

DUE PROCESS RIGHTS ARE HUMAN RIGHTS

JDC Is at the Center of Collaborative Rapid Response Actions to Protect Immigrants' Rights

By JDC staff

The new administration in Washington, D.C. has brought with it many changes, including new realities with regard to immigration laws and enforcement. The increase in enforcement actions by immigration authorities is met by an organized effort to organize rapid response legal assistance by community organizations and nonprofits. As a proud partner of the Northern California Rapid Immigration Response Network (Rapid Response Network), the Justice & Diversity Center (JDC) of The Bar Association of San Francisco (BASF) is tasked with coordinating a response to new immigration policies and actions.

The Rapid Response Network serves as a collaborative of organizations that includes the American Civil Liberties Union of Northern California (ACLU), the National Lawyers Guild (NLG) and the American Immigration Lawyers Association of Northern California (AILA). The network's goals are to provide rapid response support

to every community within the jurisdiction of the San Francisco Immigration Court—from Bakersfield to the Oregon border.

The network's readiness was put to the test in the second week of June as US Immigration and Customs Enforcement (ICE) conducted enforcement actions along the central coast, arresting dozens of individuals in Monterey and Santa Cruz counties. As is often the case in regional enforcement actions, rumors that immigration authorities were in the community began to circulate before any confirmed arrests. JDC became one of the first points of contact for community organizations that had verified enforcement actions taking place.

The first confirmed reports came to JDC from Santa Cruz, including reports that individuals had been picked up on their way to work. Immigration case coordinators at JDC were able to contact family members and conduct intakes with regards to the enforcement actions.



Members of the ICE immigrant removal task force outside a home during an early morning raid to arrest and deport an immigrant. Photo credit: Getty Images

Adriana Melgoza at the Watsonville Law Center served as one of the primary points of contact between families and the larger network. “Working with the network helped us serve our community, especially during stressful and difficult times for our families. Not only were we provided with the legal resources we needed but it has given us hope that we have the support for our community.”

As part of JDC’s immigration team, case coordinator Mario Martínez was tasked with conducting intakes with family members and following up with information about their cases once JDC was able to confirm the location of their loved ones. Martínez believes providing that type of basic information is particularly valuable in an otherwise traumatic situation for immigrant families. “I think the experience of having a family member taken away by ICE without warning is extremely difficult. I felt the family members I talked with appreciated any information we could provide.”

Hamid Yazdan Panah, attorney coordinator for the Rapid Response Network, describes the climate of fear and panic that often accompanies enforcement actions. “There are various community-based rapid response networks that are on the ground in these affected areas, many of them are underresourced and run by volunteers. They are often overwhelmed by the panic and fear that takes place in the community when these enforcement actions take place. Through the network, they contact us with information about an individual who has been picked up, and we follow up with that information.”

Avantika Shastri, legal director of the San Francisco Immigrant Legal Defense Collaborative and senior supervising attorney of the immigration programs at JDC, believes that access to counsel remains at the heart of due process in the immigration context. “Right after the arrest, ICE makes critical decisions about an immigrant’s case. ICE decides whether the person is provided a hearing before an

immigration judge or is deported within days without any further recourse to stay with their family. Due process rights are human rights, and we believe that this network and its efforts will underscore that.”

Unlike individuals facing criminal charges, detained immigrants do not have a Sixth Amendment right to counsel and are often unable to speak to an attorney before or after they are placed in immigration proceedings or detained.

Shastri notes that providing access to legal counsel serves the dual purpose of ensuring that due process is being followed by the government and providing detained individuals with information about their rights and options. “So many immigrants don’t know their rights and can’t judge if ICE is following the rules or correctly understanding their case. Having an attorney present is important to ensure that each immigrant is afforded his or her due process rights at this critical moment.” says Shastri.

The network is part of a growing trend throughout the country to coordinate between organizations and

communities in order to ensure that detained individuals are afforded due process and legal assistance.

Carole Conn, director of public service programs at BASF who oversees JDC’s Immigrant Legal Defense Programs, believes that the network is a natural response to the new realities faced by immigrants in the United States. “In this postelection era of new priorities that prizes the arrest not only of those with past criminal convictions but of anyone who is undocumented regardless of being a productive member of society, regardless of past trauma that led them here, regardless of the hardship imposed on the families they leave behind—this activity needs to have a swift response. The Rapid Response Network accomplishes that firsthand.”

Although the network is in its early stages, Yazdan-Panah believes it played a positive role in the central coast enforcement actions. “Based on the intake data, we were able to contact ICE and find out exactly where these individuals were being housed, whether they were subject to immediate deportation, whether they would go before a judge, and whether they were eligible for bond. AILA, Santa Clara County immigration agencies, and JDC provided attorney

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referrals. JDC also reached out to attorneys at Centro Legal de la Raza, a local nonprofit that regularly visits the detention centers, to ask them to meet with the detainees. This was incredibly valuable information for the families to have as they tried quickly to figure out how to help their detained family member. Hopefully, as the network grows, we can do more.”

Along with others in the network, JDC is also in the process of developing an attorney activation component that will seek to ensure that individuals being processed by ICE are afforded a consultation with an immigration attorney.

For now, the network hopes to provide whatever assistance it can as it continues to develop and organize its resources. JDC immigration case coordinator Roxana Quintero underscored the value and impact of the network’s rapid response work. “Being able to help these families during these moments of distress—by providing referrals, resources, and legal advice from network attorneys—was extremely rewarding.”

Yazdan-Panah believes that the enforcement actions create a wave of panic and fear throughout a community, often among the most vulnerable. “It is difficult to really understand how deeply these arrests affect a community. We’ve heard reports about individuals being too afraid to leave their homes even to buy food after these incidents. Often families who are awakened at four or five in the morning and have loved ones taken away do not understand what is actually going on. In the case of the central coast, many of the individuals affected are economically exploited migrant workers and have little or no support or access to immigration counsel.”

The Northern California Rapid Immigration Response Network continues to seek community-based volunteers, including attorneys, interpreters, and coordinators. No immigration experience is necessary to volunteer. To find out more about the network and potential opportunities to get involved, visit the network’s website at rapidresponse.sfbar.org.

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