughed her up, injuring her arm, as they frisked and arrested her, and took her away in her pajamas. While in detention she suffered an asthma attack, but was denied treatment. She was released 10 hours later in her pajamas with no money in the dead of winter.¹²

INS officer James Riley was arrested in May 1990, after conducting an unauthorized immigration “one-man raid at gunpoint at a Van Nuys bar.” Riley abducted and raped a 24-year-old woman from the bar after telling her that she was under arrest for lacking legal documents to be in the United States. One month later, over seventeen women had filed charges against him, recounting similar abuse.¹³

Saida Uzmanzor's nursing nine-month old daughter was removed from her by ICE agents and placed in foster care after she was detained during a raid.¹⁴

In addition, the federal government has begun to enter into “memorandums of understanding” with local police offices, deputizing local law enforcement agencies to act as immigration agents. In 2008, President Bush's immigration budget called for \$4.8 billion for interior enforcement of immigration law, which included funds to train state and local law enforcement officials in immigration enforcement.¹⁵ The increasing presence of immigration enforcement in the interior leads women of color to see law enforcement agents and the criminal legal system as further threats to their safety.

In December 2007, Miriam Aviles was pulled over by Tucson police and asked for identification. The officer called Border Patrol, and then induced labor in Ms. Aviles by physically forcing her into the Border Patrol vehicle. Ms. Aviles spent the night in immigration detention, and was not taken to a clinic until the following day, where she was badgered by a Border Patrol agent to “hurry up” and have her baby.¹⁶



IMMIGRATION ENFORCEMENT

A school-based police officer arrested five months pregnant 18 year-old high school student Karina Acosta in her classroom, and held her until ICE came to take her away. She had been cited for a parking violation and not having a drivers' license three days before.¹⁷

Terwinder, a Sikh mother of two U.S. born children, was arrested and subject to deportation after police officers who were helping her with a flat tire found out she had an outstanding deportation order. She had lived in the U.S. for 12 years with her family, running a small business.¹⁸

Fear of deportation was identified as the primary reason that 64% of undocumented women in a San Francisco study did not seek social services.¹⁹

⇒ VIOLENCE IN IMMIGRATION DETENTION

In 1996, Congress passed immigration reform legislation that led to the explosion of the immigration detention system. It is now the fastest-growing incarceration program in the country, leading the rapid expansion of the prison-industrial complex in the U.S. In 2005, the Department of Homeland Security detained 237,667 individuals: an average of 19,619 per day.²⁰

Christina Madraso, a transsexual woman, sought asylum in the U.S. after being badly beaten based on her gender identity in Mexico. However, her nightmare continued when she was detained in the Krome Service Processing Center, where she was placed in the men's ward, and faced harassment by guards and other detainees. She was then transferred into an isolation unit, where she was sexually assaulted twice by the same guard. After the second rape, INS officials told her that she could either transfer to a mental institution, county prison, or give up her asylum claim.²¹

A Chinese immigrant woman miscarried her twins after she appeared for a routine interview with Immigrations and Customs Enforcement (ICE) officials, and unexpectedly became subject to a violent deportation attempt. Another pregnant immigrant woman from Cameroon miscarried while she was under ICE custody after her requests for medical care went ignored for two days.²²

Victoria Arellano, an undocumented transgender woman with HIV, died in an ICE detention facility in California after being denied necessary medication to prevent opportunistic infections, despite organizing efforts by fellow detainees to obtain medical treatment for her.²³

The National Network for Immigrant and Refugee Rights has launched HURRICANE, an initiative to document and collectively organize around violations of migrants' rights – for more info, go to:
<http://www.nnirr.org/hurricane/index.php>



Please visit www.incite-national.org for more info!

IMMIGRATION ENFORCEMENT

⇒ ENDNOTES

- ¹ *Over-Raided, Under Siege: U.S. Immigration Laws and Enforcement Destroy the Rights of Migrants*, National Network for Immigrant and Refugee Rights, 2008; H. Nimr, *Human Rights & Human Security At Risk: The Consequences of Placing Immigration Enforcement and Services in the Department of Homeland Security*, National Network for Immigrant and Refugee Rights, 2003; National Network for Immigrant and Refugee Rights, *Preliminary Report and Findings of the Emergency National Border Justice and Solidarity Community Tour: Militarization and Impunity at the Border*, October 2006; T. Dunn, *The Militarization of the US-Mexico Border 1978-1992: Low-Intensity Conflict Doctrine Comes Home*, Center for Mexican American Studies, University of Texas at Austin, 1996
- ² Andrew Morrison, et al., *THE INTERNATIONAL MIGRATION OF WOMEN*, World Bank: 2007.
- ³ Min Zhou, *Contemporary Female Immigration to the United States: A Demographic Profile*, WOMEN IMMIGRANTS IN THE UNITED STATES (ed. Philippa Strum & Danielle Tarantano, 2002), 26.
- ⁴ Julia Gelatt, President Calls for \$13 Billion in Border and Enforcement Funding in 2008, MIGRATION POLICY INSTITUTE (2008), available at: <http://www.migrationinformation.org/USFocus/display.cfm?ID=584>.
- ⁵ Jennifer L. Pozner, Women's Debate Show Exposes Rape as Cost of Entry for Female Immigrants, WIMN's Voices Blog, (available at: <http://www.wimnonline.org/WIMNsVoicesBlog/?p=150>). Sylvanna Falcon, "Rape as a Weapon of War: Advancing Human Rights or Women at the US-Mexico Border," *Social Justice*, Summer 2001; 28-2, pp 31-50; Gabriela Diaz and Gretchen Kuhner, *Women Migrants in Transit and Detention in Mexico*, Migration Policy Institute, 2007 (available at: <http://www.migrationinformation.org/Feature/display.cfm?id=586>).
- ⁶ J. Light, *Rape on the Border – Baiting Immigrants – Border Patrol Abuses; anti-immigrant politics*, The Progressive, September 1996.
- ⁷ "Former INS Officer Gets 4-year Prison Term," *Los Angeles Times*, November 23, 2004.
- ⁸ *Crossing the Line: Human Rights Abuses Along the U.S. Border with Mexico Persist Amid Climate of Impunity*, Human Rights Watch, 1995; *Border Patrol Agent Pleads No Contest In Rape of Illegal Immigrant*, ARIZONA REPUBLIC, July 28, 1994. See also Sylvanna Falcon, *Rape as a Weapon of War: Advancing Human Rights for Women at the U.S.-Mexico Border*, 28 SOCIAL JUSTICE 31 (2001).
- ⁹ *Crossing the Line: Human Rights Abuses Along the U.S. Border with Mexico Persist Amid Climate of Impunity*, Human Rights Watch, 1995.
- ¹⁰ *Crossing the Line: Human Rights Abuses Along the U.S. Border with Mexico Persist Amid Climate of Impunity*, Human Rights Watch, 1995.
- ¹¹ *Over-Raided, Under Siege: U.S. Immigration Laws and Enforcement Destroy the Rights of Migrants*, National Network for Immigrant and Refugee Rights, 2008.
- ¹² *Over-Raided, Under Siege: U.S. Immigration Laws and Enforcement Destroy the Rights of Migrants*, National Network for Immigrant and Refugee Rights, 2008.
- ¹³ Michael Connelly and Patricia Lerner, *INS Agent Faces More Sex Charges*, LOS ANGELES TIMES, June 15, 1990.
- ¹⁴ *Over-Raided, Under Siege: U.S. Immigration Laws and Enforcement Destroy the Rights of Migrants*, National Network for Immigrant and Refugee Rights, 2008.
- ¹⁵ Julia Gelatt, President Calls for \$13 Billion in Border and Enforcement Funding in 2008, MIGRATION POLICY INSTITUTE (2008), available at: <http://www.migrationinformation.org/USFocus/display.cfm?ID=584>.
- ¹⁶ *Over-Raided, Under Siege: U.S. Immigration Laws and Enforcement Destroy the Rights of Migrants*, National Network for Immigrant and Refugee Rights, 2008.
- ¹⁷ *Over-Raided, Under Siege: U.S. Immigration Laws and Enforcement Destroy the Rights of Migrants*, National Network for Immigrant and Refugee Rights, 2008.
- ¹⁸ *Over-Raided, Under Siege: U.S. Immigration Laws and Enforcement Destroy the Rights of Migrants*, National Network for Immigrant and Refugee Rights, 2008.
- ¹⁹ Leslye Orloff & Rachel Little, *Overview of Domestic Violence and Battered Immigrant Issues*, available at <http://girlarmy.org/reader/DV%20Immigrant%20Women.pdf> (citing CHRIS HOGELAND AND KAREN ROSEN, DREAMS LOST, DREAMS FOUND: UNDOCUMENTED WOMEN IN THE LAND OF OPPORTUNITY 63 (Coalition for Immigrant and Refugee Rights and Services 1991).
- ²⁰ Dawn Konet and Jeanne Batalova, *Spotlight on Immigration Enforcement in the United States*, MIGRATION POLICY INSTITUTE (2007), available at: <http://www.migrationinformation.org/USFocus/display.cfm?ID=590>.
- ²¹ Yves Colon, *Life Became a Nightmare*, MIAMI HERALD, September 7, 2000.
- ²² Nina Bernstein, *Protests Brew Over Attempt to Deport a Woman*, NEW YORK TIMES, February 14, 2006; Ruben Rosario, *Deportation Case Is No Model of Justice Served*, ST. PAUL PIONEER PRESS, November 7, 2005.
- ²³ *Over-Raided, Under Siege: U.S. Immigration Laws and Enforcement Destroy the Rights of Migrants*, National Network for Immigrant and Refugee Rights, 2008.

