Mass arrests of legal immigrants in El Paso, Texas

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15 September 1998

Under the 1996 federal Immigration Reform Act, passed by the US Congress with the backing of the Clinton administration, states can now deport legal, noncitizen immigrants if they are convicted of the slightest infraction of the law. In El Paso, Texas, the Immigration and Naturalization Service has incarcerated 116 Mexican immigrants for driving under the influence of alcohol (DUI) and is preparing to deport them from the United States. Among those arrested are a pregnant woman, a disabled worker and an elderly man who no longer drives. Most of 116 are married and 90 percent have children.

The INS has defended its actions by claiming the immigrants had accumulated more than three DUI citations. However, most of the detainees had gotten one or two citations years before the new immigration law passed in April 1996. Commenting on this fact, INS spokesperson Vincent Clausen said, 'Legal residents do not have the same rights as American citizens.'

The arrests have sparked protests and appeals to the Mexican Consulate by church and immigrant rights groups, but the INS appears adamant to pursue the deportations. They have told the immigrants that they have no recourse but to hire their own personal lawyers. Under the terms of the 1996 immigrant act, human rights organizations are precluded from suing on behalf of immigrants.

While admitting the questionable legality of arresting people for retroactive violations, Clausen insisted that other criteria had been followed and that the legal residents, all of them poor, were 'dangers to the safety of the public.'

Dora Maga--a, a Wal-mart employee, was violently dragged out of her home according to her brother José. In another case, José G'mez was asleep with his wife in the early morning hours when he heard INS agents knocking loudly on his door. Ten INS agents entered his apartment in the Sunland Park low-income projects to arrest him. Gomez is disabled and the sole supporter of his family, which depends on his $400 monthly disability check. He has two children and his wife is two months pregnant.

When Gomez's his wife went to the INS Processing Center in El Paso (also known as 'the camp'), she gave the guards a medical certificate explaining that because of a job-related spinal injury her husband could only walk with difficulty. She demanded that the INS allow him to take his medications, but an INS official told her to hire a lawyer. 'Where am I going to get $1,600 for a lawyer?' she asked.

Gomez, 38, has legally resided in El Paso for 12 years. He was arrested on old convictions, even though he had proof of completing a sobriety program. He recently passed his General Equivalency Diploma course and was about to enter college.

Another detainee, 60-year-old Roberto Mart'nez, an American resident for 45 years, was last cited for a DUI infraction four years ago. His license to drive was suspended at that time and he completed the requirements of the court. He has not driven since.

The INS says it will hold the 116 immigrants pending hearings. While the authorities have given assurances they would not conduct a mass deportation of the immigrants, many have already lost their jobs because of their incarceration.

Since the passage of the Immigration Reform Act two years ago, the number of immigrants being detained by the INS has increased by 70 percent to 16,000. Last week, the Human Rights Watch, an international human rights group, condemned the INS for dumping thousands of immigrants, including those seeking

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asylum, in local jails with the general criminal population. According to the group's 84-page report, the INS has shifted two-thirds of its detainees to local jails without ensuring minimal national and international standards of humane treatment.

Of the 200 detainees the human rights group interviewed, many described physical abuse by their jailers, including beatings and torture with electrical shocks, lack of medical care and insufficient food rations. Hunger strikes and angry protests have taken place at jails in California, New Jersey, Louisiana, and New Hampshire.

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[20 August 1998]

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