



CITY AND COUNTY OF SAN FRANCISCO

IMMIGRANT RIGHTS COMMISSION

San Francisco Human Rights Commission/Immigrant Rights Commission Joint Hearing on Impacts of Federal Immigration Enforcement Policy on San Francisco Communities

Monday, April 13, 2009 at 6:00 PM
Legislative Chamber Room 250
One Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1. Call to Order and Roll Call

The meeting was called to order at 6:00 pm.

IRC Commissioners Present: Commissioners Alexander, Chew, Dajani, Fuentes, Gonzalez, Jones (late), McCarthy, Mok, Moses, Ng, Perez, Punongbayan, and Silva.

HRC Commissioners Present: Commissioners Chan, Chung, Lee, Richardson, Ruiz and Turman.

2. Meeting Overview

Honorable Jamal Dajani, *Chair, Immigrant Rights Commission*

Chair Dajani, of the Immigrant Rights Commission, welcomed the public to the joint hearing. The purpose of the hearing is to hear testimony on the impact of federal immigration enforcement policies on immigrant communities and to advise decision-makers on creating policies and programs that meet the needs of immigrant communities. He thanked both Commissions and staff for their assistance in planning the hearing and provided an overview of the meeting agenda.

Honorable Cecelia Chung, *Chair, Human Rights Commission*

Chair Chung, of the Human Rights Commission, welcomed the public to the joint hearing. The hearing provides an opportunity for the Commissions to hear the voices of the community and to understand the needs of San Francisco residents and their experiences with federal immigration policy. The Commissions intend to compile testimony and their recommendations for more humane federal policies into a report and disseminate it to national and local elected officials. She acknowledged elected officials who were present and thanked members of the public for attending the hearing.

Introductions from San Francisco's elected officials:

President David Chiu, District 3 Supervisor, expressed his appreciation to participate during tonight's hearing and to see the diversity of the public in attendance. He reflected on his first experience speaking in the same room ten years ago, as a civil rights attorney testifying on behalf of advocates for the Sanctuary City Ordinance. President Chiu thanked the two Commissions and their staffs for conducting the joint hearing. He also acknowledged the families and immigrants in San Francisco who understand their roots. Despite the anti-immigrant histories that they have seen in the country and at the local level, he hopes to build a San Francisco that is a beacon to the country and the world for treating immigrants equitably.

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Supervisor John Avalos, representing District 11, stated that he was honored to speak at the hearing and address the changes in federal and local immigration policy. He understands that it takes courage for residents to speak before an audience on a controversial subject, but he believes that San Francisco can be part of something that removes borders between people and family. Furthermore, he wants to ensure that the investments made by San Francisco to organize and support its immigrant communities are maintained. As a supporter of both Commissions he looks forward to continue working with them in the future.

Supervisor David Campos, representing District 9, acknowledged the presence of various City officials, demonstrating their commitment to the issues being discussed. He believes that San Francisco spearheads positive change on many issues that impact the nation and hopes that in the future federal policy will treat all people equally, irrespective of their immigration status. Supervisor Campos also stated that San Francisco's Sanctuary City Ordinance was implemented to allow people to come forward to report crimes safely. However, San Francisco now allows local enforcement to turn over undocumented youth who are arrested, regardless of whether or not the minor was actually convicted for the crime. He hopes that people continue to support the belief that no person is "illegal" and will work to ensure that San Francisco is committed to protecting immigrants. He asked the residents of San Francisco for their support and thanked the Commissions for their leadership.

Testimony from invited speakers:

Professor Bill Ong Hing, professor from the U.C. Davis School of Law and immigration law expert, spoke about his experiences on the effects of ICE raids and the need for equitable comprehensive immigration reform. He has interviewed people affected by ICE raids and sees how raids have devastated individuals, families, and communities, and have created an environment of fear for the immigrant community.

With a new administration, there have been good and bad implications for immigration. Although the Obama Administration has halted ICE raids, it announced that they will be enforcing immigration law through employer sanctions, which makes it illegal for employers to knowingly hire undocumented immigrants. However, employer sanctions do not address the employment circumstances; in order to do so, the federal government must enforce minimum wage laws and OSHA laws to improve work conditions and make jobs more attractive to native workers.

Professor Ong Hing also spoke on the President's recent announcement regarding his commitment to comprehensive immigration reform. He stated that passing comprehensive immigration reform legislation will likely entail numerous trade-offs, such as increased border patrol or eliminating select family immigration categories. He stated that San Francisco residents need to assert the changes that they wanted for immigration reform.

Aarti Kohli, Director of Immigration Policy at the Warren Institute at UC Berkeley's School of Law provided background information on Immigration and Customs Enforcement's (ICE) National Fugitive Operation (NFOP). NFOP has a budget of \$218 million, and prioritizes the removal of fugitives, defined as persons who have been ordered deported or removed by an immigration judge, but who have not left the country. Previously, NFOP teams were required to deport 125 people per year, with at least 75% of them being fugitive aliens, whereas the current quota is 1,000 people. She reported that 73% of

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people that have been captured in the last five years have had no criminal convictions and raised the concern that the money allocated to NFOP is not being used to prioritize the deportation of dangerous criminals.

Dr. Jess Ghannam, chief of medical psychology at UCSF described a recent experience at SFO San Francisco International Airport, and highlighted an underlying concern for communities of color and immigrant communities of profiling at the airport. On a recent return trip, Dr. Ghannam was pulled aside; despite having his passport and all necessary travel documents, he was repeatedly questioned and his computer, phone and confidential medical files were searched. He stated that there have been multiple similar incidents being reported by people in communities of color and immigrant communities, and as a result, have created an atmosphere of anxiety and discomfort for those traveling through SFO. He asked both Commissions for their leadership in addressing this issue.

Amos Lim and Mikey Lim spoke on behalf of LGBT immigrants and the need for inclusive comprehensive immigration reform that recognizes all family units. Amos Lim, who immigrated to the U.S. in 1999, stated that he was fortunate to be sponsored for a green card. However, every time he travels, he worries that he may be turned away at the border or will be unable to renew his visa, because his spouse cannot sponsor him for a green card. Currently there are 38,000 same-sex couples facing the same situation because their union is not recognized by the federal government; the majority of green cards are issued through family unification, which does not include LGBT couples.

Erica Anaya spoke on behalf of 400 immigrant families assisted by La Raza. She asked that the Commissions continue supporting immigrant victims of abuse and crime by making the U-visa available for undocumented immigrants. She advocated for community organizations that provide services to all immigrants and assist families who have been separated due to home raids. She also supported maintaining San Francisco's status as a Sanctuary City. She stated that the fear generated by these raids will adversely affect the community and deter them from being fully engaged residents, including participating in the 2010 Census.

Matilde Tellez also spoke on behalf of the families assisted by La Raza, to fight for the passage of just comprehensive immigration reform for everyone.

Nadeen Elshorafa, a member of the Arab Resource and Organizing Center, described her personal experience seeing ICE agents present in local jails. Earlier in the year, she and seven other Arab-Americans were arrested and booked by the San Francisco Police Department. Despite having her passport, she was repeatedly asked if she was a U.S. citizen. Then she and a group of women were moved to the F-pod, where she was questioned by an ICE agent and required to fill out paperwork because the ICE agent had personal information that contained their birth location.

Cindy Liou, staff attorney for Asian Pacific Islander Legal Outreach, spoke on her organization's services for immigrant victims of crime. Although they do not support the effects of ICE raids on undocumented families, they work closely with immigration law enforcement to assist and provide relief for immigrant victims. She emphasized three points: first, that law enforcement and community-based organizations work together when they receive immigrant victims of crime so that they can be properly assisted and receive needed services; that immigration law enforcement receive proper training on assisting victims;

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and that the community should work with immigration law enforcement to assist victims. API Legal Outreach has been working with the North Bay Anti-Human Trafficking Task Force since 2003 and has developed promising models of collaboration with immigration law enforcement that is tailored to handling human trafficking cases.

Robert Uy, staff attorney for API Legal Outreach, discussed the challenges his organization has encountered when working with ICE. He stated that victims are treated like criminals, due to a lack of linguistic and cultural competency. For example, actions that are considered crimes in the U.S. may not be considered crimes in that person's home country, and that there is often an inherent distrust of the government. Additionally, there is also a limited understanding to why people won't leave trafficking situations, because ICE agents do not understand cultural debts of gratitude that people have to the people who trafficked them.

Karl Krooth, president of Immigrant Crime and Justice, provided an overview of San Francisco's policy for referring undocumented youth charged with crimes. He stated that in San Francisco, when ICE issues detainers, they are based on the crimes that the individual has been booked with by SFPD, rather than their charges when they are rebooked by the District Attorney's office. He feels this approach needs to be changed because it is leading to the referral of youth to immigration and customs enforcement.

Atessa Chehrazi, immigration attorney and chair of the Northern California Chapter of the American Immigration Lawyers Association, highlighted two agencies within the Department of Homeland Security, the Department of State and Customs and Border Protection (CBP), which make decisions at their own discretion, allowing limited appeal from travelers. She spoke on behalf of a client whose visa was cancelled mid-flight and was denied admission in the U.S. by CBP. Her client faced eight hours of questioning and searching, and was required to face detention or denial of admission.

Guadalupe Carreno, Maria Carmen Castro, and Ivan Carreno testified on their family's experience with ICE. Maria Carmen Castro stated that her husband was deported and returned to Mexico earlier in the year, and she will be facing deportation in five months. Her family's situation has been difficult since she is unable to work, and the stress has affected her family's health. She stated that her family members have been model residents in San Francisco and asked that her family be allowed to remain in San Francisco, where they have greater opportunities. Guadalupe Carreno stated that she is currently a student with a 4.0 GPA, but her grades and health have been affected by her father's deportation. Ivan Carreno provided testimony on a personal experience of how his father's deportation has impacted their family, and asked the Commission for their help in bringing their father back.

3. Public comment only on matters appearing on the agenda

Eglis Quich stated that he came to the United States in order to seek work and to provide for his family in Guatemala. He lost his leg when he was severely injured by a woman who was driving without insurance, and due to his legal status, has not been able to obtain assistance for food or rent, and there is currently no law that will provide him a visa which will grant him access to these services.

Francisco Ugarte, staff attorney for Dolores Street Community Services, and part of the San Francisco Immigrant Legal and Education Network, spoke on his work to provide immediate legal representation

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to victims of ICE raids. He stated that there have been at least eight raids in the last two years, directly affecting around 54 people and has impacted their families and children. He stated that there are two Fugitive Operation Teams in San Francisco that conduct these raids, with a budget that has increased from \$8 Million in 2003 to a current budget of \$125 million. As a result, San Francisco residents have faced an attack against their liberties and right to be free from unreasonably searches and seizures.

Guillermina Castellanos, from La Raza Centro Legal, testified on the impact of car impoundments in the Mission District. She has seen up to four police officers stop a car and tow it away. The car impoundments have caused fear in the community and she asked the Commissions for their help in drawing attention to this issue, which is targeting her community.

Joanne Arme testified on the challenges that immigrants face when trying to obtain health care. In 2007, she was diagnosed with breast cancer and due to her legal status, was only able to obtain MediCal coverage for 18 months. She stated that health care and insurance are important and should be an option to everyone. She hoped that the Commissions would pass on her message and highlight the need for immigration reform to their state and Congressional representatives.

Nura Newfile testified on behalf of the Irish immigrant community and highlighted the challenges that they face. Challenges include inability to access services and to raise their families in peace, all of which are the results of a broken immigration system. In 2006 and 2007, they traveled to Washington D.C. to campaign for comprehensive immigration reform, but failed. She asked the Commissions, the Board of Supervisors, and the Mayor to continue to uphold the Sanctuary City Ordinance and encourage President Obama and their Congressional representatives to pass immigration reform.

Farzad Emami, a resident of San Francisco for 19 years, shared his testimony regarding his experience with law enforcement. When he was coping with family illnesses and death, he violated a restraining order by visiting his church. After violating the restraining order, he was arrested and jailed, and the District Attorney's office did not respond to calls from his attorney. He asked the Commission to support upholding and preserving basic rights for all communities.

Susan Akhbar Poole testified on her experience with U.S. Immigration Services. She and her husband are immigrants who have utilized the opportunities available in the U.S and actively engage the community to get involved in the political process. Her husband, who is a citizen, applied for her to obtain a green card. However, after many years and tens of thousand of dollars of attorney's fees she was informed that her marriage was not valid because her divorce from her ex-husband was processed in Iran. The case was taken to the California Superior Court, who ruled that her current marriage is recognized by the state of California, but now she is facing deportation proceedings.

Faraj Aalani, Susan Akhbar Poole's husband, stated that he has been a law-abiding U.S. citizen for over 25 years, and to be treated differently from another U.S. citizen is a violation of his rights. After following the legal process to obtain a green card, along with ten years of paper work and attorneys' fees, he and his wife received no response and his wife is now in the process of being deported.

Miriam Gonzalez, a leader with the San Francisco Organizing Project (SFOP), testified on behalf of immigrants residing at 24th and Harrison Streets, who have resided in the same building for many years.

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Recently the building was purchased, and the new owner has been in the process of renovating the building for months. He recently informed tenants that the rent will increase significantly. The residents organized to meet with the owner to negotiate the rent, but after a couple of months, received their 60-day notices of eviction. The residents believe they were taken advantage of because they are immigrants and asked the Commissions to look into their case.

Maria Rodriguez, a leader with SFOP and representing St. Peter's Catholic Church, testified on behalf of more than 100 workers who were fired from the Moscone Center over a year ago. The workers were fired due to their immigration status. However, under union negotiations, if workers can change their immigration status within two years since being fired, some will be retained based on seniority and salaries will be reimbursed for the time they worked. She asked the Commissions to support immigration reform this year, to help the workers and their families, but above all, to help the Carreno family by organizing a meeting with the Mayor and sharing their story.

Artery stated that immigrants should not be treated differently from other residents, as the only difference is their country of birth. She asked the Commissions to protect kids and families, and to support the Sanctuary City Ordinance and immigration reform.

Karina, a high school student, stated that immigrants are mistreated because they are of a different race and speak a different language. She stated that it is not a crime for people to come to a country to seek a better life and provide for their families and children. However, she lives in an environment of fear, and is constantly afraid that she will go home and find out that her parents have been deported.

Eric Quezada spoke on behalf of the San Francisco Immigrants Rights Defense Committee (SFIRDC), a coalition of community-based organizations working with immigrant communities. SFIRDC focuses its efforts on addressing pressing immigrant issues and upholding the Sanctuary City Ordinance. Mr. Quezada asked the Commissions to support comprehensive immigration reform and join the SFIRDC's platform and ensure that the City continues to serve its most vulnerable communities.

Admekom Tesfay and Joe Schrillo testified on Mr. Tesfay's experience as an immigrant. Mr. Schrillo, a paralegal assistant, explained that Mr. Tesfay is unable to obtain a work permit, because his asylum claim has not gone through the court. Mr. Tesfay stated that he came to the U.S. to seek a better life and hopes to obtain his work permit soon, but plans to return to Africa if he is unable to do so within the next few years.

Ana testified that a few months ago, ICE agents came to her home and stated they were looking for criminals. They took six people, three who have been deported, and three who are now required to wear ankle bracelets. She does not understand why she was treated this way, because she is not a criminal. Now, whenever she goes out, she is afraid that there will be ICE agents waiting to deport her.

Ronnie Gonzalez stated that in late January, he was out looking for a job when ICE agents took hold of him and took him back to his apartment. After verifying Mr. Gonzalez's place of residence, the ICE agents handcuffed the residents and threw them on the floor. Mr. Gonzalez stated that they came to the U.S. to work and provide for their family, but now are unable to, and thanked La Raza Centro Legal for its assistance in their situation.

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Renee Saucedo, from La Raza Centro Legal and part of the SFIRDC, urged the Commissions to utilize the testimony from tonight's hearing along with testimony from other hearings, to not only produce a report, but to support SFIRDC's platform and protect immigrant youth who are separated from their families and wrongfully detained. She also urged the Commissions to go to Washington D.C. to share the stories with Congressional representatives and with the President's administration.

Miguel Robles spoke on behalf of the Latin American Alliance for Immigrant Rights, a collaboration of more than 40 grassroots organizations, which addresses immigration issues on a municipal and national level. The alliance is working to stop raids and vehicle impoundments and also to implement municipal ID cards in different cities and urged the Commissions to advocate for these practices as well.

Walter Santisteban stated that his son was pulled over on Grove Street by police, and fined for having trash in his truck, which were actually his tools. The vehicle was impounded for 30 days, and Mr. Santisteban was required to pay \$4,000 in tickets and fees. He stated that his family is hard working and law-abiding, and does not understand why the city has punished him and violated his basic rights.

David Delgado stated that last November he was stopped by police for not having a valid driver's license, although he was carrying a temporary permit at the time. He stated that the police impounded his car, and he was required to pay for the ticket and the 30-day impoundment fee. He stated that this practice is a violation of a basic right and is happening to thousands of people.

Grace Shalhoub, an organizer with the Arab Resource Organizing Center, testified on a personal experience. A few months ago she was pulled over by police, who asked for personal information, including her race, so that they could include it in her profile. She stated that incidents such as these should not be overlooked, but instead closely examined to see how they may be tied to a larger issue.

(Name not provided), spoke to the Commissions on behalf of all immigrants urging for fair comprehensive immigration reform. Immigrants come to the U.S. for a better life, and work hard and pay taxes with the hope of becoming legal residents. As immigrants, they wish to do whatever they can to make the U.S. a stronger country for everyone.

(Name not provided), stated that they want the President and Congress to help them and listen to their needs. They are asking for the same opportunity that everyone else has, the right to live in this country, because everyone is an immigrant.

(Name not provided) spoke on behalf of Mujeres Unidas y Activas, an organization that works for immigration rights. She stated that every immigrant who works deserves immigration reform. She asked that they remember that there are many people being detained throughout the country and asked for a moratorium on immigration raids.

Eber Flamenco stated that in addition to ICE raids, the Commissions should also look into incidents where police officers take advantage of their position to illegally arrest and manipulate residents.

Cynthia Munoz, from St. Peter's Housing Committee, a part of SFIRDC, shared testimony about a 14-year old boy who did not receive due process and was deported for bringing a BB gun to school. Ms. Munoz

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stated that federal immigration policy and its effects on the San Francisco community are not separate issues, and asked that the Commissions represent and speak on the needs of the community and the need for due process for youth, which are basic human rights.

Alysabeth Alexander, of Lavos Latina, stated that her neighborhood has been greatly affected by the Violence Reduction Traffic Unit, a traffic enforcement program. She highlighted various incidents where residents were pulled over and questioned by police, including young men who were accused of being gang members and drug dealing, even though they had their legal documents and car registration at the time. Ms. Alexander stated that the program is racially profiling residents and causing fear throughout the community. She requested the City to stop funding for the program and to place a moratorium on seizing cars until San Francisco develops a clear policy on car impoundments.

Barbara Lopez, vice president of the Harvey Milk LBGT Democratic Club and member of the SFIRDC, shared testimony from individuals who could not attend the hearing. She spoke on behalf of a child who had witnessed a homicide, but did not report it because she was afraid to speak to the police. Other incidents included a child who had a gun pointed at his head during an ICE raid and a child who was referred to ICE for harassing a female student. She stated that they do not condone bad behavior, but are asking for due process for youth instead of deporting youth without a criminal background.

4. Adjournment

Chair Chung thanked the public for attending the hearing and for the passion and sincerity of the speakers and their testimony. She stated that this hearing was the first of many to hear residents' concerns, and the Commissions will be striving to find solutions within San Francisco and addressing federal policy.

Chair Dajani also thanked the public and welcomed residents with additional concerns to speak at a future Immigrant Rights Commission meeting. After the Commissions conduct their meetings, they will issue a report with a set of recommendations to law makers on changes to federal immigration enforcement policy.

The meeting was adjourned at 8:45 pm.