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IMMIGRANT
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RIGHTS PROJECT

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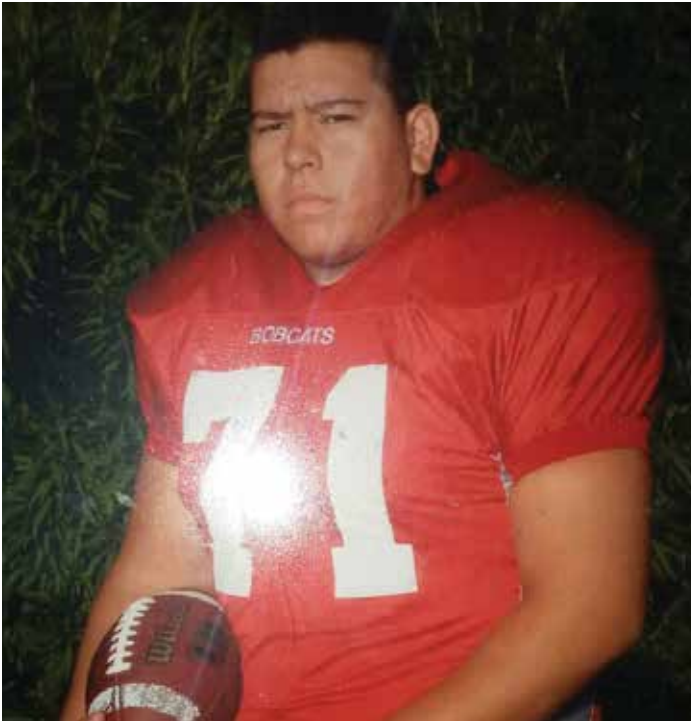
Rodrigo's Revelations in Detention

Growing up, *Rodrigo's mother called him "chiclet," like the Mexican chewing gum, because he stuck to his father and couldn't be pulled away. Father-son bonds run deep in their family, and Rodrigo has his own "chiclet" now who begs to join him on every errand. His home looks like a child's arts and crafts workshop. They're inseparable—apart from the two years Rodrigo spent in immigration detention. There, he overcame great personal challenges and realized the value of health, family, and freedom when life seems cruel and unfair.

Rodrigo grew up in central Phoenix. His family lived in a poor neighborhood and Rodrigo was often bullied. It wasn't until he became the biggest boy on the block that some kids who grew up to be neighborhood gang members left him alone. Rodrigo went on to play high school football and excelled as a defensive lineman. Standing 6'3", 350 lbs., he would break through opposing teams' offensive lines and disrupt their entire gameplans.

During those years, Rodrigo set a school record for quarterback sacks, and college scouts from elite Division 1 football programs took notice. He practiced hard, believing he had potential to someday play in the NFL. Football inspired his focus and discipline like nothing ever had before.

However, after a coach visited his family to discuss a college scholarship for Rodrigo, his mother told him, "You're not from here...You don't have papers."



Rodrigo had no idea he was undocumented. His parents had migrated with him from Mexico when he was three years old. His high school coach reached out to the college football programs to see if they could still offer scholarships to Rodrigo. The answer was no.

“That messed up a lot of my dreams,” Rodrigo says.

Shortly after his high school graduation, Rodrigo’s father died of cancer. This devastated him even more. “I was really close with my dad, so when he passed away, I just felt alone,” he says. Every time he left the house, he saw reminders of things they used to do together. The dual loss of his father and his football dreams led to a depression that lasted for years.

Rodrigo struggled to find steady employment because of his legal status. He got married and had a child, and in and out of temporary jobs, he served as their son’s primary caretaker while his wife worked. The family struggled to make ends meet, which also hurt Rodrigo’s self-esteem. Desperate to provide, he took work as a bouncer at a nightclub where drug use was pervasive. A friend there introduced him to painkillers. Rodrigo began self-medicating to cope with his loneliness, anxiety, and grief. He became addicted to pain medication. “It was a living hell,” he says. “I was at rock bottom. I wasn’t paying attention to my wife and son. I was just wondering what I was going to do to get money to get another fix.”

Rodrigo committed a crime—shoplifting with intentions to sell the merchandise—and was arrested and charged with a misdemeanor. He spent a night in jail and at court the next morning, a judge ordered him released on time served. However, as soon as police processed Rodrigo to leave, ICE agents approached him. At the exit to the building, he was handcuffed, shackled, and sent on a bus to Eloy Detention Center.

People held for nonviolent crimes and cited for offenses such as traffic violations are frequently placed in deportation proceedings. Rodrigo faced long-term detention and separation from his family, in addition to the threat of being removed from the United States to a country that he didn’t know.

He says he did a lot of soul searching. “You have nothing but time in there, so you reflect on everything; what you’ve done with your life; what you want to do with your life; the people you hurt, your family, your parents; the reason why you’re there. Sometimes, something harsh has to happen for you to understand everything you’ve done wrong.”

In detention, Rodrigo joined a Twelve Step recovery program. He confronted buried emotions from his past and enrolled in behavioral health classes on issues such as anger management and mindfulness. He wanted both to improve himself and to prove to the government that he was changing, so he could avoid being permanently separated from his family. And he did change.

During his time in the prison-like facility, Rodrigo also worked in the kitchen as a cook and washed and buffed floors earning mere pennies per hour, for up to \$1.25 a day. He witnessed hostility and injustice from the guards towards immigrants who didn’t speak English, which disturbed him. He started spending time in the detention center library reading about the law and learning how the immigration system worked. With this research, he started helping others better understand their legal options.

One of Rodrigo’s friends almost signed a Voluntary Departure order, believing guards who said he had no chance of being released, until Rodrigo listened to his story and alerted him that he should be eligible for bond. “You have nothing to lose,” Rodrigo insisted. “Go to court and ask for it.” The man returned later

with tears in his eyes. Rodrigo was right. He would soon reunify with his family in California. The friend offered to help Rodrigo if he ever needed money to cover fees for his own release.

Rodrigo's case was unique. Having lived in the U.S. for decades, and with a wife and child who were American citizens, he was eligible to become a Legal Permanent Resident. However, the process would be very complicated now that he was detained and in deportation proceedings. A judge encouraged Rodrigo to contact the Florence Project, knowing he needed free legal assistance.

When Florence Project advocates Camilo Rodriguez, Maite Garcia and Anisa Villareal looked into Rodrigo's family history, they found that his father's brother had petitioned the government for legal status in the past. The application remained incomplete, so Florence Project advocates worked to help Rodrigo's family finish the paperwork. There were expensive fines required. But if Rodrigo could cover them, he had a pathway to avoid deportation and to become a legal permanent resident through his family and his American citizen wife.

Meanwhile, the pandemic hit, and Rodrigo was among the many in ICE custody who fell ill with COVID-19. He nearly died while sick with fever, shivering in a cold hard bunk, struggling to breathe. There were days and weeks of 23-hour lockdowns. It was a nightmare, Rodrigo says, but he continued to work on himself, reading self-help books and filling out worksheets reflecting on his actions and emotions before the government separated him from his wife and son.



**“
Being in [detention] opened everything up. I realized what my life was like without my family. That’s when I broke down crying. That’s when I started joining the church groups. The Bible actually helped me a lot.”**

With financial support from his friend who was released on bond, Rodrigo arranged to pay the fine for the residency application. A judge had expressed interest in granting Rodrigo's freedom, but he needed to review the case once more. At that final hearing inside Eloy Detention Center, Rodrigo and his Florence Project advocates waited with bated breath as the judge considered whether to approve Rodrigo's Adjustment of Status or deport him.

“When he took a few seconds to decide, it felt like forever,” Rodrigo says. “So many things were going through my head. Those three seconds to me seemed like an eternity. My heart was beating like in a cartoon, coming out of my chest.”

The judge granted his freedom. Rodrigo recalls the judge saying he would welcome him to the United States, but he’d already been here for his entire life. He encouraged him to become a citizen as soon as possible because this was his home. No one would blame Rodrigo if he were angry about being sent to immigration detention in the first place, and for such a long time. It lasted nearly two years due to a backlog in cases caused by a surge in enforcement, and due to court closures attributed to COVID-19. But Rodrigo seems at peace with his experience. After being dropped off by ICE agents at a bus station in downtown Phoenix, he walked home to enjoy being outside in his community.

“Those two years were the worst of my life,” Rodrigo says. “That’s two years of my son’s life that I didn’t get to stay with him. But if I would have never gone there, if I would’ve died out here, that’s the rest of my son’s life I would never see. So, I’d rather not be in my son’s life for those two years, knowing that I got out here and I’m good. Now I can spend the rest of my life with him growing up and doing a lot more. I came out being a better man.”

** Pseudonym used to protect privacy*



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Arriving at a port of entry hoping to find protection, instead we find a mockery of our dignity. We find rejection and discrimination."

Lisandro

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The only thing that keeps me standing is the hoping that they will help us."

Rosario

Policy Update: "There Is No Access to Asylum at the Border."

Imagine fleeing your home because you and your family face death threats or are being persecuted for your sexual orientation. Imagine leaving everyone you know and everything you own to seek safety in a distant foreign land, knowing you may never see your home, family, or friends again. You arrive to the border and are told "There is no asylum. You can't enter." You then stay in an unfamiliar border town, where you are vulnerable to exploitation and violence and will struggle to find work and a safe place to live. Or you can go back to the dangerous situation you fled.

This is the cruel dilemma thousands of people have found themselves in for the past several years due to U.S. policies like the Title 42 border closure and the Migrant Protection Protocols (MPP), also known as "Remain in Mexico." When we meet people in Nogales, Sonora, Mexico, they are desperate for safety for themselves and their families, and many have already been displaced for months.

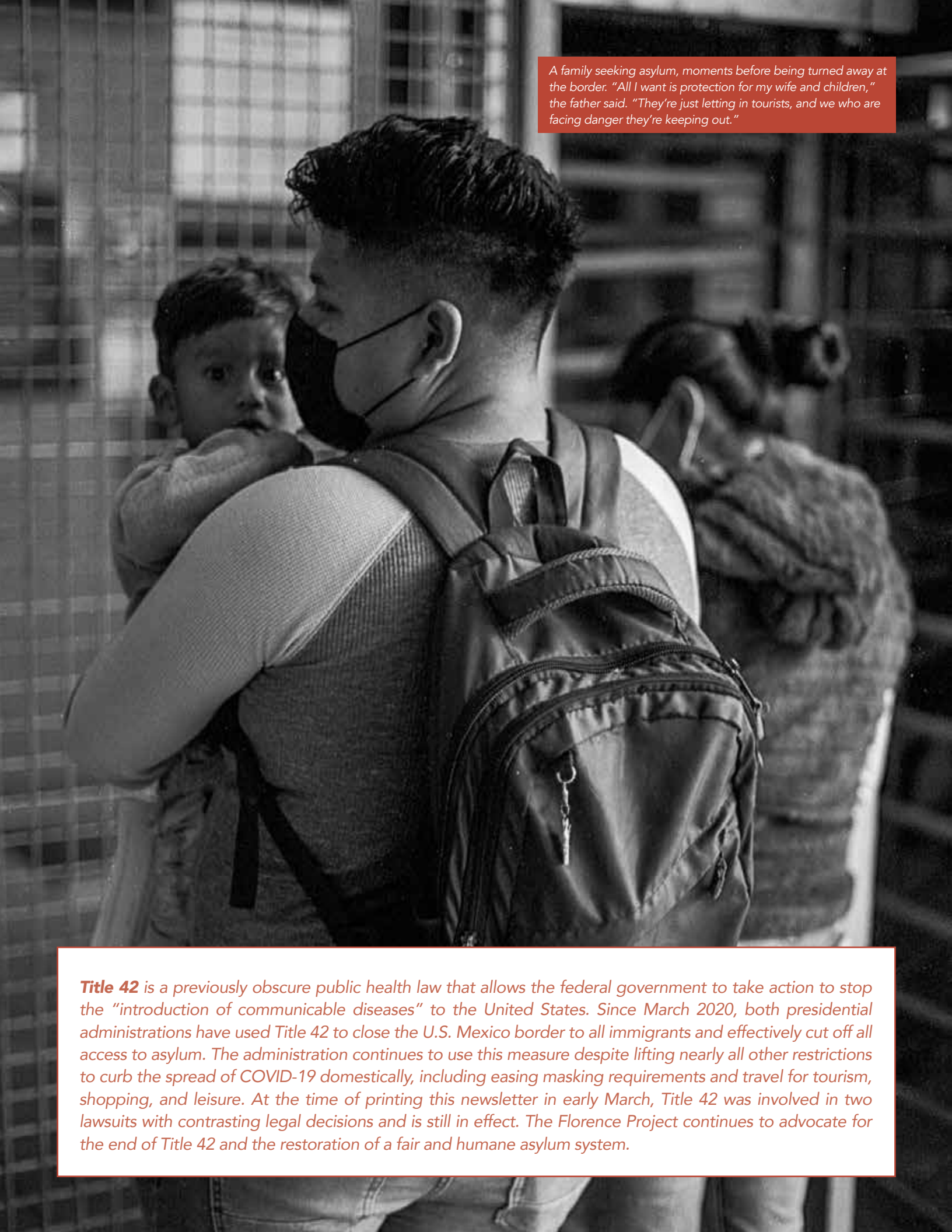
Our clients Ruben* and Cesar* fled Honduras after people in their neighborhood began to threaten them due to their sexual orientation. Local police had ignored similar threats made against other LGBTQ people, so they knew going to the authorities would not keep them safe. In the summer of 2021, they left Honduras to seek protection in the United States.

When they arrived at the border, however, they found that they were barred from entering the U.S. due to the Title 42 border closure.

Managing Attorney Chelsea Sachau and her colleagues on the Florence Project's Border Action Team (BAT) met Ruben and Cesar through our partners at the Kino Border Initiative. They report suffering discrimination, extortion, and threats while displaced at the U.S. Mexico border. They fear for their lives and have been functionally homeless in Nogales, in part because they face housing discrimination as LGBTQ migrants. This same bias prevented them from finding steady work. They currently share a room with many other displaced people, with a sheet hung around their bed as their only privacy.

Ruben and Cesar's case is one of twenty-four that we presented individually to U.S. immigration officials requesting humanitarian parole, a process that allows individuals to enter the U.S. in an emergency or an urgent humanitarian situation. All of our requests were left pending for months, despite the urgent, life-threatening situations our clients faced.

Ultimately, our Border Action and Advocacy Teams decided that further action was necessary to compel the government to answer our requests and to gain



A family seeking asylum, moments before being turned away at the border. "All I want is protection for my wife and children," the father said. "They're just letting in tourists, and we who are facing danger they're keeping out."

Title 42 is a previously obscure public health law that allows the federal government to take action to stop the "introduction of communicable diseases" to the United States. Since March 2020, both presidential administrations have used Title 42 to close the U.S. Mexico border to all immigrants and effectively cut off all access to asylum. The administration continues to use this measure despite lifting nearly all other restrictions to curb the spread of COVID-19 domestically, including easing masking requirements and travel for tourism, shopping, and leisure. At the time of printing this newsletter in early March, Title 42 was involved in two lawsuits with contrasting legal decisions and is still in effect. The Florence Project continues to advocate for the end of Title 42 and the restoration of a fair and humane asylum system.

insight into the process these authorities use to review humanitarian parole requests. Alongside our partners, Arizona Justice for our Neighbors, and with the support of Phoenix law firm Osborn Maledon, we sent a demand letter reminding the Customs and Border Protection office of its legal obligation to answer humanitarian parole requests in a timely manner, with individualized explanations for each denial.

We also informed local officials that our next step would be to elevate the most time-sensitive, pressing individual cases to the attention of Arizona congresspeople and senators. Shortly thereafter, local immigration authorities granted exemptions to the Title 42 border closure to four families with children with severe and urgent medical conditions: a young girl with a life-threatening skin condition; a child with a tethered spinal cord; a child in kidney failure; and a child with blood clots on her brain. On more than one occasion, staff at the Kino Border Initiative's Migrant Welcome Center, where the families received services, had to catch the girl to prevent her from falling and hitting her head when she fainted as a result of the blood clots.

As Managing Attorney Chelsea Sachau told BuzzFeed News in a recent story, "It should not take a call to a congressperson for a child with blood clots in the brain or [a] tangled spinal cord to be considered urgent humanitarian circumstances." Unfortunately, that is the state of affairs in Nogales and along the Arizona border, with effectively no access to asylum at the U.S. Mexico border, even for vulnerable families with children in desperate need of medical intervention.

These successful humanitarian parole requests required significant and continued pressure by Florence Project staff, and the promise of Congressional intervention – a level of advocacy that is unsustainable and unavailable to the vast majority of people seeking safety at the border. These four cases are just a fraction of the humanitarian parole petitions we submitted in the second half of 2021, and many of the others remain ignored or even denied with no reasoning, including Ruben and Cesar's.

Another case that remains pending is that of the Gonzalez family. Their 11-year-old daughter suffers from undiagnosed seizures, and they cannot access the medical care needed to diagnose and treat her in Nogales, Sonora. The Gonzalez family fled death

threats in their home, and they currently live in a room with no electricity or running water, all four of them squeezing onto one mattress to sleep at night. Shortly after their arrival to the U.S. Mexico border, they were attacked by men they didn't know who took all the money they had. Like Ruben and Cesar, they have been waiting for a humanitarian parole response for months, as their daughter continued to have seizures.

Sadly, we know that there are many stories like these that we haven't heard about. Thousands of people have been displaced at the U.S. Mexico border over the past two years. We are doing everything we can to help individuals and families in the most desperate situations, but border closure policies are putting people's lives in danger. With policies like Title 42 in place, there is no access to asylum in the United States, even for people in the most vulnerable and precarious situations. This policy was initially enacted in the name of public health; however, nearly two years into this pandemic, we know there are ways to safely process people seeking asylum while protecting the health of people migrating, government officials, humanitarian reception staff and volunteers, and the general public. To make matters worse, local immigration authorities are refusing to use the power the law gives them to exempt the most urgent cases.

The previous administration chose to enact Title 42 for political reasons, to shut down access to asylum at the border, capitalizing on the confusion and fear of the early days of the COVID-19 pandemic. However, at this point, the Biden administration solely shoulders the blame for the continued application of this policy.

The continuation and normalization of the Title 42 border closure threatens to fundamentally reshape access to asylum in the United States. We need your help. We must take a firm stance against policies that restrict people's right to seek asylum. The United States' asylum and refugee laws were passed after World War II to ensure that there was a process for people to seek safety from persecution in this country. We have a moral obligation to ensure that people fleeing danger now, sixty years later, still have a fair opportunity to seek protection and safety at our borders. We will not give up in our pursuit of this goal, and we thank you for partnering with us and our clients on the journey to build a humane immigration system.

The Future of Immigration Is in Your Hands

You can make a gift that will strengthen the future of the Florence Immigrant & Refugee Rights Project and protect our mission to provide free legal and social services to immigrants in Arizona by adding the organization to your will or estate plan.

A planned gift as part of your estate:

- Is easy to arrange—a simple paragraph added to your will is all it takes.
- Preserves your savings and cash flow.
- Can be changed or revoked as needed.
- Allows you to be far more generous than you ever thought possible.
- Costs you nothing during your lifetime.

You can also:

- Make the Florence Project a beneficiary of your life insurance policy by simply requesting a form from your insurance company and filing it.
- Contribute some or all of your IRA. If you are 70.5 years of age or older, you can make a qualified charitable distribution (QCD) from your IRA.

Interested?

Contact Anthony Pelino, Mission Engagement Manager
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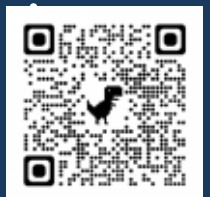
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The mission of the Florence Project is to provide free legal and social services to detained adults and unaccompanied children facing immigration removal proceedings in Arizona.