Take Action! Immigration Proposals that Threaten Families and Human Rights

In December 2005, the U.S. House of Representative passed H.R. 4437 and the U.S. Senate is preparing to consider these sweeping changes to U.S. immigration law. This legislation would have a devastating effect on immigrant communities across the country. In addition to criminalizing undocumented immigrants, it is chock full of harmful detention and removal provisions. We urge supporters, advocates and concerned members of the community to take immediate action to stop this legislation.

The following are some examples of how current proposals in the Senate and H.R. 4437 leave immigrants without any protection of basic human rights:

- Creates a new federal crime of unlawful presence so broad it would include nearly every violation, however minor, technical or unintentional. Expanding the definition of an aggravated felony to include such minor offenses would lead to the tragic separation of families.

- Under the bill, even charitable workers could face federal prison time. The bill would expand the definition of ‘smuggling’ to include those who help immigrants with ‘reckless disregard’ for status. This would penalize charitable workers, churches, social services agencies, legal services agencies and innocent family members.

Proposed Senate legislation:

• Overturns an important Supreme Court decision that protects the basic rights of immigrants not to be indefinitely detained without review by a judge.

• Increases mandatory detention. They would require an incredibly huge expansion of a costly and overcrowded system that is already rife with abuse.

• Expands the highly discredited “aggravated felony” category to include crimes based on negligent conduct and more crimes for which no court ever imposed a prison term. By adding them to this category however, the bill makes these convictions grounds for permanent separation of parents from their children.

• Creates a guilty until proven innocent rule for immigrants alleged to have “aggravated felony” convictions, even if they are detained, have no access to counsel, and are being charged with deportability for acts that are decades old and for which there are no public records.

- Increases the use of expedited removal. Non citizens subject to expedited removal do not receive a hearing and they are denied access to family and legal counsel. According to a recent report by an international commission, expedited removal has already resulted in the wrongful removal of refugees, trafficking victims and even U.S. citizens.

• Bypasses removal hearings and allows individual immigration officers to make complex legal judgments with respect to people arrested in the interior of the country.

Such drastic changes to immigration laws should not be done without open and responsible debate. Please take action by contacting your senators, speaking to your local media, and informing your community about these proposals. For more information about this legislation visit the Detention Watch Network website, www.detentionwatchnetwork.org or the American Immigration Lawyer’s Association, www.aila.org.

Florence Project Creates Public Defender Chart on Immigration Consequences of Arizona Crimes

Senior Staff Attorney, Holly Cooper, in collaboration with Kathy Brady and Angie Junck of the Immigrant Legal Resource Center and Beth Houck of the Maricopa County Public Defender’s Office created a chart of the immigration consequences for each of the Arizona criminal statutes. Also, laying the groundwork for the chart was Ryan Moore a former student at the University of Arizona School of Law and now public defender with Pima County. The chart was a yearlong joint effort which has finally been completed and is available on the Florence Project’s website.

The chart is critical for public defenders. Now, defenders can review the potential immigration ramifications of each Arizona statute. Public defenders are already inundated with insurmountable caseloads. The chart seeks to provide quick, accurate information to criminal counsel and allow them to properly advise their immigrant clients regarding the potential immigration consequences for their guilty pleas. The chart also allows public defenders to think creatively on how to find “safe-haven” pleas for their immigrant clients. The hope is to distribute the chart to all county jails in Arizona to allow defendants to have a more informed role in the critical decisions that need to be made at all stages of the criminal proceedings.

PROUD, PROUD DAY!

On January 22, 2005, the staff of the Florence Project moved into their new office. The building is the result of capital campaign donations and donated labor and material from local construction contractors and tradespeople. Special thanks to the hard work of the Board of Directors, former Executive Director Andrea Black and former Development Director Dayna Anderson.

Come see our New Home!

Join our staff and family of supporters to celebrate FIRRP’s new office in Florence!

Friday, March 31, 2006 6:00pm–9:00pm
2601 North Highway 79 Florence, Arizona
Light appetizers and drinks served. Ribbon cutting at 7pm.

Please RSVP to Michele Dando:
520-868-0191 x105 • mdando@firrp.org

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FLORENCE IMMIGRANT AND REFUGEE RIGHTS PROJECT 1
Appointed President of the Florence Project Board of Directors in January 2006: Conversation with the Honorable Noel Fidel

How long have you lived in Arizona?

I came to Arizona in 1969 as a VISTA Volunteer, a few months after graduating from law school. (VISTA stands for Volunteers in Service to America; it is the domestic Peace Corps.)

What are your hobbies?

I play the trumpet, mainly jazz, and have studied the piano too and want to get back to it, but lately have lacked time to practice both. Anne, my wife, and I like hiking, bicycling, and skiing. And I read a lot.

Describe your background with Human Rights issues.

When I arrived in Phoenix as a VISTA Volunteer, I lived with a family in Campito, a South Phoenix Barrio, and worked closely with the Migrant Opportunity Program, the United Farm Workers (UFW), and Chicanos por la Causa (CPLC), which was just getting started around that time. My volunteer work with the UFW led to my receiving a Robert F. Kennedy Fellowship, which funded me to become the UFW’s first full time lawyer in Arizona. When I entered private practice, I continued some voluntary efforts for the UFW, but became more intensely involved with CPLC, which was expanding its range of activities into economic development as well as community advocacy and service. In 1974, I became the first Anglo member of CPLC’s Board, and from 1978-82, I was Chairman of the Board.

During my years on the Superior Court and Court of Appeals, from 1982-2002, my engagement with human rights issues came largely case by case in matters that came before me as a judge, though I also had some involvement through bench and bar committees. (In 1995, for example, I was Vice Chair of the Chief Justice’s Juvenile Justice Commission.) And on Martin Luther King Day in 1995, I received the City of Phoenix Living the Dream Award for “courage and commitment to human rights,” which was certainly a high point for me and for my family. After I left the bench and came to the ASU College of Law, I felt free to become more engaged in human rights activities, and the Florence Project seemed like the best fit.

What attracts you most about the Florence Project?

My four grandparents were immigrants who came to the United States in the early 20th Century believing that our country meant what it said on the base of the Statue of Liberty. It seems to me that we have a long way to go to live up to those words. I want to be part of the effort.

What are your goals in life?

To be a good husband and father, to strike sparks of curiosity and commitment in my students, to see the beauty and humor all around me, and to play the right notes on my horn.
2005 Volunteers and Interns

The Florence Project held its 4th Annual Volunteer Recognition Event on November 16, 2005 at Perkins, Coie, Brown & Bain in Phoenix, Arizona. Our sincere thanks to all of the volunteer interpreters, lawyers, doctors, students and others who assist the Florence Project and support the thousands of detained immigrant men, women and children in Arizona. On behalf of the immigrants, refugees and asylum seekers we serve, thank you!

Special thanks to all at Perkins, Coie, Brown & Bain for hosting the event!

2005 Volunteers Recognized by the Florence Project:

Carmen Abarca-Wilson, Esq., Friendly House
Stephanie A. Adamson, Esq., Latham & Watkins LLP
Dayna Anderson
Melynda H. Barnhart, Esq., Arizona League to End Regional Trafficking
Erena Baubyk, Esq., Robaina & Palomino, PC
Arturo Benavidez
Susan Bensh, Amnesty International
Rachel Bengston
Scott Bennett, Esq., Lewis & Roca, LLP
Mano Borenstine
Erin Bradham, Esq., Spretegoe & Johnson
Karen Briley-Balken, Ph.D., Doctors of the World
Dewitt Brown, Esq., Latham & Watkins LLP
Dr. Alan Brown, Doctors of the World
Nga Bu
J. Cabou, Esq., Osborne Maledon
Jonathan Cedarbaum, Esq., Wilmer, Cutler Pickering Hale and Dorr
Policarpo Chay, Maya Visan
Anne Chandler, University of Houston Law Center
Mitzi Chang, Esq., Latham & Watkins LLP
Stephen Coe
Milagros Cisneros, Esq.
Anthony D. Collins, Esq.
Greg Como, Esq., Lewis Brisbois Bisgaard & Smith LLP
Alex Cortez
Natalie Covington
Evelyn Cruz, Esq., ASU College of Law
Kathryn Davis, Esq., Latham & Watkins LLP
Lisa Davis, Esq., Quarles & Brady Streich Lang LLP
Thomas Dillon, Esq.
Vicky Dobrin, Esq., Dobrin & Han, PC
Sambo Dul
Thomas Duley, Esq., Latham & Watkins LLP
Lisa Duran, Esq., Quarles & Brady Streich Lang LLP
Domingo Felpo
Jonathan Foglia
Michael Franquina, Esq.
Christopher E. Gatewood, Esq., Hunton & Williams LLP
Gloria Goldman, Esq., Goldman & Goldman
Maurice Goldman, Esq.
Adel Grinon, Esq., Lewis & Roca
Yan Guo
Phil Hall, Esq.
Hilary Han, Esq., Dobrin & Han, PC
Patsy Hansel
Christina Hendrix, Esq., Sexton & Morris PC
John Henning, Esq., Lewis & Roca LLP
William Hicks, Esq., Lewis & Roca LLP
Joseph Hoyt
Arturo Echeveria Jordan, Casa Alianza Guatemala
Gregory T. Kerber, Esq., Latham & Watkins LLP
Barbara Klimek, Catholic Charities
Nola Krajewski
Kim Kruff
Landon Taylor Design Group
Hugo Larios, Esq.
Christian Lenz
Li Li
Angela Marie Lloyd, Esq.
Dr. Kelly Luba, Doctors of the World
Dr. Michele Lundy, Doctors of the World
Yue Ma
Lynn Marcus, Esq.
Anthony Matera, Esq., Simpson Thocher & Bartlett
Dr. Lisa McClellan, Doctors of the World
Patricia Mejia, Esq.
Amy Metzel, Esq., King & Spalding
Diane Meyers, Esq., Osborne Maledon
Katherine Meyers, Esq., Latham & Watkins LLP
Dr. Anne Wideman, Doctors of the World
Dee Minjares
Charles Morgan, Esq.
Craig Morgan, Esq., Perkins Coie Brown & Bain
Michael Myers, Esq., Latham & Watkins LLP
Barbara Ocsuzzi, Esq., Latham & Watkins LLP
Michael C. Osborne, Esq., Shook, Hardy, & Bacon
Erika Pacheco
Anthony Pelino, Esq.
Lisa Pino
John Platt, Esq., Snell & Wilmer
Denise Quinterri, Esq., Quarles & Brady Streich Lang LLP
Luis Ramirez, Esq., Quarles & Brady Streich Lang LLP
Carmen Rey
Lory Diana Rosenberg, Esq., IDEA—Immigration Defense & Expert Assistance
Mani Salapska, Esq., Perkins, Coie, Brown & Bain
Sayed Abdellati
Thomas Silberman
Anita Sinha, Esq., Northwest Immigrant Rights Project
Allon Stabinsky, Esq., Latham & Watkins LLP
Sarah Stanton
Jimmy Tabb, Esq.
Yun Teng
Nicole Torpe, Esq., Latham & Watkins LLP
Margarid Tousley, Esq., Latham & Watkins LLP
Thomas Tousley, Esq.
Yen Vu
Liz Welsh
Jesse Westover
Dr. Susan Westover, Doctors of the World
Carlton Williams
Gary (Leo) Wright

Norton Tooby Books at the Eloy Detention Center

Norton Tooby, California Immigration Lawyer donated thousands of dollars worth of his books to the men detained in the Eloy Detention Facility. The books included Aggravated Felonies, Crimes Involving Moral Turpitude and Post-Conviction Relief. The detainees at Eloy have successfully used the books to challenge the charges of removal.

Isaac Gaary Stepp, a long-time detainee in Eloy, was completely distraught to learn that he was facing deportation for life for his one conviction for sale of a small amount of a controlled substance. Isaac was born in Mexico and abandoned by his biological parents in infancy. He was soon adopted by two United States Citizen parents and lived his entire life in the United States. Isaac’s public defender, unfortunately failed to advise him of the consequences of his plea.

Isaac decided to use Norton’s books to seek post-conviction relief, as he felt he had been denied effective assistance of counsel in his criminal plea. After studying Norton’s books, Isaac filed his own motion to vacate his criminal conviction in superior court. Isaac’s conviction was ultimately vacated and his immigration charges were dismissed. He is now living in Salt Lake City, Utah.

Norton’s books have bolstered the detainees’ ability to effectively represent themselves pro se. Fighting pro se from a detention facility creates enormous obstacles for most men as they have limited access to cutting edge legal materials which instruct them on how to fight against criminal charges of removal. Norton’s materials have revolutionized the legal skills of the detainees and have begun to level the playing field for the immigrants at Eloy.
Eloy Client Tells His Story

Released from Eloy in 2003, the following is the story of one client’s experience in detention:

I was born in Iran in 1964, and brought to this country when I was two. I grew up in California and English was my first language. Over time, I picked up some Farsi (the Iranian language) from my parents, but through study at school French, not Farsi, became my second language. My father had been a diplomat for the Shah of Iran and worked closely with the government. My first immigration status was on a diplomatic visa, but as ties with the U.S. were severed following the Iran hostage crisis, I adjusted status to that of permanent resident.

I had all the best opportunities growing up, went to private school, Ivy league college, and eventually law school, but in college I got involved with drugs. When I was 19, I was arrested for possession of marijuana, and in 2001, for cocaine. In 1996, I committed a commercial burglary and was sent to jail for over a year, although I spent most of it in work furlough. I made mistakes, and I paid the price. Each time either no one informed me of the immigration consequences or I remained ignorant.

Once I settled down and worked through my drug problem, I maintained good employment and was a productive member of society.

In 2004, while I was in the middle of law school, I was picked up by the INS for these old crimes and transferred to Eloy Detention Center in Arizona pending deportation. I was told that my name had come to the INS attention because it came up on a “sounds like” search that matched the name of a known terrorist. By the time I was picked up they knew I was no terrorist, but held me anyway because of my criminal record.

I spent one week in my street clothes in a detention center where dozens of us were crammed into a relatively small room with nothing to do but peer at some small televisions obscured by thick sheets of scratched up plexiglass, or play cards using milk bottle caps as chips. One day the guards passed us a piece of yesterday’s newspaper and everyone who could read English pored over each section, reading words and bylines that would normally not even be of interest. We had no choice—anything to pass the time. We were allowed no visitors, and collect calls only at a rate that I later learned was close to three dollars per minute. One day we were allowed outside for an hour, and I paced the length of the small yard anxiously, wondering what would happen to me and whether I would ever see my home in California again.

From there I endured a twelve-hour ordeal shackled inside a plane to Arizona, and another series of buses to Eloy. I spent what seemed like the longest night of my life in a cold holding cell, lying flat on a steel bench staring at the fluorescent lights overhead.

The final destination was Eloy, and compared to where I had been, was a relative paradise. Nevertheless what became quickly apparent was that there was no way to know how long I would be here, or what would happen to me. I met people who had been in there for years, fighting their deportation.

At my second hearing I was denied bail because my offense was too recent – almost any conviction after 1996 made one bail ineligible. My case wound on for several months, with no end in sight. Because I was Iranian, and a son of a diplomat whose family faced persecution in Iran, I could not be deported but it was unclear when or if I would be released. My family hired an attorney for me, and we struggled to make headway in the Eloy court system. It seemed that we were powerless to fight this system and that whatever the government proposed was rubber-stamped along.

There was very little to do while in detention other than read or watch television. I did a lot of both, and kept going to the law library to study immigration law. I also maintained contact with my fiancée, an American born in California, by writing to her daily and had occasional visits by my parents. I watched my father, thin and sallow looking and in pain from cancer, and asked him and my mother not to visit me again, but still they came. They wanted to show their support.

Above all I used my time and long jogs and walks across the exercise yards to think about where I had gone wrong in my life and why I was here. I decided that I was here for a reason, and that something good would come of this. I attended twelve step meetings to strengthen my resolve to never return to drugs. I attended a drug rehabilitation class and knew I had to continue to remain drug free or I would be back in a place like this assuming I ever got out.

The worst aspect of the imprisonment was that no one really knew when he would get out. Even those ordered deported would wait for months just to get on a plane back to their countries. And some who were ordered released would be held because they were deemed “dangers to society.” This determination was often made even when the crimes were very old and non violent. My case dragged on. I hadn’t even reached my first hearing on the merits of my case.

One day when I was sitting down to dinner I was ordered back to my cell to pack up my belongings. Once outside I was bewildered. What had happened to me? Why was I set free? My attorney told me that my case had been dismissed but that this could all come up again sometime later. My old convictions are now on appeal, and may be vacated by the time the INS gets around to picking me up again.

I feel that I was given a reprieve because I got out and was able to spend the last year of my father’s life with him. It has now been almost two years since I was picked up, and yet whenever I see anyone associated with law enforcement I get nervous. I think they are here to get me. Shortly after coming home I was at a twelve step meeting and heard the jangle of what appeared to be handcuffs on a uniformed person who entered the room, and I started looking around for a quick exit. It turned out it was a plumber, with some keys on his belt.

My life today is completely on a right path. I am about to graduate from law school and yet, I remain ever vigilant and to some extent fearful that the nightmare could begin again, this nightmare of immigration detention and deportation that the U.S. Supreme Court has deemed to not be punishment. I wonder what the Supreme Court judges would think if they had to spend a week in Eloy, wondering when or if they would get out? Would they still consider endless months at Eloy not punishment?
Staff Corner

The Florence Project is pleased to announce the following staff additions:

Ashley Kaper, Eloy Paralegal
Ashley ventured to Arizona in August after spending two years working as a criminal investigator at the Bronx Defender’s Office in New York.

Alex McShiras, Children’s Initiative Paralegal
Alex graduated from Boston College with a B.A. in International Studies and History last May. He is currently a Jesuit Volunteer and is living in Phoenix, AZ with 3 other volunteers.

Raha Jorjani, Florence Staff Attorney
Raha started with the Florence Project in August 2005. She was born in Tehran, Iran and came to the United States with her family when she was 6 years old. She grew up in the Bay Area and attended law school at CUNY. Raha has studied Iranian, Afro-Cuban, and Brazilian folkloric dances. Her favorite things to do are to travel, dance, and spend time with family and friends.

Departures:
After five years at the Florence Project, Holly Cooper has accepted a position as Clinical Professor of Law at the University of California-Davis. Holly implemented the Children’s Initiative in 2000 where she advocated on behalf of hundreds of detained immigrant children. In her work at the Eloy Detention Center since 2002 Holly has assisted thousands of detained men fight their removal from the United States. Holly is a true advocate whose dedication has touched the lives of thousands of detained individuals and their families. She will be sorely missed by the Florence Project.

Martha Rickey leaves the Florence Project after one and a half years. Martha is joining the staff at the Northwest Immigrant Rights Project Farmworker Program in Granger, Washington. All at the Florence Project appreciate her determination and hard work.

We wish both Holly and Martha the best of luck in their new adventures!!

New Additions to the Florence Project Family:

Victoria López, Executive Director, welcomed her daughter, Lucia Mar, into the world on October 29, 2005.

Michele Dando, Office Manager, welcomed her first granddaughter, Isabella Veronica, into the world on November 4, 2005.

Integrated Social Services Program Returns to the Florence Project

The Integrated Social Services Program—first implemented in 2001—offers supportive social services for detained individuals to better navigate the immigration removal process. After four years and despite our best efforts to raise funds, the Florence Project has been without a social worker since April 2005. The loss of this program has dramatically affected our ability to serve hundreds of detainees in Arizona including long-term detainees, asylum seekers, survivors of torture and the mentally ill. Now, through the generous gift of Mr. Neil Barsky and a grant from the Office of Refugee Resettlement, the Integrated Social Services Program will return to the Florence Project.

The social worker will continue to be responsible for working with detained children and adults to support legal requests for release and relief from deportation, encourage family involvement, and help create a reintegration road map for adults released from immigration detention. We expect to have a new Social Worker by April 2006 and will continue to provide updates on the progress of the program.

FLORENCE PROJECT SERVICES

In 2005, the Florence Project provided:

- legal orientation presentations to 12,479 men, women, and children in detention
- in-depth case assessment and follow up services to 6,758 people
- intensive pro se assistance to 892 people
- representation at bond hearings to 100 people
- case assessment and follow up services to 1,259 children
- assisted or represented 261 people in their merits hearings to seek legal status in the US

Additionally:

- 50 cases were referred for pro bono representation
- 111 volunteers assisted in Florence’s mission
## Individuals

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To volunteer for the Florence Project:
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Jahrenberg@firrp.org
520.868.0191 x106

To contact the Florence Project or to schedule a visit:
Mailing Address:
P.O. Box 654
Florence, AZ 85232
Phone: 520.868.0191
Fax: 520.868.0192
Website: www.firrp.org
About the Florence Project

The Florence Project's work is carried out primarily through four programs: the Florence “Justice and Efficiency” Model, the Eloy Pro Se Model, the Detained Immigrant and Refugee Children’s Initiative, and the Integrated Social Services Program. As part of its direct legal services, the Project has created “Know Your Rights” videos and self-representation packets as an educational resource for nonprofit service providers and detained people nationwide. Nationally, the Florence Project advocates for positive change in federal policies and practices towards those detained and it serves as a resource-development and training center for detention program “best practices.” The Florence Project undertakes its national advocacy through membership in the Detention Watch Network, a coalition of more than 100 nonprofit organizations working with the men, women, and children who are held in the U.S. as immigration detainees.

Mission and Vision

The Florence Immigrant and Refugee Rights Project, Inc., “Florence Project,” provides holistic, free legal and social services to immigrants, refugees, and U.S. citizens detained by the Immigration and Customs Enforcement (ICE) in Arizona for immigration processing. The Florence Project serves men, women, and children, including those with mental health and social service needs. The Project believes that everyone should understand their rights and options under immigration law and have access to legal counsel. Although the government assists indigent criminal defendants and civil litigants through public defenders and legal aid attorneys, it does not provide attorneys for people facing deportation. The Project strives locally and nationally to address this inequity, working toward a more just and efficient judicial system for the rapidly increasing numbers of individuals in immigration detention.

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