



NEWSLETTER

FALL 2020

**FLORENCE
IMMIGRANT
& REFUGEE
RIGHTS PROJECT**

Chaos & Separation: Yarlenis & Yosbel's Story

When Yarlenis and Yosbel left Cuba in 2019, they had no idea what they would encounter as they tried to seek safety in the United States: a closed border, a global pandemic, a high-risk pregnancy, and ultimately, an agonizing separation from one another because of cruel and punitive immigration policies.

In Cuba, they suffered political persecution, surviving several violent attacks. In one case in 2018, a Cuban official struck Yarlenis in the stomach when she was five months pregnant, causing her to lose the child she was carrying. It was her fourth miscarriage.

When Yarlenis and Yosbel sought asylum in the U.S. in April 2020, Yarlenis was six months pregnant. Her doctor had warned that the pregnancy was high risk due to her past trauma as well as prior instances of gestational hypertension and pre-eclampsia. The couple tried to explain to immigration officials in Tucson that both Yarlenis and the baby would be at risk if she were forced to continue her pregnancy waiting at the border in Mexico, without adequate access to healthcare. Nevertheless, they were told that every migrant who "entered without inspection" must be placed in the Migrant Protection Protocols (MPP) or "Remain in Mexico" program. They were returned to Nogales, Sonora the next day with a court date scheduled for the following month at a courtroom over 350 miles away in El Paso, Texas.

Fearing what might happen if they failed to present at the Ciudad Juarez/El Paso border for their court date, Yardenis and Yosbel made the long and dangerous journey, by bus, from Nogales to Juarez the day before their hearing. While on the bus, Yardenis began to feel ill and started leaking fluid. She was terrified that she was losing another pregnancy. When Yardenis and Yosbel arrived in Juarez, they learned hearings for people in MPP were further postponed due to the pandemic, meaning they had made the long, dangerous trip, risking Yardenis' and the baby's health, for no reason.

Immigration officials told them to leave and return to El Paso in a month's time. Yosbel begged with immigration officials, pleading that it would be extremely difficult for them to make the journey again because of Yardenis' pregnancy, especially because she was supposed to be on bed rest. They were told, again, that no exceptions could be made and that they had to return in a month. However, acknowledging her poor condition, Yardenis was ultimately transported to an El Paso hospital where she received an ultrasound, medical exam, and a COVID-19 test. She requested to have lab work done, but the hospital failed to do any blood or urinalysis. She never received the results of her COVID-19 test and, upon discharge, was immediately returned back to Mexico where Yosbel was waiting for her.

When her symptoms improved, she and Yosbel returned to Nogales. However, they had suffered persecution and were being threatened in Mexico by criminal organizations, and they continued to worry about Yardenis' pregnancy and her and the baby's health. Florence Project Border Action Team Managing Attorney Alexandra Miller accompanied them to present at the border to request removal from MPP and advocate for their entry into the U.S. to apply for asylum. At this point, Yardenis was nearing the end of her pregnancy. Still, the request was refused.

In late June, after experiencing increased threats to their safety in Mexico, they decided to cross the U.S. border to once again plead to be removed from MPP due to the risk of harm they faced in Mexico, as well as Yardenis' late-term, high-risk pregnancy. When they were taken into immigration custody, Yardenis was driven to a clinic in Nogales, Arizona, where she was given a shot. She believes it was administered to stop her contractions. The couple was then removed back

to Mexico under Title 42, a rule implemented by the CDC that allows the federal government to close the border under the guise of public health.

Back in Mexico, Yardenis and Yosbel relocated to another town in Mexico to escape threats of violence in Nogales. Yardenis' life and her unborn child's life were both at risk at this stage of her pregnancy. She began to feel contractions again, and knowing the risks that she and her child faced, she saw no choice but to try to enter the U.S. again and seek safety.

Even though the danger was immense, Yardenis and Yosbel put their lives at risk, crossing the Rio Grande River into the U.S. to seek the intensive medical care Yardenis knew she would need to safely deliver her baby. Sure enough, she was rushed to the hospital and gave birth via emergency C-section. She lost a lot of blood, but she ultimately safely delivered a baby boy.

However, while Yardenis was admitted to the hospital in labor, Yosbel was returned back to Mexico. **He has not met his son, who is nearly four months old, and their family now faces indefinite separation.** In September, Yosbel told a reporter from the Arizona Daily Star that he can "barely sleep" since being separated from Yardenis and their son.

**"I think no couple in the world would want to go through what I and my wife are going through."
- Yosbel to the Arizona Daily Star,
September 2020**

Alexandra again attempted to accompany Yosbel to the border in September to help him request that he be allowed into the U.S. to continue to fight his asylum case because of continued threats and his now months-long separation from his wife and baby son, but to no avail. They were told by Customs and Border Protection that they could make no exceptions due to the pandemic. Even when Yosbel asserted his fear of torture in Mexico, officials told him and his Florence Project attorney that they could not even afford him the protections due under the Convention Against Torture.

Over the course of the pandemic, the extreme uncertainty that people in MPP are living with has risen to a new level, with court dates constantly being moved and postponed. For people in MPP proceedings in Nogales, Sonora, MX, it has been even more confusing and difficult because they have to travel to El Paso, Texas for their immigration court proceedings until June of this year when migrants were advised to check their hearing date online, to learn about their case's postponement.

Yarlenis and Yosbel's story is ongoing and is, unfortunately, not rare. Their story embodies the real-life implications of the administration's cruel and punitive immigration policies: the Remain in Mexico policy and the Title 42 border closure. We hope that one day we will be able to update you with good news: a family reunified and safe in the U.S. By supporting the Florence Project, you support families like Yarlenis and Yosbel's. Thank you. *We thank the Kino Border Initiative for their ongoing partnership, which makes our Border Action Team's work possible.*



COVID-19 in Detention Timeline

As soon as scientists warned that COVID-19 was rapidly spreading across the United States, the Florence Project advocated that Immigration and Customs Enforcement release the many vulnerable people in its custody. We've received letters and statements from immigrants inside crowded detention centers in Arizona expressing extreme alarm at the negligence they're suffering under the government's watch. COVID-19 has raged through ICE facilities. Since March, we've filed several lawsuits and over 100 humanitarian parole requests for our clients' release, and we've conducted media campaigns to draw attention to this crisis. Thanks to your support, we are doing all we can to advocate for our clients' release, rights, and care.

Our clients described the situation firsthand:

"It is obvious to me and the women who are detained with me that the people who run the detention centers are not willing or able to protect us. I wonder if they care if we live or die."

"We have been locked up at times for periods of three days without being able to shower or communicate with our families."

"This place is a concentration camp where we can only wait for the worst."

The Florence Project took action before COVID spread like wildfire through the facilities:

MARCH 13

Florence Project calls for the immediate release of anyone in immigration detention who is considered high-risk for COVID-19.

APRIL 1

The first case of COVID-19 in a detention center in Arizona is announced.

Florence Project files a habeas lawsuit, asking a judge to order the immediate release of eight people in ICE custody who are considered high-risk for COVID-19. **"Every day that people with serious medical conditions sit in immigration detention is a day that their lives are being unnecessarily put in danger.** Time is of the essence for each of these people and for everyone in immigration detention," says Laura Belous, Florence Project Advocacy Attorney.

MAY 11

A federal judge rules in our habeas lawsuit that conditions in Arizona ICE detention centers "pose an objectively unreasonable risk of transmission of COVID-19 and a resulting substantial risk of serious harm..." Further, the judge finds that "these conditions serve no legitimate government objective..." and "...therefore amount to punishment and violate the Due Process Clause of the Fifth Amendment."

MAY 18

70 migrants at the La Palma detention center send a letter to family, friends, and advocates "begging" for protection from COVID-19. NBC News features the story raising awareness of the crisis.

"This is a life or death situation."

– Client



In May, a person in La Palma detention center mails the Florence Project a boxed meal that they're served three times per day. The accompanying note states that the meat is sometimes rotten.

JUNE 8

Florence Project files second habeas lawsuit, this time on behalf of 13 people at risk for severe complications from COVID-19. At this point in time, ICE has reported 13 cases of COVID-19 in the Eloy Detention Center and 78 in La Palma.

"The facilities' plans [to prevent infection] are both insufficient and not being effectively implemented. Release from detention is the only option to protect the health and safety of detained migrants," says Laura Belous.

JUNE 17

ICE has reported 145 cases of COVID-19 in Eloy and 83 in La Palma. Clients tell us they are in lockdown from 7pm until 3pm the next day. They cannot bathe or make calls while in lockdown.

"Every day, we saw ambulances entering and leaving the premises."

- Client

JULY 15

ICE reports 252 cases of COVID-19 in Eloy and 102 in La Palma.

AUGUST 28

ICE reports 233 new cases of COVID-19 in the La Palma detention center, bringing the total number of cases of COVID-19 in Arizona ICE detention centers to at least 687.

Over the course of the last six months, through rigorous advocacy, our team has secured release for at least 100 people.



ICE Was Holding Kids in Hotels. We Worked to Get Them Out.

In July, we learned that ICE was booking hotel rooms in Arizona and Texas to detain immigrant children who crossed the border to seek asylum in the United States. At least 660 children spent days or weeks in this shadow detention system before being expelled from the United States without any due process.

We were outraged. By placing kids in an unregulated hotel detention system, ICE sidestepped decades-old safeguards that were designed to protect children from abuse and ensure that they receive healthy food, medical care, and access to legal counsel while in U.S. custody.

We responded by creating a special Rapid Response Team to handle these urgent cases of imminent expulsion. To advocate for children's release, we need their individual names and information, so we invited allies around the country to share our phone number in immigrant communities with people whose loved ones were detained in Arizona hotels.

Micaela, who is 17, spent one night in a Tucson hotel under the watch of a private security company contracted by ICE to hold migrant children. Micaela fled El Salvador after being persistently targeted by gang members. She was trying to reach family in California and attain safety.

Micaela knew of three other children detained in the same hotel in separate rooms. Micaela said they only received a single Cup O'Noodles mixed with cold water for dinner. She felt hungry, scared, and confused. She was told that within days she'd be deported.

Meanwhile, her family in California figured out that she was detained and began frantically looking for her. Micaela's aunt and grandmother cried for hours as her cousin Genesis, a union organizer in California, called every ICE office in Arizona. They said Micaela was not in their system.

"You don't really know how messed up the system is until you're put in a situation like this," Genesis says. "We were extremely worried because we had no information whatsoever. It was extremely overwhelming



17-year-old Micaela reunited with her aunt and grandma in California.

and stressful. It does take an emotional toll on you, you know, spending hours on the phone and just feeling nervous and sad and super anxious."

A friend told Genesis to call the Florence Project, and we jumped into action.

In the past several weeks, our Rapid Response Team has received numerous calls from family members of children detained in hotels. Normally, migrant children are sent to shelters managed by the Office of Refugee Resettlement. There, they have a right to reunify with family in the U.S. and appear before an immigration judge. But children as young as 10 were being held in hotels by people with no licensing or oversight in childcare, while ICE arranged flights to send them back to the countries they fled.

We ultimately succeeded in getting all of the children referred to us transferred into the Office of Refugee Resettlement process of family reunification, including Micaela. This photo with her aunt and grandma was taken when Micaela finally arrived to them in California, where she also FaceTimed her mother in El Salvador. Her mom cried with relief to see her safe with family. Micaela can now continue her immigration case in the care of loved ones.

“I want to say thank you,” Micaela says. “Without organizations like the Florence Project, I wouldn’t be here.”

The Trump administration is exploiting Title 42, a rule that allows the government to close the border over public health concerns. The White House forced the CDC to order this shut down despite protests from the top scientist in charge. There are methods available to safely process asylum claims, even with a closed border. But the administration is instead using the pandemic to rapidly remove asylum seekers, including children, going against years of precedent to protect human rights. A judge issued an order requiring ICE to stop “hoteling” children by Sept. 15; however, the government is fighting back, and we continue to fight back, too.

Social Workers Respond

We’re so grateful for our Social Services Team’s leadership in helping the Florence Project adapt quickly to the public health crisis. We’re one of the first immigrant rights organizations to have social workers and attorneys working together.



Here, social workers Liz Casey and Victoria Perez collect mask donations to distribute to released clients. The team regularly delivers food and hygiene products to people that recently exited detention. They have made over 130 supply drops since the start of the pandemic.

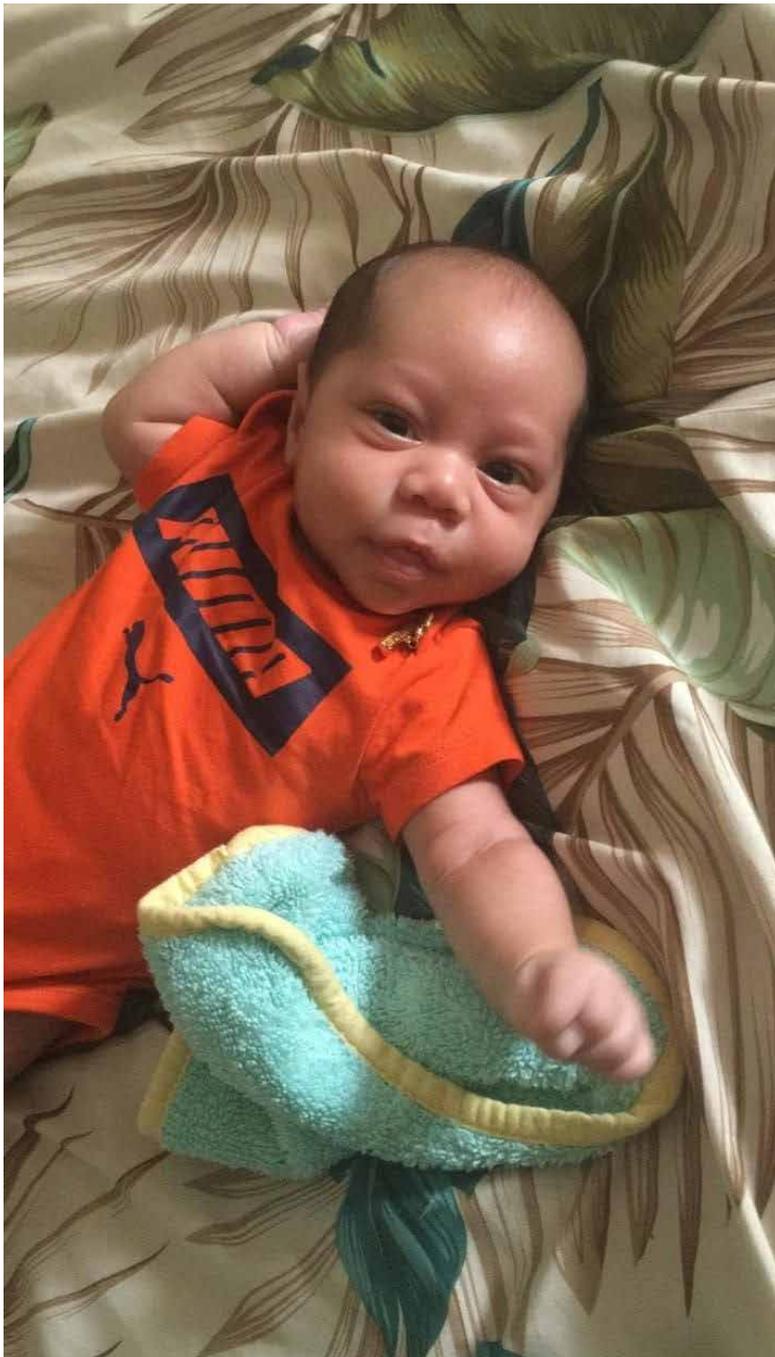
Our social workers help teenagers in government-run shelters avoid going to the COVID-19-contaminated adult detention centers when they turn 18. Our social workers create safety plans, with attorneys, to ensure the young person’s release to live with family or a sponsor.



Social Worker Hallie D’Angelo with her client, Manuel, after giving him masks and a food card.



Our social workers adapt to individual needs, such as when this man needed a wheelchair to move around after his release. He had hurt himself falling in detention and survived a difficult battle with COVID-19.



MAKE A GIFT

Learn more at: firrp.org/donate

The future of immigration is in your hands. You can protect our mission to provide free legal and social services to immigrants in Arizona.

Your gifts are tax deductible.

To give by mail, please make a check payable to:

Florence Immigrant & Refugee Rights Project (FIRRP)

and send to:

P.O. Box 86299 | Tucson, AZ 85754

For more information about supporting our work through your will, trust, or retirement plan, please contact our Director of Philanthropy:

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The mission of the Florence Project is to provide free legal and social services to detained adults and unaccompanied children facing immigration removal proceedings in Arizona.