May 1, 2014

The Honorable Jeh Johnson
Secretary
Department of Homeland Security

Dear Secretary Johnson:

We write to offer critical priorities for administrative reform within the Department of Homeland Security. These recommendations are rooted in the experience of immigrant workers and their families in New Orleans and across the South and focus on protecting labor and civil rights and preventing retaliation for the exercise of those rights. We also ask for protections for civil and labor rights leaders named on the attached list who remain in proceedings or face the instability of temporary reprieves.

Since our founding in 2007, the New Orleans Workers’ Center for Racial Justice has worked with civil and labor rights defenders, in New Orleans, in the Deep South, and across the country, to expose gaps in civil and labor rights implementation and to propose policies that will facilitate deeper access to justice. In the past seven years, we have documented a pattern of aggressive, unconstitutional enforcement programs by ICE in the region which have intruded on the enforcement of labor and civil rights including:

- Workplace raids resulting in mass civil immigration arrests of workers in labor disputes;
- ICE and CBP enforcement raids and arrests on organized Day Labor Corners;
- Deportations based on arrests by the New Orleans Police Department even after USDOJ found a pattern and practice of racial profiling in the underlying arrests;
- Deportations that arose from notice that individuals had filed civil rights complaints about unlawful detention by ICE’s local law enforcement partners much longer than the 48 hour period authorized by ICE’s own regulations;
- Surveillance of and enforcement against workers and collusion with an employer under investigation in a labor trafficking conspiracy;
- Failure to implement Prosecutorial Discretion including the unique standard for civil and labor rights defenders under the Certain Victims Witnesses and Plaintiffs Memorandum;
- Racial profiling based Criminal Alien Removal Initiative (CARI) community raids.

Many workers have also faced retaliation and some have been deported for exposing the impact of immigration enforcement on civil, labor, and human rights and for demanding an end to those practices.
The attached civil and labor rights recommendations for administrative relief arise from this work and from the recognition that collective action and the voice of the people affected by policies is critical to protecting civil, labor, and human rights. We urge you to include these recommendations as part of broader enforcement reform within the Department of Homeland Security.

These civil and labor rights policy recommendations have broad support. The White House and Senate have endorsed the importance of protections for workers in civil and labor rights disputes. In February 2013, the White House communicated that its immigration priorities “protect[] workers against retaliation for exercising their labor rights.” The bipartisan Senate Bill S744, at Title 3, §3601 also includes the POWER Act, providing expanded U visa eligibility for workers involved in serious civil and labor rights disputes. Protections for civil and labor rights defenders was also raised as an issue in the U.N. review of U.S. compliance with the International Covenant on Civil and Political Rights.

In its April 7, 2014 editorial, the New York Times emphasized that, “When immigrants assert their civil and labor rights against abusive employers, it should protect them from deportation and retaliation.” Moreover 2013 polling on worker protections and immigration reform showed broad, bipartisan support among voters including:

- Eight in ten (80%) agree that “immigrant workers who blow the whistle on abusive employers are helping U.S. workers defend workplace standards, and they should have the opportunity to stay in the U.S. to work towards citizenship” (48% strongly agree).

- Nine in ten (90%) would “allow a legal immigrant on a work visa to leave a job without losing permission to work in the U.S. if the immigrant is being abused or mistreated by the employer,” and support is strong across party lines (D: 86%, R: 90%, I: 94%).

We also ask for protections for the civil and labor rights leaders on the attached list who remain in proceedings or face the instability of temporary reprieves. Stability and protections for these

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*New Orleans Workers’ Center for Racial Justice*
local leaders is critical to creating a culture where DHS has an open dialogue with grassroots civil and labor rights leaders about serious violations as they arise. Many workers on the attached list who were arrested through CARI raids or in the context of civil and labor rights disputes have been granted temporary stays of removal, but continue to be at risk for deportation.

We look forward to continuing open dialogue about enforcement reforms within DHS and we invite you to New Orleans to meet with civil and labor rights leaders who helped rebuild the physical infrastructure of the city after Hurricane Katrina and have also helped build a civil and labor rights culture within employers and law enforcement across the city and region.

Sincerely,

Saket Soni
Executive Director

Jennifer Rosenbaum
Legal and Policy Director

Jacinta Gonzalez
Lead Organizer
CIVIL AND LABOR RIGHTS POLICY RECOMMENDATIONS FOR THE DEPARTMENT OF HOMELAND SECURITY FROM THE NEW ORLEANS WORKERS’ CENTER FOR RACIAL JUSTICE

1. Affirmatively Protect Individuals Defending Civil, Labor, and Human Rights

A. DHS should clarify a process through USCIS for immigrants in civil and labor rights disputes to obtain immigration status and work authorization. These whistleblower protections are critical to protect immigrants who come forward to report civil, labor, and human rights. These protections are critical to workers who are out of status and to guestworkers whose status is tied to their employer.

These protections should include workers for whom this is their only eligibility for relief and those with pending immigration petitions (U/T visas etc.).

- DHS should start by granting deferred action to the individuals who have helped to expose the CARI raid program and other civil and labor rights violations in New Orleans. See attached list.

B. DHS should adopt a formal non-retaliation policy that prohibits its agents from targeting civil and labor rights defenders for arrest, detention, or deportation or using information derived from civil rights investigations in enforcement operation against such individuals (including in removal proceedings).

2. Protect Workers’ Rights in Immigration Enforcement

A. Prohibit civil immigration or criminal arrests of workers in the context of workplace enforcement against employers.

B. DHS should add Day Labor Corners and Worker Organizing Sites to the Enforcement Actions at or Focused on Sensitive Locations Memorandum limiting surveillance and enforcement actions at those location, and make that revised memorandum public. Ongoing surveillance and enforcement actions by ICE and CBP at day labor corners in New Orleans from 2006 until the present chills critical First Amendment speech and association and interferes with core labor rights.

3. Protect Civil Rights of Families and Communities

A. ICE should end home and community raids programs including the Criminal Alien Removal Initiative (CARI) and ensure civil rights protections during all enforcement operations. Evidence shows that CARI and other programs lead to unconstitutional enforcement actions and traumatic separation of families.
B. **DHS should place a moratorium on the purchase and use of mobile biometrics devices because they have been shown to lead to a pattern of racial profiling and civil rights violations.** These mobile fingerprinting devices contribute to racial profiling by facilitating unconstitutional race-based area sweeps. During these sweeps, individuals are temporarily detained—often handcuffed—and subjected to fingerprinting. These race-based area sweeps are unconstitutional and the fact that the eventual arrests can be rationalized through ICE’s priorities does not cure the underlying constitutional violation or the community trauma caused by racial profiling.

C. **DHS should not use deportation quotas or pursue deportations based on a person’s prior immigration history.** The CARI program which drove racial profiling based community raids with traumatic effects on New Orleans communities was motivated by a drive for high arrest numbers and a focus on individuals with immigration history.

D. **DHS should not contract, accept or use information from, or take action based on actions by local and state entities with a pattern and practice of civil rights violations.** This includes entities such as local and state law enforcement and detention centers. DHS should incorporate a clause requiring respect for civil, labor, and human rights into its contracts with local law enforcement, detention centers, and other contractors. For example if DHS discovers that one of its contracted private detention centers or local law enforcement offices has violated civil, labor, or human rights, it should terminate its contract. Termination would mean that these facilities and offices are no longer allowed to house detainees or participate in DHS programs.

E. **DHS should stop adding and remove existing civil immigration status information from the NCIC database.** This information is facilitating racial profiling and detention and arrest by local law enforcement based solely on alleged civil immigration status.

F. **End the use of immigration detainers.** Immigration detainers are unconstitutional and should no longer be issued.

G. **Adopt permanent public written guidance that there will be no immigration enforcement in evacuation, sheltering, return and reconstruction surrounding national disasters.**

4. **Make Prosecutorial Discretion a Transparent and Fair Process for Requestors**

A. **ICE should not pursue deportations based on arrests that are unconstitutional or violate DHS’s own guidelines.** If an enforcement action violates the Constitution or DHS’s own guidelines, ICE should not pursue deportations based on that action.
B. DHS should ensure that prosecutorial discretion review follows a transparent process that protects civil, labor, and human rights, and family unity.

a. Local field offices should complete a full review and communicate an answer to a request in writing that includes a written and reasoned answer to all requests within 1 week of receiving the request.

b. After a denial by the local field office, ICE headquarters shall complete a full review and communicate a reasoned answer in writing to the requestor.

c. No individual shall be deported during the time a request is pending with the local field office, with headquarters, or within 1 week after denial by headquarters.

d. The local field office and headquarters should re-review any application based on changed circumstances including health of immediate family members, status of immigration or other pending court cases, etc.

e. DHS should issue deferred action with work authorization to anyone whose case is administratively closed or otherwise benefits from the exercise of prosecutorial discretion. Consistent with the Morton memo, administrative closure alone should not be the default remedy; rather, cases should be terminated and removed from overburdened immigration court dockets.

f. DHS should issue time limited grants of discretion (stays of removal, etc.) for a minimum of three and up to ten years to ensure stability and humanitarian protections.

g. DHS should consider group prosecutorial discretion requests for workers; strict adherence to individualized review can threaten the effective enforcement of labor and civil rights laws.

h. DHS should ensure training, application, and tracking of the implementation of the Certain Victims, Witnesses, and Plaintiffs Memorandum, which sets forth a unique standard to protect civil and labor rights defenders and survivors of domestic violence and trafficking.
REQUESTS FOR RELIEF FROM
THE NEW ORLEANS WORKERS’ CENTER FOR RACIAL JUSTICE

Requesting A 5-Year Stay Of Removal And Deferred Action:

- Denis Chirinos-Avila (A#078-920-744): Mr. Chirinos-Avila is the proud father of a 1-year-old US Citizen. Mr. Chirinos-Avila entered the United States when he was a minor in October 2003. Mr. Chirinos-Avila was granted voluntary departure in 2004. He has no criminal record and does not pose a threat to public safety. He was granted a stay of removal until May 22, 2014. ICE arrested Mr. Chirinos-Avila during a CARI sweep in an apartment complex, where he was searching for a new home for his wife who was about to give birth.

- Hector Ruiz Contreras (A#098-556-377): Mr. Ruiz Contreras is the father of two US Citizens and is the sole provider for his family. He has one non-violent misdemeanor charge; however this doesn’t make him a threat to the community. He was granted a stay of removal until June 15, 2014. He was arrested at a raid in a bible study group as part of the CARI program in New Orleans.

- Jose Samir Alonzo-Reyes (A#096-333-230): Mr. Alonzo-Reyes is the father of an 8-year-old US Citizen son. Mr. Alonzo-Reyes is also a worker who has greatly contributed to the reconstruction of New Orleans post-Katrina. He was granted a 6-month stay of removal until May 15, 2014.

- Gustavo Bonilla (A#078-308-409): Mr. Bonilla is the father of two US Citizens and the step-father of third; he is also the sole provider for his household. He has never been convicted of any crimes. He was granted a stay of removal until June 3, 2014. He was transferred to immigration custody on an ICE hold because of a traffic stop in Jefferson Parish in Louisiana.

- Lorena Ortiz-Benevidez (A#205-307-049): Ms. Ortiz-Benevidez is a single mother of four US Citizens. She has no criminal record. She has been constantly involved with various community organizations. She was put in deportation proceedings given a previous deportation that came up when she was fingerprinted at an ICE checkpoint just a few blocks away from her residence in Harvey, Louisiana.

- Jose Torres-Enriquez (A#200-061-563): Mr. Torres-Enriquez is the proud father of a 4-year-old US Citizen. He has no criminal convictions and does not pose a threat to the community. Mr. Torres-Enriquez has been constantly involved with community organizations in the New Orleans area.
Enri Canales (A#098-882-817): Mr. Canales (aka Jose Calix Alvarado) is the father of two young US Citizen children. His youngest son has several developmental delays and has special medical needs. ICE detained Mr. Canales on May 22, 2013 while conducting a neighborhood sweep as part of the CARI program. Mr. Canales has lived in the United States for more than 9 years, has no criminal record, and was granted a positive finding of reasonable fear of persecution or torture if deported back to Honduras.

Juan Ramon Turcios-Garcia (A#098-589-998): Mr. Turcios-Garcia is the father of a 3-year-old US Citizen and two other arriving children from Honduras. He is the sole provider for his entire family. He has a misdemeanor for disturbing the peace, however he has never been convicted of any violent crimes and does not pose a threat to the community. He was detained after being racially profiled at a gas station and stopped by ICE agents as part of the CARI program.

Ronald Martinez-Rivera (A#200-118-775): Mr. Martinez-Rivera is the father of a US Citizen. He is the sole provider for his family. He has no criminal record. He was racially profiled, stopped and arrested by ICE agents as part of the CARI program and put under deportation proceedings in August, 2013.

Modesta Medina-Casco (A#088-172-589): A CARI team detained Ms. Medina-Casco in her home on January 14, 2014 when she was four months pregnant. ICE obtained her address because Ms. Medina-Casco filed a report with the New Orleans Police Department after being the victim of crime. She has no criminal record but was ordered removed in March 2008.

Jesus Aguilar Capetillo (A#087-489-957): Mr. Aguilar Capetillo is the step-father of two US Citizen children and is the father of a third US Citizen who all financially depend on him. ICE detained Mr. Aguilar-Capetillo on March 25, 2014 when a CARI team was conducting a neighborhood sweep. As he was leaving his home and was walking to his car to leave for work, ICE agents racially profiled him and fingerprinted him using a mobile biometrics device. Mr. Aguilar-Capetillo’s case shows that despite repeated advocacy illustrating the civil rights issues stemming from the CARI program, ICE continues to implement the same tactics.

Rosman Mendoza-Murillo (A#098-043-641): Mr. Mendoza-Murillo is married to a Legal Permanent Resident and is the father of three US Citizen children. As a result of a labor dispute involving his employer, Mr. Mendoza-Murillo was falsely accused of “Misrepresentation or Omission of Information Regarding a Workers Compensation Claim.” He is currently defending his innocence in court. Although Mr. Mendoza-Murillo is afraid of threats against his life if deported to Honduras, his Motion to Re-open was denied by the Immigration Court.
• Melvin Martinez (A#088-655-374): Mr. Martinez is the father of two US Citizen children and is the step-father to a third US Citizen child. He has lived in the United States for more than 8 years and has been a reconstruction worker in New Orleans. He does not have a criminal record and poses no threat to public safety. Mr. Martinez was transferred to ICE custody after being arrested for a traffic infraction in Kenner, Louisiana. ICE release Mr. Martinez on a 6-month order of supervision until September 2014.

• Sandra Ortiz-Meza (A#088-926-849): Ms. Ortiz-Meza is the single mother of a US Citizen daughter with several health problems, and has two other minor daughters in the United States for whom she is a sponsor with the Office of Refugee Resettlement Services. Ms. Ortiz-Meza plead to a non-violent misdemeanor, but is not a threat to public safety in any way.

• Nora Jimenez (A#205-379-753): Ms. Jimenez is a survivor of sexual assault, and fled her home country to look for refuge in the United States. Her young brother also fled violence in Honduras and she is currently his sponsor with the Office of Refugee Resettlement Services and his only support in the United States. Ms. Jimenez did not receive notification of her Immigration Court date but is unable to afford an attorney to file a Motion to Reopen.

• Mario Reyes-Cardona (A#097-744-545): Mr. Reyes-Cardona is the father of a US Citizen toddler and two minor children, released to their parents’ care by the Office of Refugee Resettlement Services. He has no criminal record and is a dedicated reconstruction worker. ICE detained Mr. Reyes-Cardona on December 5, 2013 as part of the CARI program when they entered his home without consent and fingerprinted and detained him in front of his young child. He was detained because he was deported once from the border in 2004.

• Lauriano Garcia-Zelaya (A#098-044-219): Mr. Garcia-Zelaya is the father of two US Citizen children and a step-father to a DACA eligible young boy. His partner suffers from multiple medical issues, including cervical dysplasia. He has no criminal record and has deep ties to his community, but has a prior deportation order. In April, 2013 Mr. Garcia-Zelaya was giving his co-workers a ride home, when a CARI team detained him as part of a neighborhood sweep in a predominantly Latino apartment complex.

• Melvin Bardales-Deras (A#087-895-962): Mr. Bardales-Deras is the father and step-father of two minor children who recently arrived to the United States and were released to their parents’ care by the Office of Refugee Resettlement Services. He is a responsible worker and has no criminal record. A CARI team detained Mr. Bardales-Deras on October 23, 2013 when he was stopped during a driving check-point in Kenner, Louisiana. He was arrested in front of his crying children and detained based on an in absentia order from 2011.
• Omar Victoriano German (A# 098-500-558): Mr. Victoriano German is the father of two young US Citizen children. His oldest daughter, age 5, suffers from recurring medical problems. Mr. Victoriano German was detained in 2013 when ICE agents conducted a CARI raid on a bible study group in which he was participating. He has no criminal history.

• Josue Lopez Ayala (A#096-076-365): Mr. Lopez-Ayala is the father of two young US Citizen children. His youngest daughter was born prematurely and has many health issues. Mr. Lopez-Ayala has no criminal convictions and is not a threat to public safety.

• Hector Rolando Perdomo (A#076-654-453): Mr. Perdomo has lived in the United States for more than 18 years and is the father of a 17-year-old US Citizen daughter who is currently enrolled in High School. He is very involved in his Church. A CARI team arrested Mr. Perdomo when they were conducting a sweep outside of a grocery store. He was purchasing dinner for his daughter after school.

• Victor Gomez-Ayala (A#088-024-829): Mr. Gomez-Ayala is the father of three minor children in the United States; his youngest daughter is three years old and is a US Citizen. His other two minor children recently arrived to the United States and on April 26, 2013 the Office of Refugee Resettlement released them both in their parents’ care. A CARI team detained Mr. Gomez-Ayala on November 15, 2013 when he was stopped based on racial profiling while driving in Metairie, Louisiana. Mr. Gomez-Ayala has an in absentia order from April 30, 2007. He has no criminal record.

• Juan Angel Rivera-Hernandez (A#098-500-411): Mr. Rivera-Hernandez is the proud father of a kindergardener in Louisiana who suffers from multiple health issues. ICE detained Mr. Rivera-Hernandez on November 5, 2013 in his home as a CARI team was conducting a raid in his apartment complex. ICE agents entered and searched the family’s home without consent and detained Mr. Rivera-Hernandez in front of his young child and partner, severely traumatizing his son.

• Irma Lemus (A#094-770-200): Ms. Lemus is the mother of two US Citizen children and one DACA eligible 9-year-old boy with recurrent and persistent chalazia in both eyes. She is a dedicated parent with no criminal convictions and posses no threat to public safety. On September 25, 2013, a CARI team detained Ms. Lemus outside of her home in front of her infant children based on an in absentia order. Although Ms. Lemus has filed a motion to reopen in immigration court, it has been denied and ICE has refused to grant her a stay of removal.
• **Juan Carlos Castillo-Salazar (A#097-736-118):** Mr. Castillo-Salazar is the father of a 3-year-old US Citizen son with special needs and developmental delays. He is a New Orleans reconstruction worker and has no criminal record. In August, 2013 Mr. Castillo-Salazar was driving home from work when he was racially profiled and intercepted by an ICE CARI team who had set up a driving check point in a predominantly Latino neighborhood.

• **Erlin San Martin-Gomez (A#099-517-891):** Mr. San Martin-Gomez is the father of a US Citizen infant who has been diagnosed with “failure to thrive,” a serious developmental condition. He is a hardworking reconstruction worker with no criminal record. A CARI team detained Mr. San Martin-Gomez while walking to pick his son up at his babysitter’s home. Based solely on racial profiling, ICE agents approached Mr. San Martin-Gomez, handcuffed him and fingerprinted him using their mobile biometric device. Through national advocacy, Mr. San Martin-Gomez won his freedom from immigration custody; his release paperwork exposed the CARI program, and he has become a vocal advocate defending his community’s civil rights.

• **Henri Danilo Cruz-Galindo (A#200-060-103):** Mr. Cruz-Galindo is the father of a young US Citizen daughter. He has no criminal record, but has previously been deported from the United States. ICE detained Mr. Cruz-Galindo as part of the CARI program on October 18, 2013 when he was arriving to his workplace. He was released on November 20, 2013 on a 6-month order of supervision.

• **Jimmy Barraza-Bonilla (A#098-883-799):** Mr. Barraza-Bonilla is the father of two US Citizen children and also a step-father to two additional US Citizen children. He was detained in a CARI operation in front of his apartment when agents approached him, his fiancée, and step-son with guns drawn while they were unloading groceries from the car. Mr. Barraza-Bonilla came to New Orleans over 9 years ago to help with the reconstruction effort after Hurricane Katrina. He has no criminal record.

• **Ernesto Zacarias-Lopez (A#099-519-515):** Mr. Zacarias-Lopez is the father of a 2-month-old US Citizen baby girl. He was detained in the parking lot of a Latino grocery store during a CARI raid. Upon exiting the store after buying fruits and vegetables for his pregnant girlfriend, he was handcuffed, fingerprinted and detained based on a prior deportation order. He has no criminal record.
• **Saul Antonio Merlos (A#094-825-877):** Mr. Merlos is the father of a 14-year-old US Citizen daughter who relies on his emotional and financial support. After being victim of faulty immigration advice he was ordered removed in absentia and was subsequently arrested and detained during a community raid. When Mr. Merlos was released from detention and granted a stay of removal, he spoke as a panelist at a law school event organized by a national human rights organization regarding immigration detention. He was promptly called back to the ICE office and re-arrested. Mr. Merlos was granted a temporary stay of removal and continues to be a leading voice from the community—including by testifying before the Inter-American Commission on Human Rights, but he still faces the fear of deportation.

• **Donaldo Izaguirre Cabrera (A#205-870-381):** Mr. Izaguirre Cabrera has contributed to the re-construction of New Orleans, is an active participant in community life and has lived in the United States for over 10 years. Even though he had a signed I-918 Supplement B from the New Orleans Police Department as victim of violent crime, ICE continued to pursue his deportation. Representing himself *pro se* before Immigration Court while detained, his request to talk about his bond and his pleading that he was a crime victim were brushed aside and he was ordered removed. It wasn’t until he managed to obtained *pro bono* immigration counsel and his U-visa application was vetted by USCIS that ICE relented and agreed to release him from immigration detention and cease pursuing his immediate deportation.

• **Amalia Xicon-Chun (A#200-115-045):** Ms. Xicon-Chun is the mother of a US Citizen baby and a DACA eligible young girl; her partner is a LPR. Ms. Xicon-Chun is the survivor of Domestic Violence and has obtained a signed I-918 Supplement B form from the New Orleans Police Department. Ms. Xicon-Chun worked with the Police Department in her native country of Guatemala and is afraid for her life if she is deported. Ms. Xicon-Chun was enrolled in the ISAP program with an electronic ankle monitor for two years.

• **Delmy Palencia (A#200-066-419):** Ms. Palencia is the proud mother of three, including a 3-year-old US Citizen. She was arrested by local law enforcement and separated from her then nursing son following a police response to her house where no interpreter was present. She was then over detained on an ICE detainer and only won her release from jail by filing a writ of habeas corpus. Upon her release she spoke publicly about her experience, including to members of City Council, after which she was swiftly re-arrested through an ICE raid on her house at night, which again separated her from her infant son and landed her in a rural detention center hours away. Ms. Palencia remains a leading voice in her community on the impact of immigration enforcement on families and has spoken nationally on these issues, including as a witness for the US DOJ in Federal Court. Ms. Palencia was granted a temporary stay of removal but still faces the fear of deportation.
Requesting A 5-Year Stay Of Removal And Removal From ISAP:

• Murilo Gomes Scherr Zouain (A#098-995-470): Mr. Gomes Scherr Zouain is a New Orleans reconstruction worker with strong ties to his community. After a traffic stop by the New Orleans Police Department, Mr. Gomes Scherr Zouain was transferred to immigration custody. Given that racial profiling and bias was involved in the stop, Mr. Gomes Scherr Zouain filed complaints with the New Orleans Independent Police Monitor and DHS’ Office for Civil Rights and Civil Liberties. Despite being a cooperating witness in these civil rights investigations, ICE has only granted him a 6-month stay with an electronic monitor fixed to his leg.

• Edas David Sevilla (A#200-113-774): Mr. Sevilla is reconstruction worker and member of the Congress of Day Laborers. As he was leaving for work one morning, Mr. Sevilla was caught up in a neighborhood CARI raid. ICE agents used excessive force to arrest him, even though he has no criminal record. He is being forced to self-deport from the United States based on a prior deportation from the border.

Requesting Administrative Closure In Immigration Court And Deferred Action:

• Roger Mejia Ramos (A#200-890-548)
• Carlos Zaldavar Fernandez (A#201-142-590)
• Esidoro Alvarado (A#201-142-595)
• Luis Miranda Mejia (A#201-143-932)
• Manuel Garcia Zeledon (A#201-142-593)

The five above listed New Orleans reconstruction workers were doing dangerous home elevation work in 2011 for an employer who wasn’t following basic wage and safety laws. Just as the workers were assembling to negotiate with their employer and to get unpaid wages, ICE carried out a violent raid at their pay-site. Despite being in a labor dispute with their employer and pursuing legitimate labor and civil rights complaints with the US DOL and DHS’ Office for Civil Rights and Civil Liberties previously, ICE is still trying to deport them contrary to its own Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs memorandum.

• Jose Luis Gomez-Castor (A#201-142-183): Mr. Gomez-Castor has been a reconstruction worker in New Orleans since right after Hurricane Katrina in 2005 as well as a long standing and active member of the New Orleans Congress of Day Laborers. In 2011 he was racially profiled by ICE on a know day labor corner as he was peacefully seeking work. An undercover agent pretending to be a contractor lured him into his vehicle. When ICE started questioning him, he invoked his right to remain silent and to speak to his attorney, but ICE arrested him instead and continued to question him without counsel. He has no serious criminal background and remains an active voice for day laborers’ rights in his community but he is still facing removal proceedings.
• Soila Fuentes-Moreno (A#205-379-158): Ms. Fuentes-Moreno is the mother of two, including a bright US Citizen born in New Orleans. After a family emergency, Ms. Fuentes-Moreno was forced to leave the United States to care for her young daughter in Honduras. Fleeing from violence and given health problems, she tried to reunite with her son in the United States and was detained at the border. She has no criminal record and has widespread community support to defend her right to remain with her son.

• Ovidio Varela-Gusman (A#205-568-846): Mr. Varela-Gusman came to New Orleans after Hurricane Katrina to help in the city’s reconstruction. He is an active member of the Congress of Day Laborers and has participated in multiple civil and labor rights campaigns. After participating in his organization’s yearly May 1st march demanding labor rights for all, Mr. Varela-Gusman went home to rest. While working on his car in his driveway, a CARI team conducted a wide sweep in his neighborhood and immediately detained him.

• Danilo Alberto Martinez-Rodas (A#205-870-313): Mr. Martinez-Rodas is the proud father of a US Citizen son and a deaf DACA eligible daughter. He has no criminal record.

**Requesting Removal from ISAP While Case Is Pending Before Immigration Court:**

• Rony Ramos-Carrasco (A#078-178-110): Mr. Ramos-Carrasco is the proud father of two US Citizen children. He has been deported twice before as a result of traffic stops by local police. Mr. Ramos-Carrasco has returned to New Orleans to be present in his childrens’ lives and because he faces threats against his life in Honduras. Mr. Ramos-Carrasco was arrested by ICE as part of the CARI program. He has no criminal record and is not a threat to public safety. He passed his reasonable fear interview on December 19, 2013 and has been enrolled in the ISAP program with an ankle monitor for over 6 months.

• Vanesa Villalobos-Flores (A#205-145-830): Ms. Villalobos-Flores fled her native Honduras because of threats against her life and those of her family. She is the mother of a US Citizen baby. Although she has obtained a positive credible fear determination and has been issued an NTA, she is still enrolled in the ISAP program and has an electronic ankle monitor that negatively affects her ability to care for her young child.