

Winter 2020 U.S. Immigration Alert!

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As Immigrant Detain, Deport and Dying Under Trump, What'll be Biden Mean for Immigrant Rights?

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11/20: Biden Has Promised to Undo Trump's Immigration Policies. How Much Is He Really Likely to Reform?

Jasmine Aguilera – TIME

President Donald Trump ran his first presidential campaign on the promise to overhaul U.S. immigration, and for the most part, he kept that promise. Month after month, from the very start of Trump's term, immigration policy changed rapidly, from the Zero Tolerance policy that separated children from their parents, to record low caps on the number of refugees accepted by the U.S. each year.

President-elect Joe Biden has promised to undo most — if not all — of President Trump's immigration reforms. He's pledged, for instance, to immediately end the ban restricting foreigners from several Muslim-majority countries from entering the U.S. and reinstate protections from deportation for the roughly 650,000 people who arrived in the U.S. illegally as minors, known as Dreamers.

But after four years of sweeping changes, making some changes could prove more complicated, and could come through executive orders, presidential proclamations or possibly get stuck in a divided Congress, experts say. For instance, the Migrant Protection Protocols (MPP), otherwise known as "Remain in Mexico," which has kept an estimated more than 67,000 asylum seekers in Mexico while their cases are adjudicated in the U.S., could prove difficult to reverse if the Biden Administration hopes to avoid a surge in migration to the southern border.

And while Biden's campaign website promises to "modernize America's immigration system," immigration advocates and attorneys point out that the Obama-Biden Administration oversaw millions of deportations and an expansion of family detention, raising concerns about what the next four years will bring. Spokespeople from the Biden transition team and the Biden Campaign did not return TIME's request for comment.

“The Trump Administration made immigration its signature issue,” says Tom Wong, an assistant professor of political science at the University of California San Diego. “What we’ll see from a Biden Administration within the first 100 days are those things that can be undone with the stroke of a pen... [Immigration] advocates need to be clear-eyed that a Biden Administration does not automatically bring about comprehensive immigration reform.”

Here is what Biden is promising, and what he’ll likely be able to deliver during his term.

The First 100 Days: DACA, the ‘Muslim Ban,’ Family Reunification, and the Wall

Among the changes Biden has promised to make during the first 100 days of his Administration is reinstating Deferred Action for Childhood Arrivals (DACA), an Obama-era executive action that Trump rescinded in 2017 which provides protection from deportation for an estimated 650,000 people who arrived in the U.S. illegally as children.

An estimated 56,000 people who have become eligible since Trump ended DACA would be able to submit applications if Biden reinstated the program, according to the Migration Policy Institute (MPI), a nonpartisan research organization. Biden has also promised to ensure that Dreamers are eligible for federal student aid, making higher education more accessible to those with limited financial options.

But without comprehensive immigration reform, which could overhaul and modernize the U.S. immigration system and create a pathway to citizenship for undocumented immigrants, this population will continue to live in uncertainty about their future in the U.S. Though Biden has laid out a lengthy ambitious plan for immigration, a divided Congress could mean barriers to policy changes like comprehensive immigration reform, which includes, among other things, a pathway to citizenship for the estimated 11 million undocumented immigrants in the U.S., including Dreamers.

Biden has also promised to rescind the so-called “Muslim ban” on his first day in office, putting an end to travel bans from 13 countries, many of which are home to Muslim-majority populations. Wong says ending the travel ban would not only be a change to U.S. policy, but would symbolize a change in the nation’s immigration priorities. “The Muslim ban was one of the first executive actions that the Trump Administration took that really made clear its stated preferences not just to limit immigration, but to limit certain kinds of immigration,” he says. “It wasn’t just about reducing overall numbers, it was about gaming the immigration system to allow a certain privileged few to enter, while excluding others.”

Biden has also promised that on the first day of his presidency, he will appoint a task force to track down the parents of 545 children who have still not been found three years after Trump’s Zero Tolerance Policy was enacted. (According NBC News, the number of children could be as high as 666). The task force may have their work cut out for them, as the Trump Administration never kept comprehensive contact information for the parents whose children were separated from them. For that reason, advocates and attorneys tell TIME, we may never actually know the total number of children who were separated from their parents under the policy.

The current estimate is that more than 5,500 were separated during Trump’s Zero Tolerance policy, and during a pilot program in El Paso, Texas, before the policy was implemented. Additional children were separated after a June 2018 executive order ending the practice. Many of the parents for these children have been located, either in the U.S. or abroad, and have been reunited, but for the 545 children whose parents have yet to be located, it is unclear whether they have been reunited.

While experts acknowledge the challenge facing the task force, they welcome the effort. “We certainly think that it’s a good idea to create a task force,” says Christie Turner-Herbas, Director of Special Programs at Kids in Need of Defense (KIND), a nonprofit aiding in the family reunification process. “We still feel like we haven’t gotten full and complete records from every different kind of government agency that might have information about the parents or the children, or other contact information... Something like a task force could really assist with that effort.”

Another immediate reversal Biden plans to make is in relation Trump’s controversial border wall, which he promised during his 2016 campaign would be paid for by Mexico. That didn’t happen, but in February 2019, Trump declared a national emergency, allowing his administration to redirect Department of Defense money into the wall’s construction. About 400 miles of border wall went up in California, Arizona, New Mexico and Texas during the Trump Administration, which includes repairs to already existing barriers.

“There will not be another foot of wall constructed in my Administration,” Biden told NPR’s Lulu Garcia-Navarro during an August roundtable with the National Association of Hispanic Journalists.

Biden has promised end the national emergency declaration, immediately ending wall construction and cutting the funding, but has said he would not knock down the wall that was constructed during the Trump Administration

Asylum and 'Remain in Mexico'

Despite Biden's promises to end Trump's "detrimental asylum policies," experts say undoing Trump's unprecedented asylum restrictions will be a balancing act. There are some steps the Biden Administration could take, for example, to end Trump's "metering" policy, that limits the amount of people who can make an initial claim for asylum per day. Biden could also end Trump's "expulsions" that have taken place since March 2020 as COVID-19 has spread across the U.S. and most of the world.

DHS's expulsion rule allows U.S. Customs and Border Protection (CBP) to immediately remove anyone who crosses the border without authorization to their last country of transit without traditional processing or a chance to have their claims heard in court because of the risks posed by COVID-19. Since the rule was adopted in March, U.S. Border Patrol has conducted more than 197,000 expulsions, according to CBP data.

But the new Administration will likely be cautious about quickly ending the so-called "Remain in Mexico" program, which stipulates asylum seekers who claim asylum in the U.S. after entering from Mexico must wait in Mexico while their cases are heard, without first developing a plan to prevent a surge in migration at the U.S./Mexico border.

Though Biden's campaign pledge has been to "reassert America's commitment to asylum-seekers and refugees," there is evidence that migration flows to the U.S. can follow changes in U.S. immigration policy, according to MPI. For example, after Trump took office, there were record low flows of migration to the U.S. at first as people waited to see what Trump would do.

"If and when the future Biden Administration changes these restrictive [asylum] policies, it will have to do so with great care and planning and in a way that balances humanitarian concerns while avoiding a rush on the border that could overwhelm resources, and result in a renewed sense throughout the country that the border is out of control," Jessica Bolter, an associate policy analyst at MPI, said during a Nov. 9 webinar.

The Biden Administration may also have to rethink guidance to immigration judges on how to adjudicate asylum cases. In 2014, a judge found that a woman escaping a domestic violence situation did qualify for asylum, setting a new precedent that was later overturned by then Attorney General Jeff Sessions in 2018. Sessions also decided that fleeing gang violence was not grounds for asylum. Biden is likely to return to Obama-era guidance which allowed for both claims, according to MPI, but even under Obama, the odds of being granted asylum in the U.S. were low.

Refugee caps

The U.S. was once considered the world leader on refugee protections, offering permanent resettlement to more people per year than any other country in the world combined, according to the American Immigration Council. The U.S. has been a leader in shaping resettlement programs since admitting more than one million refugees in the aftermath of World War Two. That ended abruptly during the Trump Administration, which lowered the cap on the number of refugees admitted into the U.S. each year. In October, The White House announced it was setting the fiscal year 2021 cap at 15,000 refugees, an all-time low.

Biden has promised to increase the refugee admittance cap to 125,000 people — a higher ceiling than during the Obama-Biden Administration — "and seek to raise it over time commensurate with our responsibility, our values, and the unprecedented global need," according to his campaign website. According to the UNHCR, at the end of 2019 there were an estimated 26 million refugees worldwide.

"Offering hope and safe haven to refugees is part of who we are as a country," reads Biden's campaign promise. "We cannot mobilize other countries to meet their humanitarian obligations if we are not ourselves upholding our cherished democratic values and firmly rejecting Trump's nativist rhetoric and actions."

ICE Detention and Deportations

The Obama-Biden Administration oversaw a record-breaking number of deportations, something immigration advocates and attorneys have stated is a concern for them as Biden prepares to take office. Already, some immigrant advocates and lawyers have criticized the Biden Administration for selecting Cecilia Muñoz as a member of the transition team, and have expressed their hopes that she does not become selected as an overseer of immigration policy. Muñoz, who was formally the head of the White House Domestic Policy Council during the Obama years, has been criticized for enabling the thousands of deportations that took place during those eight years.

According to Wong, who was also an advisor to the Obama White House Initiative on Asian Americans and Pacific Islanders and co-lead the immigration portfolio, the hardline on deportations and enforcement was a strategy calculation for the Obama Administration in order to garner Republican support for comprehensive immigration reform.

In the end, that strategy proved ineffective, Wong says, and instead led to 5.2 million people being deported from the U.S. (The Clinton Administration deported more than 12 million people, and the Bush Administration deported more than 10 million.)

Under Trump, enforcement of deportations expanded from Obama's guidance of prioritizing undocumented immigrants who have been convicted of a felony or were considered a threat to national security and public safety, among other criteria, to include all undocumented immigrants.

Biden will also have to decide what to do about the U.S. Immigration and Customs Enforcement, or ICE. Though the agency has existed since 2003, it has faced widespread allegations of neglect and human rights violations under the Trump Administration. There are over 130 ICE facilities in the U.S., about 66 of which are run by private contractors, according to immigrant advocacy organization Freedom for Immigrants, which collects data on ICE facilities. A combination of Trump's family separation policy and the number of deaths that have occurred in ICE custody—at least seven children have died—have fueled calls from immigration activists and some members of congress to shut ICE down.

Biden will also have to balance calls to “Abolish ICE” with what the Democratic party and voters want to see happen, Wong says.

Though Biden will likely not abolish ICE, he may take steps to end government partnerships with for-profit companies like GEO Group, CoreCivic and LaSalle Corrections which together run dozens of ICE facilities. He may also seek to shorten the length of time for those in detention—particularly for children—and improve the quality of health care provided at these facilities, a topic that recently came into the spotlight after a whistleblower accused a doctor at a privately run ICE facility of performing unwanted hysterectomies on detained women.

At the end of the day, Sarah Pierce, another policy analyst at MPI, says the next four years may bring a change of pace in changes to immigration policy, as Biden navigates the COVID-19 pandemic and other high-priority domestic issues.

“During the Trump Administration, immigration was the top policy priority. They poured everything they had into enacting their agenda,” Pierce said during the Nov. 9 webinar. “I think under a Biden Administration we’re about to see the pace of immigration changes slow down significantly. There’s going to be a lot of questions about how much they can accomplish in the first 100 days, and really how much they can accomplish in four years.”

9/14: “A Silent Pandemic”: Nurse at ICE Facility Blows the Whistle on Coronavirus Dangers

Irwin Detention Center, run by LaSalle Corrections, has refused to test detainees and underreported Covid-19 cases, the nurse says.

José Olivares, John Washington – The Intercept

A nurse at the Irwin County Detention Center in Georgia is speaking out about a host of dangerous medical practices at the Immigration and Customs Enforcement facility amid the coronavirus outbreak.

The whistleblower, Dawn Wooten, says that Irwin, which is run by the private corporation LaSalle Corrections, has underreported Covid-19 cases, knowingly placed staff and detainees at risk of contracting the virus, neglected medical complaints, and refused to test symptomatic detainees, among other dangerous practices. On September 8, Wooten submitted a letter detailing her complaints to the Department of Homeland Security's Office of Inspector General, with the help of attorneys from the Government Accountability Project. The grim situation inside the facility reflects what she called “a silent pandemic” running rampant behind the prison bars.

“You don’t want to see what you’re seeing,” Wooten told The Intercept. “You’re responsible for the lives of others,” but Irwin management, in her eyes, downplayed the threat of the virus from the start.

When the first suspected case of Covid-19 arrived at Irwin in March, Wooten says, she overheard the warden, David Paulk, tell a member of the nursing staff not to tell anybody that the man recently transferred might have the coronavirus. “He didn’t want there to be mass panic,” she said. (Reached by phone, Paulk said he had no comment.) Another member of the

medical staff ordered Wooten to triage the man, even though she didn't have a mask. She refused. "They're still not taking this seriously," Wooten said. "Enough was enough."

In a series of interviews with The Intercept, Wooten described how she repeatedly complained to staff leadership before she was demoted in early July from working full time to an on-call position, where she was only offered a few hours a month — a move she charges was retaliation for speaking up and demanding stricter medical safety protocols. She has worked at the facility for three years in three separate stints as a licensed practical nurse, and has over 10 years of experience working as a nurse in prisons.

Her own health was imperiled while working at Irwin during the outbreak. She has sickle cell anemia, and although she told her supervisors her doctor had warned her that exposure to the coronavirus could be deadly, management at Irwin neglected to tell her that detainees she had contact with were symptomatic and, in three cases, had tested positive for Covid-19.

Wooten's account was bolstered by interviews with another current member of Irwin's medical staff — who asked not to be named for fear of retaliation — and four people currently or recently detained there.

The legal advocacy group Project South also submitted a complaint to the OIG on Wooten's behalf, which also included similar testimony collected from interviews with detainees. Priyanka Bhatt, a staff attorney with the group, told The Intercept, "Ms. Wooten's whistleblowing disclosures confirm what detained immigrants have been reporting for years — gross disregard for health and safety standards, lack of medical care, and unsanitary living conditions."

LaSalle — which runs 18 detention centers throughout the South, capable of holding over 13,000 people — isn't the only for-profit detention company to face scrutiny for dangerous mishandling of the coronavirus pandemic. But as the virus took hold in the region this summer, a pattern emerged of alleged abuses in LaSalle facilities. In July, medical staff at the LaSalle-owned Richwood Correctional Center in Louisiana submitted a letter to Congress detailing troubling allegations, including that LaSalle management withheld personal protective equipment from both staff and detainees, dismissed positive Covid-19 test results, and ignored symptoms. In the same month, medically vulnerable asylum-seekers detained at Richwood told The Intercept they were handcuffed, pepper-sprayed in the face, and thrown into solitary confinement after protesting the dangerous conditions. One of the men was transferred to River Correctional, another LaSalle-run detention center, where he told The Intercept that management there also neglected to take proper medical precautions to stop Covid-19's spread. Asylum-seekers have described similar abuses at LaSalle-run Winn Correctional Center.

A spokesperson for LaSalle declined to respond to a detailed list of questions, saying only, "LaSalle Corrections is firmly committed to the health and welfare of those in our care. We are deeply committed to delivering high-quality, culturally responsive services in safe and humane environments." ICE also declined to comment.

In July, LaSalle's CEO Rodney Cooper submitted a letter to Congress outlining LaSalle's response to Covid-19, claiming that the company was being "diligent in operating our facilities at the highest level," and stating that no LaSalle detainees have "succumbed" to Covid-19. In fact, at least two LaSalle guards and one member of medical staff have died of the disease.

People detained at Irwin have been protesting since the first weeks of the pandemic, and have faced punishment from staff. A series of hunger strikes and protests chronicled in the New York Times Magazine in early June brought increased scrutiny to the facility, but according to Wooten, little has changed over the months. The perilous conditions the detainees decried earlier this summer continue, she said.

"I would cry," Wooten said, reflecting on what she had seen after a shift. She worried about the detainees locked up and unable to protect themselves, but also about contracting the virus herself, imperiling her own health, and bringing it home to her children. "I've got a kid with asthma," she said.

Lack of Testing Leads to Underreporting

According to ICE, 31 people detained at Irwin have tested positive for Covid-19 since the pandemic began. But Wooten suspects that there were most likely at least 50 by early July, when she was demoted, based on the number of detainees she personally knew who had tested positive, and what she heard from her colleagues. The other member of the medical staff agreed with her estimation.

Wooten maintains that management at Irwin has been underreporting cases of Covid-19 to ICE, the state of Georgia, as well as to LaSalle headquarters, and not conducting sufficient tests. Even when people had Covid-19 symptoms or had been in contact with people who had tested positive, only those individuals or other people who complained about symptoms were tested. She described one instance in which a person in a crowded dorm tested positive, and only his bunkmate was subsequently also tested. "Everybody in that dorm should have been tested," Wooten said.

In her complaint to the OIG, Wooten claimed that the director of nurses “routinely rejected” symptomatic detainees’ requests to be tested. Other medical staff were also unsympathetic. “He ain’t got no damn corona, Wooten,” she was once told by a co-worker when she inquired about testing a detainee. Another detainee asking for a test, she said, was told, “Get your ass back in that room.” Wooten was also warned of “wasting tests” on people she suspected of being infected.

“Everybody want to be sick with corona, everybody want corona,” she said other nurses would often say.

According to Wooten, ICE had purchased two testing machines for Irwin, which arrived in June, and which, she claimed, could deliver results in eight minutes. But to her knowledge, no staff had been trained to use them, and the machines were only used twice before being locked away. Instead, medical staff collected swabs from detainee testing and drove them in their personal vehicles to the local hospital to be processed, which was against protocol and inevitably meant delayed results.

“I was told by [management] that they were not going to be used and she was not going to put them out, because she didn’t want us testing each other,” Wooten said. “They were still sending people to the hospital and had these machines in the facility.”

The virus also spread among staff. According to Wooten, more than 15 LaSalle employees she knows personally have been infected with Covid-19; she provided the names of at least 12 staff members, including both correctional staff and health care workers, who tested positive.

The list included Marian Cole, the health services administrator who hired Wooten at Irwin. Cole had told Wooten she was being extra careful to avoid infection, traveling only from the facility to her home. But in May, Cole fell ill and passed away from complications from the virus.

Management at the facility said Cole had contracted the virus at a family event. “I knew better,” Wooten said. “And me, being who I am, said, ‘That’s not true.’ [Cole] told me she didn’t go anywhere but here and home.” (Cole’s daughter, reached for comment, did not want to discuss her mother’s passing.)

Wooten’s account of systematic undercounting of the true spread of the virus accords with what has been reported at other facilities, where ICE has resisted testing because it didn’t have space to quarantine people or ignored glaring symptoms. Detainees at Irwin, echoing those held at other detention centers, also said they were afraid to report their symptoms because they would be locked in solitary confinement, with little medical attention. “It is complete torture, because it’s like a punishment,” one immigrant said, who declined to give their name for fear of reprisals. “I didn’t want to say I had a pain in my throat, or that I had symptoms, because I didn’t want to go back to the punishment cell.”

Dangerous Practices

In March, when fears of coronavirus began spreading rapidly, LaSalle acquired hundreds of N95 masks, which the Centers for Disease Control and Prevention recommended for health care workers. Each member of the medical staff at Irwin was given a single mask, though Wooten specified that most N95 masks were reserved for high-ranking staff, even if they had less contact with detainees. No masks, at the time, were given to detainees. Wooten received her N95 mask and wore it consistently while doing her rounds. By May, however, the strap had broken. When she asked for a replacement mask, supervisors refused her request. Worried about protecting herself and the detainees, Wooten purchased a homemade cloth mask. The other member of the medical staff The Intercept spoke with said that management had hundreds of replacement masks they were hoarding in storage.

Detainees, meanwhile, had begun to make their own masks out of whatever materials they had at hand. By late April, LaSalle offered them masks — provided not by the company but donated by a local church group. But one detainee said the masks have not been replaced unless a family member pushes ICE and LaSalle for a new one.

Wooten said that on at least three occasions, management ordered her to interact with patients who had tested positive for Covid-19 without informing her of the diagnosis. “I had been in all of three of their faces,” Wooten said. When Wooten and other members of the staff confronted management about the situation, they were told that revealing detainees’ test results would be a HIPAA violation, an illegal disclosure of confidential personal medical information.

Gregory Dober, an adjunct professor at Lake Erie College of Osteopathic Medicine and expert in health care ethics and law regarding incarcerated individuals, told The Intercept that alerting staff that a detainee has tested positive for coronavirus “would not be a HIPAA violation.” In fact, Dober said that the failure to inform staff of positive cases could constitute reckless disregard of the health of an inmate, detainee, or staff worker.

The other medical worker, who is currently at LaSalle, said that even when they are working with patients in the medical area, not just doing the rounds with the general population, they don’t have enough gowns, face shields, or masks to properly

protect themselves. Wooten also said the medical area was dirty: the floor infrequently swept, the exam tables not cleaned after use, and the area cluttered and dusty. “There was often blood on the floor that had not been cleaned up,” Wooten said. Detainees told The Intercept the bathrooms are dirty, and they had to disinfect phones and other materials themselves within their units.

Wooten described negligent or perfunctory care for sick detainees, which had been common before the beginning of the pandemic. She witnessed nurses shred and ignore “sick call” sheets, which detainees use to request nonemergency medical help, some of which included complaints of Covid-19 symptoms (the other member of the medical staff supported this claim, saying that the shredding of sick call sheets was common.)

“Every day she is shredding something and throwing it in her trash can,” Wooten said of another member of the medical staff. “I had one girl who put in about 12 sick calls. She was oozing out the belly button and nobody ever saw it.” In another case, a man with Covid-19 symptoms requested a test. He was isolated in solitary confinement, a swab was taken and sent to the hospital, and more than two weeks later, nobody had called the hospital to check for the test results. When Wooten called, she learned he had tested positive and informed the man herself.

Wooten was with another member of the nursing staff when she declared, without taking his temperature, that a man who had complained of a headache had a temperature of 97.7 F. She “pulled it out of the air,” Wooten said. “She falsified it. I watched her.” Wooten insisted that they actually take his temperature, and found that it was 101.8. Detainees with fevers were usually just given over-the-counter cold medication, Wooten said.

“A lot of the nurses were not doing nursing,” she said. “They were just bodies in the building.”

In response to the neglect and refusal to test detainees, Wooten described a “system” that detainees had developed, organizing to isolate people suspected to have Covid-19 near the door to the dormitory, both for their protection and to force the medical staff to test them. And yet, she overheard other medical staff tell detainees, “There was no Covid in here.” In one instance, according to Wooten, detainees staged a “mini-riot” to demand a Covid-19 test.

The frequent transfer of detainees between facilities compounded dangers. Wooten explained that while typically people were tested before being moved to Irwin, sometimes the transfer took place before the results of the test were in. Plus, newly arrived detainees were not always isolated from the others in the facility. She was also aware of at least one occasion in which a detainee who had tested positive for Covid-19 was deported to Mexico.

“They keep piling more people in here. They keep bringing more people in here, and in the end, it’s all about the money,” said a detained woman who had to wait over a week for her sick call. Wooten echoed the statement: “They get seen as a dollar sign. Their heads are counted not as humans but as dollars.”

Wooten’s Demotion

The tinder-box scenario finally brought Wooten to a breaking point. After months of observing troubling medical conditions and, at times, going out of her way to care for detainees who had been ignored, Wooten began to raise the alarm with management in the facility.

“When I started talking about the unfairness and injustice,” pressuring staff to conduct more Covid-19 tests, “I was written up,” Wooten said. “It’s dog-eat-dog in there, at the expense of the detainees.”

By mid-June, Wooten had already been tested twice for Covid-19. And each time, due to her prior health concerns, she was instructed by the hospital to wait until her results arrived before returning to work. Medical records reviewed by The Intercept confirm her third Covid-19 test took place on June 21. In a letter to Wooten’s employers, the medical facility where she was tested requested Wooten be excused from work for 10 days, until her results were available and her symptoms — including muscle aches, headaches, and diarrhea — had gone away.

After her first two tests, the doctors’ notes were sufficient to be excused from work. However, according to documents, on June 27 — six days after her third test — management reported her for “no call no show for her regular scheduled workday.” Her supervisors wrote that she was required “to call out each day she is off work.” They also pressured her to return to work, which she did, working two shifts on June 23 and June 25.

But as of June 27, there was no requirement for staff members to call in sick every day while awaiting Covid-19 test results; that policy was not implemented until July 1, according to a memo from facility management viewed by The Intercept. One day after the policy was in place, Wooten was demoted, reducing her from full-time status to “on-call,” and drastically cutting her hours. Wooten, who is Black, also said she suffered racism throughout the experience. White staff members who took time off for testing were given “Covid pay” and were not required to call in every day, she said.

With medical bills, sick family members, children to feed, rent to pay, and car payments to make, the reduction in her work hours was a serious blow. As her own health deteriorated and she suffered from consistent stress, Wooten relied on her eldest son to help pay off the car.

She says her demotion was an indirect threat to other health care staff at the facility who had expressed concerns, though more quietly.

"They're afraid of being fired," Wooten said. Irwin had treated her as an example, "I was thrown to the wolves." But, she added, "I have nothing to lose at this point."

9/29: SAALT Releases Report Mapping Impact of COVID-19 on South Asian American Communities

South Asian Americans Leading Together (SAALT)

SAALT Releases Report Mapping Impact of COVID-19 on South Asian American Communities

Washington, DC., September 29, 2020: South Asian Americans Leading Together (SAALT) released the report *Unequal Consequences: The Disparate Impact of COVID-19 Across South Asian Americans* today, highlighting the urgent need for funders and policy makers to gather accurate disaggregated data on South Asian communities in the U.S. to be able to understand and respond to the needs that have emerged since the onset of the pandemic.

The report examines areas of the U.S. with among the largest South Asians populations including New York, Chicago, Houston, Atlanta, and the Bay Area and Central Valley in California and draws primarily on interviews with community leaders who are members of the National Coalition of South Asian Organizations (NCSO), a national community survey, and media reports. SAALT also launched an interactive map and video testimonials to further highlight the impact of the pandemic on South Asians.

Key findings of the report include:

- South Asian Americans who were already vulnerable have been most directly impacted by the pandemic - whether due to their immigration status, their experiences with domestic violence, living with underlying health conditions, or unsafe working environments. Every interviewee shared that, as a result, community members are experiencing mental health challenges.
- Data on COVID-19 cases, hospitalizations, and deaths are currently incomplete as statistics are under counted in South Asian American communities, often labeled as "other Asian" or "unknown" race categories.
- South Asians are at high risk if they contract COVID-19; they are four times more likely than the general population of having heart disease or diabetes, putting them at greater risk of coronavirus-caused death. Other compounding risk factors include multi-generational housing, lack of language accessible public health materials and government resources, and insufficient protections based on employment or immigration status.
- Every survivor-support organization SAALT interviewed explicitly named a drastic increase in gender-based domestic violence.
- Government agencies have neglected to provide Limited English Proficient (LEP) community members with culturally appropriate services and language accessible information, impeding access to government services and relief funds.
- 85% of respondents to SAALT's community survey are worried about immigration - specifically being able to travel outside of the U.S., as well as anxiety over recent executive orders targeting green cards, H-1B work visas, and student visas.
- South Asian American community organizations are filling in the gaps in access to health, food, housing, and employment as a remedy to failing government social infrastructure.

Lakshmi Sridaran, SAALT's Executive Director, said "One of the most important lessons from watershed moments of crisis, like 9/11, the 2016 presidential election, and now the COVID-19 pandemic, is that South Asian American communities have deeply divided experiences. The South Asian populations in the U.S. who were primarily targeted after 9/11, most impacted by this Administration's racist policies, and most vulnerable to COVID-19 are also the populations most marginalized within our own communities because of immigration status, class, caste, religion, and LGBT + identity. While developing a shared narrative across these differences is valuable for building collective power, only by centering the experiences of these populations do we truly understand the magnitude and range of impact of these crises."

10/5: Border Patrol raid on No More Deaths aid station

No More Deaths/ No Más Muertes

After sunset, October 5th, U.S. Border Patrol entered No More Deaths' humanitarian aid station, Byrd Camp, with a federal warrant, for a second nighttime raid in two months. Volunteers were held for 3 hours while 12 people who were receiving medical care, food, water, and shelter from the 100+ degree heat were apprehended.

In a massive show of armed force, Border Patrol, along with the Border Patrol Tactical Unit (BORTAC), descended on the camp with an armored tank, ATVs, a helicopter, and many marked and unmarked vehicles. Agents, armed with assault rifles, chased and terrorized those who were receiving care, all while the helicopter hovered low above them kicking up dust and debris, making it nearly impossible to see. Border Patrol smashed windows, broke doors, and destroyed essential camp infrastructure as well as supplies. This was after heavily surveilling the camp and patrolling its perimeter, creating an antagonistic and distressing environment for those receiving care, since late Saturday night on the 3rd.

Since the previous raid on July 31st, Border Patrol has refused on multiple occasions to meet with volunteers to discuss previous shared agreements that upheld the right to provide humanitarian aid. The Tucson sector chief sent No More Deaths representatives a formal letter asserting this refusal.

Border Patrol's continual surveillance and harassment of Byrd Camp keeps patients from receiving essential care. This criminalization of the humanitarian aid and medical care we provide is only a furtherance of the agency's deadly policies. Border Patrol detains people in unsafe and deadly facilities where medical neglect is rampant and human rights abuses are well documented. And now, COVID-19 has been spreading rapidly throughout the ICE detention system, especially here in Arizona.

Paige Corich-Kleim, a volunteer present for the raid, said this about the previous raid in late July: "Once again, Border Patrol is concentrating their resources on interfering with humanitarian aid during the most deadly time of year for people crossing the border. People are dying in the desert because of border enforcement policy, and now Border Patrol wants to prevent people from accessing life-saving assistance. We view this as a clear violation of international humanitarian law."

Since 2004, Byrd Camp has been a location where people crossing through the harsh Sonoran Desert can find food, water, medical care, and respite. Byrd Camp has always operated openly and transparently and offered humanitarian aid according to Red Cross protocols. No More Deaths affirms the right of all people, regardless of nationality, to give and receive humanitarian aid. Our volunteers are specifically trained to respect autonomy when providing care as is standard practice in the medical field and only call 911 and Border Patrol with patient consent. We will continue to be a presence in the desert as long as Border Patrol policies create a crisis of death and disappearance.

We thank you - our community of supporters across the country and the world - for your continued compassion and solidarity with us and migrants everywhere.

In community,

No More Deaths/ No Más Muertes

10/29: The Police System That Terrorizes the Poor and Minorities Is Rooted in the Colonial Past

The Police System That Terrorizes the Poor and Minorities Is Rooted in the Colonial Past

Justin Podur - Globetrotter

The Minneapolis City Council's attempt to defund police may have fizzled out for the moment, but the problem of police violence across the United States is unresolved—and much of it stems from the institution's colonial, counterinsurgency roots. Here are seven counterinsurgency features of policing and the inequities in the criminal justice system.

1. Counterinsurgency Tactics Are Everywhere.

In the Canadian province of Ontario, when the Toronto Transit Commission (TTC) changed its public transportation fare collection method from tokens to the Presto card, users had a strange experience. Sure, the fare booth was predictably replaced by an inhuman and unforgiving terminal that malfunctions all the time (despite the steep price the province had paid

for it). But instead of having less human interaction, TTC passengers found they had more—with fare inspectors who corral passengers into small spaces at stations to test everyone's cards. In counterinsurgency terms, this is called a cordon-and-search operation.

Another counterinsurgency concept, that of “hearts and minds,” can be seen in a public information campaign to shame fare evasion through posters blanketing subway walls and the sides of buses. Riders were infuriated—not just by the campaign itself but also by abuses and racial discrimination by the fare inspectors. Unsurprisingly, spoofs of the TTC's messaging followed, as they did in New York City in resistance to the Metropolitan Transportation Authority's fare evasion messaging.

There is nothing special about Toronto, New York City, or other transit systems that increasingly use these warlike techniques to police customers; what's happening with the TTC and MTA is a relatively mild example of what happens when counterinsurgency methods are the first resort for any urban problem that arises.

2. Police Don't Live in the Communities They Police.

Colonial forces are imposed from outside; this prevents too much natural solidarity between the occupier and the occupied. In the United States, the majority of police don't live in the communities they serve. One Newark officer from the Fraternal Order of Police put it succinctly: “the community hates the police. And you want to put us right in the middle of that with our families?”

The polling is consistent with the idea that one group of people is policing another. A July 2020 Gallup survey showed that 70 percent of Black Americans support reducing police budgets, while only 41 percent of white Americans do. Out-and-out defunding is more commonly supported by Black Americans (according to FiveThirtyEight's average of two polls, 45 percent of Black Americans polled support defunding, with 28 percent opposed) and opposed by white Americans (with 61 percent of white Americans opposed to defunding and only 23 percent in support of defunding). The difference in public opinion reflects one group benefiting from police security and another suffering from police violence and surveillance.

As Richard Rothstein showed in his book *The Color of Law*, the racial segregation of U.S. cities was brought about by methodical legal means, racially explicit zoning, and the destruction of integrated neighborhoods. This segregation, too, has consequences for the police-counterinsurgency alignment.

In author James Ron's book *Frontiers and Ghettos: State Violence in Serbia and Israel*, he compared the methods of state violence used in a “ghetto,” where a hostile population is meant to be contained by powerful state control but where law and morality still limit its enforcement due to the nature of oppressor and oppressed living side-by-side; and on a “frontier,” where even more devastating warfare is unleashed since state power is more tenuous on targeted populations who don't live among their oppressors, but the bounds of law and morality are weaker.

In the United States, this theory also has applied throughout its history: domestic ghettos are policed, and frontiers are the sites of total war both at home and abroad. But the more police think of cities as the “frontier,” the more violence they will commit against the policed.

3. Police Get Specialized Counterinsurgency Training.

Police officers are encouraged to take weekend courses in a field called “killology,” developed by retired Army Lt. Colonel Dave Grossman. There, they learn to see themselves as “front-line troops” in a war, presumably on the civilians they are policing.

A critic of killology courses, Seth Stoughton, says they steep police in the worldview that “the officer is the hero, the warrior, the noble figure who steps into dark situations where others fear to tread and brings order to a chaotic world, and who does so by imposing their will on the civilians they deal with.” Another critic, Craig Atkinson, calls the courses “fear porn.” One such training, “The Bulletproof Warrior,” was taken by Philando Castile's killer.

4. In a Counterinsurgency, Everyone's a Criminal.

According to defenders of law enforcement, the thinking is: If you don't want to be policed, don't commit crimes, right? But the law creates the criminal.

And the number of laws for police to identify those criminals is growing suspiciously. American University professor Emilio Viano notes, quoting the conservative think tank the American Heritage Foundation, that “the ‘number of criminal offenses in the United States Code increased from 3,000 in the early 1980s to 4,000 by 2000 to over 4,450 by 2008.’ From 2000 to 2007 Congress added 56.5 new crimes every year.” The staggering number of laws is incongruous to American society's actual concerns, as is evidenced by attorney Harvey Silverglate's book arguing that the average American commits “three felonies a day.”

In this system, the full weight of the law is available to bring down upon anyone at any time.

And once it is brought down on you, you have no meaningful right to a trial.

5. There's No Right to a Trial in a Counterinsurgency.

In TV cop shows, the police are constrained by clever lawyers and fair-minded judges in the courtroom—but in reality, cases almost never go to trial. As Professor Viano writes:

"In fiscal year 2010, the prevalent mode of conviction in U.S. District Courts of all crimes was by plea of guilty (96.8% of all cases). The percentage ranges from a relative low of 68.2% for murder to a high of 100% for cases of burglary, breaking and entering. With the exception of sex abuse (87.5%), arson (86.7%), civil rights (83.6%) and murder (68.2%), for all other crimes the rate of convictions by plea of guilty is well over 90%. In the... [2012] U.S. Supreme Court decision, *Missouri v. Frye*, Justice Kennedy, writing the majority opinion, pointed out the statistics that 97% of federal convictions and 94% of state convictions are the result of guilty pleas."

The fact that 90 percent of cases don't go to trial is the outcome of two Supreme Court rulings described by Michelle Alexander in a 2012 op-ed in the *New York Times*:

"The Supreme Court ruled in 1978 that threatening someone with life imprisonment for a minor crime in an effort to induce him to forfeit a jury trial did not violate his Sixth Amendment right to trial. Thirteen years later, in *Harmelin v. Michigan*, the court ruled that life imprisonment for a first-time drug offense did not violate the Eighth Amendment's ban on cruel and unusual punishment."

Regardless of the innocence of the offender or the senseless overzealousness of law writing and enforcement, it is standard operating procedure that the accused do not get their day in court. Instead, prosecutors threaten the accused with shocking sentences, and have them plead guilty to something less to get them into the life-ruining prison system.

Alexander noted that the criminal justice system is unequipped for any other way: "If everyone charged with crimes suddenly exercised his constitutional rights, there would not be enough judges, lawyers or prison cells to deal with the ensuing tsunami of litigation." The author of *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* also argued in the *New York Times* op-ed that "crash[ing] the system just by exercising our rights" could comprise a strategy to combatting the inequities and flaws in the criminal justice system. Blogger Arthur Silber agreed that this strategy could work if done en masse, noting, "[n]othing short of mass non-cooperation has a chance in hell."

But the price of seeking one's right to trial is prohibitive. Julian Assange is being publicly tortured right now mainly for doing journalism, but partly also for insisting on his rights to a trial. And Aaron Swartz was hounded to death, driven to suicide by a prosecutor applying the standard operating procedure by threatening Swartz with a 35-year sentence for trying to make scientific publications available to those outside of university paywalls.

In cases relating to the drug war, the goal of police and prosecutors is also to get the accused to turn on one another: in exchange for more lenient punishments, suspects are made to become informants against others—another key element of counterinsurgency and its slow destruction of solidarity in the criminalized, targeted society.

6. U.S. Policing Was Developed in Concert With the U.S. Empire.

Consider one of the founding fathers of American policing, August Vollmer. A U.S. Marine who invaded the Philippines in the Spanish-American War in 1898, he set out to "reform" Berkeley's police when he became its first chief in 1909. He used the scientific techniques of counterinsurgency developed by the U.S. empire in the Philippines (a system described in Alfred McCoy's book *Policing America's Empire: The United States, the Philippines, and the Rise of the Surveillance State*). Vollmer brought in centralized police records, patrol cars, and lie detectors. Vollmer established a criminal justice program at the University of California, Berkeley in 1916 and wrote books including scientific racist theories of "racial degeneration" and crime. He joined the American Eugenics Society and wondered how to prevent "defectives from producing their kind."

Smedley Butler provides another example. The military man famously wrote that he had been "a gangster for capitalism," including that he "helped make Haiti and Cuba a decent place for the National City Bank boys to collect revenues in." He had done so by, among other things, establishing Haiti's first police force when the Marines occupied that country in 1915, as Jeremy Kuzmarov describes in his book *Modernizing Repression: Police Training and Nation-Building in the American Century*. When Butler became police chief in Philadelphia in 1924, he too upgraded police technology and militarized its tactics, including military checkpoints and Marine-style uniforms. The mayor fired him after two years, sending him back to the Marines.

7. Counterinsurgencies Use Auxiliaries.

In counterinsurgency campaigns, state armies and police work with paramilitaries, who do dirty work with plausible deniability.

As Alan MacLeod reported on September 28, there were more than 100 vehicle ramming attacks against protesters since the George Floyd protests started in May, many of which “seem to have the tacit approval of local law enforcement,” given the lack of consequences.

Portland activist Mac Smiff told the Brief Podcast, “We call it a shift change. They’re all the same people... there’s the cops, there’s the sheriffs, there’s the marshals, there’s the DHS [Department of Homeland Security], there’s the Proud Boys, there’s the Patriot Prayer, it just goes on and on. They just take turns.”

It is called impunity: the criminal activities of paramilitaries or proxy forces go unpunished, while the full power of the state is brought down upon the intended victims of counterinsurgency.

The default counterinsurgency mode is a consequence of being ruled by an elite that sees the whole population as the enemy. The model for policing isn’t going to be changed even if Trump is replaced by “shoot them in the leg” Biden. The occupied always challenge the legitimacy of their occupiers: the debate about abolition is not going anywhere.

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