

America's deportation nightmare: Immigrants from Central America who pose no danger are being sent home, usually because they lack legal representation

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ERIC GAY/AP

Targeted

Ever since the Statue of Liberty first called out to the world's "homeless" and "tempest-tost" yearning to breathe free, the United States has had a compassionate policy of welcoming immigrants seeking asylum. Not so today for many Honduran women and children, who are being targeted for removal by immigration authorities.

Today Honduras is in crisis. In many parts of the country, law enforcement is nearly powerless against ruthless gangs. In other places, corrupt law enforcement officers are themselves the problem.

I spoke to a recent Vassar graduate who described the rapid deterioration of her home country. She said that when her sister graduated from high school in Honduras in 2005, she felt secure driving through the streets at night. But just two years later, during her own graduation, she didn't dare drive her car with the windows down, and she dreaded stop lights — for there dwelt the possibility of an armed attack.

"I'm even scared when the police stop me," she said.

Eventually Honduras became virtually a failed state, and statistically the murder capital of the world. So it should come as no surprise that many Hondurans — perhaps 100,000 in the past two years — have fled to the U.S.

That poses a genuine problem for U.S. immigration officials, who have not been shy in turning around many immigrants as soon as they arrive, and in bringing deportation proceedings against others. In fiscal 2015, U.S. Customs and Border Protection arrested over 337,000 immigrants, among them nearly 34,000 Honduran nationals.

Because many of the immigrants are women with children, that is the population upon which immigration officials have focused removal efforts, in an attempt to deter others who might flee as well.

The problem is, many Hondurans who arrive in the U.S. have valid claims of asylum. But the immigration courts won't learn those facts, because in removal proceedings, there is usually no lawyer for the immigrant — and frequently no immigrant.

According to a think tank at Syracuse University, in a recent 18-month period, 82% of over 18,000 deportation orders issued by immigration courts were "in absentia" — without the immigrants' presence, and often without their knowledge.

Even those who do attend the proceedings seldom have a lawyer to assist them. Statistics show that nearly three-quarters of the families in immigration court are unrepresented. And that absence of representation turns out to be crucial.

Mothers with children who face removal proceedings without a lawyer almost always lose. The most recent data reveal that only 1.5% of these unrepresented families avoid an order of removal.

And yet many who are removed likely have legitimate cases for asylum, if only they had someone to present their arguments. The data show that simply having a lawyer to argue the case improves

these immigrant families' likelihood of success 14-fold — over 26% of represented families are allowed to stay.



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Utterly on their own

To call this a kangaroo court would be an insult to kangaroos. Worse yet, in the past month immigration authorities launched an initiative known in the Spanish press as the *redadas* — “raids.” But that word hardly conveys the fear they have engendered in some immigrant communities.

While these raids are focused in states along the border, lives have been disrupted nationwide. A newspaper in Westchester County reports that Latino families in places as far from the border as White Plains and Mt. Kisco were staying home from work, keeping out of stores and even keeping their children out of school.

Voices were raised in protest . Perhaps our government heard these protests. In recent days, Immigration and Customs Enforcement seems to have halted the raids as abruptly as they began.

Now is the time to reassess U.S. policy on immigration from Central America.

First principle: The best way to slow immigration is to address the conditions that cause it. Recently, Congress allocated \$750 million to fight violence and poverty, and to reform governments in El Salvador, Guatemala, and Honduras.

Already, the murder rate in Honduras has begun to fall. Congress should give the administration the full appropriation President Obama sought — \$1 billion — to continue these crucial efforts.

Second, the focus of enforcement must shift. In filling lifeboats, “women and children first” makes sense. But in removing immigrants, it makes more sense to concentrate on deporting terrorists and those who threaten public safety.

Time and again, the administration has promised to do just that, but the data show that only a small fraction of those hauled into immigration court have committed any crime or are on a terrorist watch list.

Third, immigration courts must provide lawyers to those who cannot afford them.

America has long pledged to be a welcoming home for immigrants fleeing persecution and seeking asylum. But there is no way to identify those deserving protection without affording immigrants the due process required, if not by our Constitution, then certainly by basic human decency.

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