

Undocumented worker in ICE custody after delivering food to Army base in New York City

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Pablo Villavicencio, a 35-year-old undocumented worker from Ecuador, has been held in Immigration and Customs Enforcement (ICE) custody for more than a week and faces possible deportation after delivering food to Fort Hamilton Army Base in Brooklyn.

While Pablo Villavicencio was granted an emergency stay of deportation by a judge over the weekend he still faces the prospect of being deported in less than six weeks.

“These several days have been really hard for us, especially for my daughters,” his wife, Sandra Chica, said in a video posted on Twitter on June 8. “We ask ICE to release him and let him come back to us.” She described Villavicencio as “the main support” of the family and added, “We’re really going to suffer if he is deported.”

On June 1, Villavicencio delivered an order from Nonna Delia’s, a restaurant in College Point, Queens, to the Fort Hamilton base. Although the base is about an hour away from the restaurant, Villavicencio had delivered food there several times before. He presented a New York City municipal identification card to gain access to the base, as he had done previously. The ID card did not satisfy the guard on duty, who asked for Villavicencio’s driver’s license. As an undocumented immigrant Villavicencio has no driver’s license.

The guard told Villavicencio that he needed to obtain a daily pass to enter the base. Obtaining a daily pass requires an on-site background check, and a soldier questioned Villavicencio insistently as he applied for the pass. The soldier called the New York Police Department, which told him that Villavicencio did not have a criminal record. The soldier responded, “I don’t care,” and called ICE, Villavicencio told the *New York*

Post.

An active ICE warrant for Villavicencio was on file because he had not complied with an immigration judge’s voluntary departure order in 2010. Villavicencio’s noncompliance prompted the judge to issue a final order of removal, which is a civil, rather than criminal, charge. A final order of removal signals that a person’s appeals have been exhausted and that they are eligible for deportation. Military personnel detained Villavicencio until ICE officers arrived and took him into custody. He is being held at a detention center in New Jersey.

Villavicencio and Chica married in 2013. Chica had immigrated to the US from Colombia and became an American citizen. The couple’s two daughters, ages four and three, also are American citizens. Villavicencio applied for a green card in February but has not received any response. But his effort to play by the rules and become naturalized means nothing to the federal government. Despite his green card application, Villavicencio remains eligible for deportation, an ICE spokesperson told CNN.

“Our family calls on the government to do the right things and stop dividing families like my family,” Chica said in her statement. “We ask Governor [Andrew] Cuomo to give access to a driver’s license to all others so they don’t have to suffer this situation.”

New York state is providing pro bono legal counsel to Villavicencio, according to a statement from Cuomo. The governor declared his “deep frustration with the federal government’s assault on New York’s immigrant families” and called Villavicencio’s arrest “an outrageous affront to our New York values.”

Cuomo’s protestations and offer of legal aid are a

transparent attempt to burnish his liberal image as he faces a primary challenge for the gubernatorial nomination from actress Cynthia Nixon. As Chica's request indicates, Cuomo has yet to issue an executive order granting undocumented immigrants access to driver's licenses.

The ID card that Villavicencio showed to the guard is offered through a program called IDNYC. The card ostensibly allows undocumented immigrants and other vulnerable residents to prove their identity to officials such as police officers, who are not supposed to ask about immigration status, and access city services. Undocumented immigrants were led to believe that the ID would shield them from harassment, but Villavicencio's arrest has dispelled this illusion.

"As a sanctuary city, we need to be clear for those federal locations, what are you requiring of people entering the location," Brooklyn Borough President Eric Adams declared during a news conference outside the base. His words signal the city's willingness to adapt to federal rules instead of defending workers.

Other city officials offered similar lip service to Villavicencio, such as Democratic Mayor Bill de Blasio, who simply tweeted that "delivering a pizza is not a threat to public safety."

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Other politicians used the incident to promote anti-immigrant chauvinism while glorifying the military. "[I] would expect nothing less from the Fort Hamilton commander and its dedicated personnel who have committed their lives to protecting our citizens and country," Republican State Senator Martin J. Golden told the *New York Times*. Golden is a member of the State Senate Committee on Veterans, Homeland Security, and Military Affairs.

Workers have rallied to Villavicencio's defense. In an act of solidarity, workers at two pizzerias in Bay Ridge, the neighborhood where Fort Hamilton is located, said that they would no longer deliver food to the Fort Hamilton base. An employee of Bari's Pizza who refused to give his name told the *Brooklyn Paper* that the restaurant would no longer take orders from the base. "We used to [deliver there], but we don't anymore," he said. "We wouldn't go now."

In another act of solidarity, residents of Bay Ridge protested Villavicencio's treatment in a march to the

base on June 6. On the march back from the base, seven people entered the road, formed a human chain, and did not comply with police officers' order to move. The protesters were arrested for disorderly conduct.

US Representative Dan Donovan responded to the protest with a reactionary diatribe. The Republican, who represents the district around the base, told WNYC: "Liberal activists are attacking ICE agents and military personnel for following the law in detaining an immigrant reportedly here illegally. The law is the law, and nobody should be telling the brave men and women in uniform not to enforce it."

The arrest of Villavicencio shows that New York's status as a so-called sanctuary city is meaningless when undocumented workers encounter ICE officers. In fact, ICE has conducted massive, sweeping raids across the country that especially targeted sanctuary cities. Earlier this year, Oakland, California, and San Francisco were among the targets of a huge operation that ended with the detention of more than 150 undocumented workers.

During a six-day period in mid-April, ICE performed a series of raids in New York state and arrested 225 people. An ICE press release about the operation listed a dozen individuals charged or convicted of serious crimes, but the great majority appear to have allegedly committed only minor infractions.

The scope and scale of these federal actions highlight the fact that the supposed limitation of cooperation with ICE via self-proclaimed sanctuary status is a political fraud. The "sanctuary city" designation is designed to create the illusion of opposition on the part of the Democratic Party with little practical effect.



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