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Tougher immigration enforcement ignores the humanitarian needs of migrants

by Vicki Kline

Immigration and the Church

TUCSON, ARIZ. ? Every day, the courtroom in the De Concini Federal Courthouse which hosts Operation Streamline is typically full of 70 men and women from various parts of Mexico and Central America. Processed in groups, they are divided up into groups of people who will receive the same sentence. Each group, listening to the proceedings through interpretation headphones, waits its turn to be called in front of the Magistrate. Each person is given a plea bargain that has been created in advance between prosecutors for the U.S. Government, and defense attorneys who have met with each defendant for a few minutes that morning.

Operation Streamline was created in Del Rio, Texas, in 2005 to place criminal penalties on illegal entry into the various jurisdictions along the border. These criminal charges were to act as a deterrent to people; the idea was that the threat of jail time would prevent people from attempting to enter the United States without authorization.

I'd been there before, and this was all I expected to see when I walked into the courtroom recently. But it was not all: I walked into the courtroom and was greeted by a friend, a young man named Jaime*, with whom I had been visiting over the course of several weeks in Nogales, Sonora, Mexico.

Jaime turned his head toward the door, expressed his surprise to see me, flashed a smile, and lifted his hands, shackled together and to his waist, to wave. I smiled and waved in return, with some worry mixed in, and found a seat. I made a face that let him know not to wave, as the U.S. Marshals typically don't allow it. I couldn't keep my eyes off of him throughout the proceedings.

For first offenses, defendants are given a misdemeanor charge on their record, and instructed that they are

not to re-enter without authorization, or they could possibly face felony charges and increased jail time if apprehended again. For people who are given longer sentences, they are transferred to one of Arizona or California's many prisons or jails that contracts bed space to Immigration and Customs Enforcement, the U.S. Marshalls, or other federal entities. Several of these prisons are operated by the Corrections Corporation of America, a large private prison industry that has ties to the development of anti-immigrant legislation in Arizona.

The reality of this federal court process in the borderlands has changed the previously civil enforcement of immigration law. These new court processes have blurred the lines between civil enforcement and criminal, and have contributed to the criminalization of migrants in a way that did not exist before. Not only does this court process attempt to deter people with the threat of jail time, it also places long-lasting consequences on peoples' records; in the event that immigration reform opens up a path to legal entry, for people with criminal charges on their record, this process would be much more difficult to ever attain. However, Operation Streamline has already been challenged legally, in its short history, because of the denial of due process rights to defendants.

Jaime came from Honduras and intended to head to the East Coast to reunify with his father, not far from my own hometown. A charming 19-year old boy, Jaime carries just the right mix of mischievousness and seriousness for him to persevere toward his goal, and to not lose hope. As he pled guilty, necessarily in this structure, tears flowed from my eyes as I envisioned a red stamp being placed on the record of his young life. Knowing the weight of criminal prosecutions in this country, I was keenly aware of the toll that this would have on this young man's future here, or in his home country, once deported. Now that he has this misdemeanor conviction, if he is apprehended again, he will receive a harsher prison sentence. At such a young age, Jaime has been placed into a system that is unforgiving and does not care about the gravity of situation in his homeland, the gangs and violence, the utter poverty there. To seek freedom from that, in our current structure, is to plead "guilty" among a group of peers and in front of a panel of prosecutors. Jaime's group stood in line, each repeating the phrase: "Culpable." "Guilty." "Culpable."

I dried my eyes before Jaime was marched before us and led, arms and legs shackled together, from the courtroom. I wanted him to see me as strong as he was. Before the U.S. Marshal ushered him out the door and back into the lock-up where he would be held until being formally deported, he lifted his chained hands once more to wave, flashed me a big smile, and then disappeared.

There will be those who read this and feel better about immigration enforcement because to many, criminalization and subsequent harsh enforcement tactics are the answer. But that response does not speak to the desperation in the eyes of each shackled person as they march single-file out the door of the courtroom and into uncertain, unstable futures.

Thomas Merton once said, "You start more and more to concentrate not on the results, but on the value, the rightness, the truth of the work itself. You gradually struggle less and less for an idea and more and more for specific people. In the end, it is the reality of personal relationship that saves everything." The reality of personal relationship with people like Jaime, with the hope of a better future no matter the personal cost, remind me that among all of the battles between legality and illegality, above all, we must continue struggling for the humane treatment of people caught in the crosshairs of a failing immigration system.

**name changed to protect privacy*

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