

CHAPTER 8: IMMIGRATION



INTRODUCTION

In the majority of interviews conducted for this report, participants made a distinction between the issues facing undocumented people and those facing immigrants with legal status. The problems experienced by those with legal immigration status include long waits for application processing, difficulties communicating with immigration officials, and discrimination based on religion and country of origin. The situation facing undocumented people is much worse by virtually every marker. Not having legal immigration status means living with a continual, abiding fear that you or a family member could be deported at any moment. This fear undermines the ability of undocumented people to live safely and with dignity and to fully realize other fundamental human rights. Though the problems are fundamentally different between these two groups of immigrants, they all reflect a lack of respect for the right to live with dignity and security.

HUMAN RIGHTS AND IMMIGRATION

The U.S. immigration system, while generous in many respects, is riddled with systemic failures to protect human rights and meet obligations under the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). The UDHR and the ICCPR recognize that noncitizens in the United States have the right to freedom from discrimination.¹²⁴⁴ The ICCPR ensures the right not to be subjected to inhuman or degrading treatment or punishment.¹²⁴⁵ Noncitizens have the right to liberty and security of person, freedom from arbitrary and inhumane detention, and are entitled to prompt review of their detention.¹²⁴⁶ Noncitizens in the United States also have the right to due process and fair deportation procedures, including international standards on proportionality.¹²⁴⁷ Additionally, the UDHR enshrines the right to family unity,¹²⁴⁸ a right which is frequently abrogated in the United States as a result of deportation policies that separate families.¹²⁴⁹ The Human Rights Committee has stated that the right to family unity places limits on the power of States to deport.¹²⁵⁰ The UDHR also guarantees the right to security of the person.¹²⁵¹

¹²⁴⁴ Universal Declaration of Human Rights (UDHR), Art. 2; International Covenant on Civil and Political Rights (ICCPR), Art. 2

¹²⁴⁵ ICCPR, Art. 7.

¹²⁴⁶ ICCPR, Art. 9; UDHR, Art. 3, 9, 10.

¹²⁴⁷ ICCPR, Art. 13; UDHR, Art. 7, 10.

¹²⁴⁸ UDHR, Art. 12, 16(3).

¹²⁴⁹ The Advocates for Human Rights and Detention Watch Network, "Report to the United Nations Working Group on Arbitrary Detention: Detention of Migrants in the United States," January 20, 2014, http://www.theadvocatesforhumanrights.org/uploads/migrant_detention_in_the_us_-_ahr_dwn_-_january_2014.pdf.

¹²⁵⁰ United Nations Human Rights Council, 7th Session, *Report of the Special Rapporteur on the Human Rights of Migrants*, ¶ 17, A/HRC/7/12/Add.2 (Mar. 5, 2008) (prepared by Jorge Bustamante); *Report to the United Nations*

IMMIGRATION FRUSTRATIONS: DELAY AND DISRESPECT

Immigration law and regulations are administered by multiple federal agencies. The Department of Homeland Security oversees Citizenship and Immigration Services (USCIS), which is responsible for benefits applications, including citizenship, permanent resident status, family petitions, and asylum; Immigration and Customs Enforcement, which is responsible for detention, removal, and investigations of trafficking and other abuses; and Customs and Border Protection, which is responsible for inspecting all people and goods entering the United States and enforcing border policies. The Department of State oversees visa issuance and overseas refugee processing. The Department of Justice is responsible for the Immigration Court, which hears and decides all removal cases.

Both immigrants and advocates reported long waits for paperwork and processing.¹²⁵² One citizen noted that “legal immigration takes too long because of all the bureaucracy.”¹²⁵³ A permanent resident said he was looking forward to becoming a citizen, but “to get there, we had to go through an asylum case and it took thirteen years to get there. The reason is because, every time we would win a case, the government immigration attorney would appeal and fight more, we would have to re-file our case, which meant spending more money.”¹²⁵⁴ This individual summed up his experience by saying “it is kind of a reminder to those involved about the mistakes in the immigration system.”¹²⁵⁵ Because of the lengthy delays, one asylee whose case processed for eleven years said he had the “worst opinion that could exist of the immigration system and the people that work there that anyone could ever have. Because we were almost deported because of an error that immigration made and they never acknowledged their fault.”¹²⁵⁶

Interactions with the immigration system are reportedly often characterized by disrespect and a lack of fundamental dignity towards the immigrants. These interactions are frustrating for immigrants and their advocates. One woman said, “It seemed as if the people who worked in these places talked down to me and just wanted to hurry and get me out of their sight and out the

Working Group on Arbitrary Detention: Detention of Migrants in the United States, The Advocates for Human Rights and Detention Watch Network, January 20, 2014.

http://www.theadvocatesforhumanrights.org/uploads/migrant_detention_in_the_us_-_ahr_dwn_-_january_2014.pdf.

¹²⁵¹ UDHR, Art. 3.

¹²⁵² Interview 16 (“it took two years to get my citizenship, but it was mostly a waiting process.”); Interview 39 (“my mom’s process took an extra year”); Interview 54 (“it was a long process”); Conversation 20.

¹²⁵³ Interview 48.

¹²⁵⁴ Interview 46.

¹²⁵⁵ Interview 46.

¹²⁵⁶ Interview 53.

door.”¹²⁵⁷ A researcher returning from a visit to family overseas had \$10,000 seized when she was re-entering the United States, because her foreign currency placed her over the legal limit.¹²⁵⁸ Her U.S. citizen colleague said, “They were so nasty to her up there at the airport, just like she was dealing drugs or something.”¹²⁵⁹ The colleague noted that if the woman did not have connections or resources, she would not have been able to get the money back.¹²⁶⁰

Many people expressed frustrations over attempts to communicate with USCIS or get questions answered. All types of applications with Citizenship and Immigration Services are filed by mail, with a receipt mailed as confirmation of filing and evidence of a pending matter. Questions about the status of an application are addressed to the agency through three primary channels: an online case status system to check case status and average processing times;¹²⁶¹ the USCIS agency customer service telephone inquiry system, working through a menu in English or Spanish, to speak with a representative; or an appointment, scheduled online, to visit the local office and speak with an officer in person.¹²⁶² It is uncommon to receive detailed or meaningful answers about case questions through any of these channels. Many immigrants, especially older immigrants who do not speak English or use a computer, seek help contacting immigration from service providers or fellow community members.

Interviewees said it was hard to speak with a person or get an answer from immigration.¹²⁶³ Another person expressed frustration at the automated phone system, “It is hard to get answers; there is no live person.”¹²⁶⁴ One person said, “I paid the fee but I never got a response, yes or no.”¹²⁶⁵ Interviewees and service providers reported frustration at the lack of ongoing information from the immigration agencies when clients had pending matters.¹²⁶⁶ Another woman describes the process as confusing: “We forgot a paper and no one in the process told us it was missing.”¹²⁶⁷ People said “the slow process creates delay and hardship.”¹²⁶⁸

¹²⁵⁷ Interview 38.

¹²⁵⁸ Interview 77.

¹²⁵⁹ Interview 77.

¹²⁶⁰ Interview 77.

¹²⁶¹ U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, “USCIS Online Case Status;,” <https://egov.uscis.gov/cris/Dashboard/CaseStatus.do>.

¹²⁶² U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, “INFOPASS,” <https://infopass.uscis.gov/> (The INFOPASS system for making appointments is available in twelve languages.).

¹²⁶³ Interview 89; Interview 147.

¹²⁶⁴ Interview 22.

¹²⁶⁵ Interview 3.

¹²⁶⁶ Interview 86; Interview 89; Interview 109.

¹²⁶⁷ Interview 19.

¹²⁶⁸ Interview 132.

All immigration interviews, hearings, and appointments with immigration officers are conducted in Bloomington, Minnesota, where the agencies offices are located.¹²⁶⁹ Because of this, immigrants outside the Twin Cities metro area face additional costs in their immigration process, specifically the time and expense of travel to Bloomington. Moreover, U.S. Citizenship and Immigration Services is in the process of moving their offices to a location that not accessible by public transit, which will pose challenges even for metro area residents in the future.¹²⁷⁰

Despite the delays and challenges, most immigrants describe their encounters with immigration officers as fair and free from discrimination.¹²⁷¹ One person said, "I was treated well,"¹²⁷² another remarked "we were treated fairly by the judges."¹²⁷³ One attorney said many of her clients are content to wait for status inside the United States, because it is much better than waiting abroad.¹²⁷⁴ Most immigrants feel a sense of security and relief once status is granted, which overshadows any prior challenges. One asylee felt he could not really complain about the process, since he ultimately granted asylum.¹²⁷⁵ Another noted, "It has been a long process, but I feel like it works."¹²⁷⁶

PROFILING OF MUSLIM IMMIGRANTS

Extensive security checks cause lengthy delays and are discriminatory in some cases. People practicing the Muslim faith, or from countries with high percentages of Muslim citizens reported

¹²⁶⁹ U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, "Field Offices," <http://www.uscis.gov/about-us/find-uscis-office/field-offices>; U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, , "Minnesota," <http://www.uscis.gov/about-us/find-uscis-office/field-offices/minnesota>; The United States Department of Justice, "Office of the Chief Immigration Judge", <http://www.justice.gov/eoir/sibpages/spm/spmmain.htm>; U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, "Enforcement and Removal Operations," <http://www.ice.gov/contact/ero/>.

¹²⁷⁰ Mark Brunswick, "Twin Cities' new U.S. immigration building lacking bus service," *Star Tribune*, February 10, 2014, <http://www.startribune.com/local/244657501.html>; "A costly, illogical move on immigration office site in Bloomington," *Star Tribune* Editorial Board, February 13, 2014, <http://www.startribune.com/opinion/editorials/245456971.html>; (The local officers have expressed concerns about the lack of transit access, and in response actively surveyed immigrants at the office for one week to determine how many were using public transit to access the agency).

¹²⁷¹ Interview 6 ("the system was fair to me"); Interview 24("my case was treated fairly"); Interview 39("it was just smooth transition for me"); Interview 49(because he has done everything he was supposed to, to be in this country legally); Interview 51(she has been treated well).

¹²⁷² Interview 25.

¹²⁷³ Interview 53.

¹²⁷⁴ Interview 138.

¹²⁷⁵ Interview 9.

¹²⁷⁶ Interview 35.

additional scrutiny and delays especially when entering the United States.¹²⁷⁷ Advocates report that most of their complaints about discrimination from Muslim immigrants pertain to harassment at the airport.¹²⁷⁸

One individual said, “Any Muslim who travels to Muslim countries will get stopped at the Minneapolis airport. They will be directed into secondary questioning. The agency claims it is random, but everyone in the room is Muslim.”¹²⁷⁹ Another immigrant expressed nervousness at traveling with a name like Muhammad because “everyone can tell that you are Muslim with those names.”¹²⁸⁰ One person related seeing her husband taken into secondary inspection nearly every time they re-enter the United States after travel abroad. She said, “That is one thing that really bugs me every time that I come back to the country. This is my country. My kids were born here. I live here, I pay taxes here, I vote for elected officials here. I am a very active citizen in that I participate in all the elections. So then why is it that every time I come back my husband is treated that way?”¹²⁸¹ A Palestinian man also reported, “Showing my passport at the airport causes officials to look at me repeatedly and check my passport several times, making the process longer.”¹²⁸² These experiences are consistent with discrimination experienced by people of Muslim background at ports of entry around the country.¹²⁸³

As The Advocates for Human Rights documented in a 2007 report, *Voices from Silence*, increased scrutiny at land and air ports of entry and secondary screenings at the airport for domestic travel are a regular occurrence for Muslim individuals.¹²⁸⁴

¹²⁷⁷ Interview 127; Interview 18; Interview 7.

¹²⁷⁸ Interview 127.

¹²⁷⁹ Interview 127.

¹²⁸⁰ Interview 18.

¹²⁸¹ Interview 18.

¹²⁸² Interview 7.

¹²⁸³ Sarah Abdurrahman, “My Detainment Story or: How I learned to Stop Feeling Safe in My Own Country and Hate Border Agents*,” On The Media, <http://www.onthemedial.org/story/my-detainment-story-or-how-i-learned-stop-feeling-safe-my-own-country-and-hate-border-patrol/>; *Cherri v. Mueller*, 951 F.Supp. 2d 918, 923 (E.D.Mich. 2013) (Decision denying the government’s motion to dismiss. Muslim plaintiffs are challenging the official policy, custom, and practice by CBP of repeatedly questioning individuals on entry to the United States about religious practices).

¹²⁸⁴ Minnesota Advocates for Human Rights, “Voice from Silence: Personal Accounts of the Long-Term Impact of 9/11,” February 2007, 24-27, 29, http://www.theadvocatesforhumanrights.org/sites/608a3887-dd53-4796-8904-997a0131ca54/uploads/97648_final_voices_from_silence2.pdf.

That these violations happen at ports of entry is problematic because of the lack of legal protections at the border. Noncitizens being questioned at the border are not allowed to call anyone and have no right to counsel

“Any Muslim who travels to Muslim countries will get stopped at the Minneapolis airport. They will be directed into secondary questioning. The agency claims it is random, but everyone in the room is Muslim.”

during their interrogation.¹²⁸⁵ The U.S. border, which includes airport ports-of-entry, is considered exempt from Fourth Amendment prohibitions against random and arbitrary stops and searches.¹²⁸⁶ Customs and Border Protection officials have the right to detain and search any person or item at a port of entry.¹²⁸⁷ However, protections against discrimination apply and the Department of Homeland Security (DHS) notes that their policy is to “prohibit the consideration of race or ethnicity in our investigation, screening, and enforcement activities in all but the most exceptional instances.”¹²⁸⁸ However, an exception is noted allowing for consideration of nationality in “antiterrorism, immigration, or customs activities in which nationality is expressly relevant to the administration or enforcement of a statute, regulations, or executive order, or in individualized discretionary use of nationality as a screening, investigation or enforcement factor.”¹²⁸⁹ The DHS Office of Civil Rights and Civil Liberties reviews and assesses complaints about civil rights abuses and profiling based on race, ethnicity, and religion.¹²⁹⁰ Travelers can also submit complaints using the DHS Traveler Redress Inquiry Program (TRIP) online system.¹²⁹¹ Attorneys report that complaints do receive a response, though not always a satisfactory resolution.¹²⁹²

¹²⁸⁵ 8 C.F.R. §292.5 (No right to representation when seeking admission to the United States); 19 C.F.R. §162.6 (CBP Search Authority); 19 U.S.C. §1487 (Customs Duty Title).

¹²⁸⁶ *Carroll v. United States*, 267 U.S. 132, 154 (1925); *United States v. Montoya de Hernandez*, 473 U.S. 531, 537 (1985) (Government interest in preventing entry of unwanted persons and effects is at its zenith at the international border); *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975) (citing the important governmental interest in preventing illegal entry).

¹²⁸⁷ 19 C.F.R. § 162.6.

¹²⁸⁸ Secretary Napolitano, “Memorandum for Component Heads: The Department of Homeland Security’s Commitment to Nondiscriminatory Law Enforcement and Screening Activities,” April 26, 2013. http://www.dhs.gov/sites/default/files/publications/secretary-memo-race-neutrality-2013_0.pdf.

¹²⁸⁹ Secretary Napolitano, “Memorandum for Component Heads: The Department of Homeland Security’s Commitment to Nondiscriminatory Law Enforcement and Screening Activities,” April 26, 2013. http://www.dhs.gov/sites/default/files/publications/secretary-memo-race-neutrality-2013_0.pdf.

¹²⁹⁰ 6 U.S.C. § 345; 42 U.S.C. § 2000ee-1; Department of Homeland Security, “File a Civil Rights Complaint,” <http://www.dhs.gov/file-civil-rights-complaint>. (In FY 2012, there were five complaints lodged about discrimination by CBP agents and 34 complaints were resolved in that period, according to the Civil Rights and Civil Liberties Office Annual Report for FY 2012, http://www.dhs.gov/sites/default/files/publications/crcl-annual-report-fy-2012_4.pdf).

¹²⁹¹ U.S. Department of Homeland Security, “DHS Traveler Redress Inquiry Program (DHS TRIP),” <https://www.dhs.gov/dhs-trip>.

¹²⁹² Interview 188.

FEAR AND UNDOCUMENTED STATUS

Fear of detention and deportation underpins the lives of undocumented immigrants in Minnesota. Whether immigrants can fully realize their human rights in Minnesota depends first and foremost on their immigration status. Undocumented immigrants are fearful and isolated in Minnesota, leaving them excluded from the systems designed to protect human rights. Status or lack thereof, determines who can access other fundamental rights, such as housing, health care, employment, justice, and safety.

Service providers, immigrants, and government employees repeatedly explained the situation of undocumented immigrants using the words “fear,” “invisible,” and “isolated.” In the majority of interviews, people initially responded to questions about the problems facing immigrants by distinguishing between those with legal status and those without status. For undocumented immigrants, fear of deportation and the subsequent family separation drives nearly all of their other decisions.

Because of this fear, people are reluctant to engage in their community or to seek help from sources that are not known or trusted. Among the trusted sources are churches, grocery stores, and some nonprofit agencies.¹²⁹³ One school employee noted that, being a government employee, people are afraid she might “turn them in,” so it is perceived as safer to avoid contact with her.¹²⁹⁴ A volunteer in greater Minnesota said that the Latinos in her town try to stay below the radar, because they are afraid of being caught by immigration and deported.¹²⁹⁵

In many cases, a lack of knowledge and awareness about how agencies actually work compounds the fear. A social service provider said “people are afraid to fill out forms because they think it might raise a flag with immigration.”¹²⁹⁶ People do not seek medical care¹²⁹⁷ or help with housing problems¹²⁹⁸ because they think if they do so, they will be vulnerable to deportation.¹²⁹⁹ In rural areas, where agricultural work is often the main means of employment, migrants are isolated both physically on farms and by the nature of their status.¹³⁰⁰ Rather than seek a remedy, people without

¹²⁹³ Interview 137.

¹²⁹⁴ Interview 108.

¹²⁹⁵ Interview 96; Interview 97 (Interviewee makes similar statement).

¹²⁹⁶ Interview 133.

¹²⁹⁷ Interview 136.

¹²⁹⁸ Interview 133.

¹²⁹⁹ Interview 144.

¹³⁰⁰ Interview 87.

status often choose to live with the problem, viewing it as the lesser of two evils.¹³⁰¹ People are afraid to report violations of their rights for fear it may lead to disclosure of their status.¹³⁰²

The fear is compounded by immigration enforcement actions in communities, which greatly undermine personal security. Large-scale raids, like the Swift Meatpacking Plant action in 2006,¹³⁰³ created fear, but also incentivized communities to prepare for these types of events and educate residents about their rights.¹³⁰⁴

The model of enforcement has changed, however, and is now focused more on review of booking sheets at jails, targeted warrants for outstanding removal orders, and auditing employment forms at worksites. This enforcement strategy, though less visible, still creates fear. Increasing use of E-Verify and similar electronic verification programs have resulted in large-scale “silent raids.” One meatpacking plant in Southern Minnesota used a system called IMAGE to verify employment in 2011.¹³⁰⁵ A community member reported that after the company ran the documents to verify employment status, people who were working under a different name had two options.¹³⁰⁶ The first was to stay and then be fired (and presumably reported), the second was to leave and no report would be made.¹³⁰⁷ The person reported that many Hispanic people left the community.¹³⁰⁸ A union representative also observed the increasing frequency of “desktop raids” in the metro area since 2009.¹³⁰⁹ In one audit of a building management company, people were given one week to prove their employment eligibility status.¹³¹⁰ In prior audits, there was a 90-day period to respond to a letter indicating a non-matching Social Security number.¹³¹¹ In this case, the union advocated and was able to get the 90-day period and 21 members were able to legalize with some protection.¹³¹²

¹³⁰¹ Interview 87; Interview 133.

¹³⁰² Interview 91.

¹³⁰³ John Reinan, Matt McKinney, and Richard Maeryhew, “Workers say 400 detained in Worthington raid,” *Star Tribune*, December 12, 2006, <http://www.startribune.com/local/11586076.html>.

¹³⁰⁴ Interview 71.

¹³⁰⁵ Interview 78; U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, “IMAGE Partners,” <https://www.ice.gov/image/partners.htm>.

¹³⁰⁶ Interview 78.

¹³⁰⁷ Interview 78.

¹³⁰⁸ Interview 78.

¹³⁰⁹ Interview 117.

¹³¹⁰ Interview 117.

¹³¹¹ Interview 117.

¹³¹² Interview 117.

Another change in enforcement has been more targeted efforts to deport individuals with outstanding removal orders or criminal convictions.¹³¹³ ICE officers execute warrants for the targeted person at a last-known address. Often the person is no longer living at the address, but in the process, ICE officers find and arrest other undocumented people at the home. People then flee the neighborhood or apartment building *en masse*, for fear that ICE will return and arrest them.¹³¹⁴ In one small community in southern Minnesota, ICE officers went door-to-door in a mobile home park with a high concentration of immigrant residents and also stationed an officer at the entrance, checking the documents of everyone who entered.¹³¹⁵ The resulting deportation proceedings and family separation were devastating for the individuals involved.¹³¹⁶ Additionally, those who witness enforcement efforts share the fearful experience with others, which validates the fears of many undocumented immigrants. A community member said, “The sad thing is that after things like that happen, people come here with a full array of emotions. They come in and are crying; their kids are crying. And then we have to figure out where [the person] was taken.”¹³¹⁷ Another advocate described a different incident where “ICE folks showed up at six in the morning and scared the kids half to death and then said, we are not going to deport you today, but maybe next week.”¹³¹⁸

There have also been incidents where fears of large-scale enforcements were not realized. After a

In one small community in southern Minnesota, ICE officers went door-to-door in a mobile home park with a high concentration of immigrant residents and also stationed an officer at the entrance, checking the documents of everyone who entered.

criminal investigation involving tax fraud and drug sales at a restaurant with immigrant employees, many feared those employees would be arrested by immigration. Ultimately, “ICE didn’t take it as an opportunity to take everyone.”¹³¹⁹ After an employment audit, union representatives noted that ICE did not use the list of individuals to “come to the house as feared by many.”¹³²⁰ Even when discretion is exercised, however, the uncertainty and fear experienced by those without status continues.

¹³¹³ U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, “Fugitive Operations, ICE Enforcement and Removal,” <http://www.ice.gov/fugitive-operations/>.

¹³¹⁴ Interview 133; Conversation 22.

¹³¹⁵ Interview 94.

¹³¹⁶ Conversation 22.

¹³¹⁷ Interview 78.

¹³¹⁸ Interview 57.

¹³¹⁹ Interview 94.

¹³²⁰ Interview 117

The increasing information sharing between local law enforcement agencies and federal immigration agencies has reinforced these fears. Community members reported that people associate the police with immigration, and are therefore afraid to call the police for help, fearing deportation.¹³²¹ In another community, ICE has a contract to house immigration detainees at the local jail.¹³²² As a result, the community associates the police and sheriffs with ICE, making people even more wary of the police.¹³²³ An advocate cited reports that “sometimes the police give information to ICE. A year ago we asked the police to agree that they would not work with ICE, but the group pushing that initiative fell apart, I do not know how it finished.”¹³²⁴ (See Chapter 1: Public Safety on page 51.)

For undocumented people in Minnesota, lack of immigration status means a lack of security in all areas of their lives. This fear extends beyond law enforcement to other government entities and even non-governmental entities. As a result of their lack of status, undocumented people often live isolated from the broader community and struggle to meet their basic needs.

RECOMMENDATIONS

Finding: Immigrants face lengthy waits for a resolution to their immigration cases.

Recommendations

- Congress should allocate increased funding to the Executive Office for Immigration Review in order to hire more Immigration Court judges, judges at the Board of Immigration Appeals, and support staff in order to decrease the wait time for, and between, hearings on types of relief from removal.
- Agencies should conduct investigations of immigration applications expediently and not hold decisions indefinitely.
- Agencies running fingerprint clearances and biometric checks for immigration applications should prioritize adjudication of those applications to reduce wait times.
- USCIS should minimize repeated requests for fingerprint and biometric data collection by automating resubmission of collected information for renewed clearances on pending applications.

¹³²¹ Interview 94.

¹³²² U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, “Facility Locator,” <http://www.ice.gov/detention-facilities/> (Select “Minnesota” to see facilities).

¹³²³ Interview 80.

¹³²⁴ Interview 86.

Finding: USCIS does not communicate well with immigrants, leaving them uncertain about the status of their case and whether more information is required.

Recommendations

- USCIS should provide an option on the 1-800 Customer Service number to immediately speak with a customer service representative to facilitate communication with immigrants who may not be able to navigate the menu.
- USCIS should better use existing online case status and customer service information to provide meaningful answers about case processing delays, such as “case is pending review of potential ineligibility under section 212(a)(3)(B) based on prior membership in the ___ organization. Case is pending at headquarters with an indefinite timeline.”
- Automatic, periodic case update letters should be sent to applicants to assure them that their case is pending.
- USCIS should ensure offices are easily accessible by public transit.

Finding: Muslim immigrants face discrimination based on religion and country of origin.

Recommendation

- Increase oversight of border enforcement by permitting legal review in the immigration court or federal court of allegations of discrimination or inappropriate treatment by CBP officers at ports of entry. Provide information about this mechanism for discrimination complaints to every person taken to secondary inspection for questioning.

Finding: Fear of deportation dominates the lives of undocumented immigrants and prevents them from accessing services and protections to which they are entitled and is a barrier to engaging with the broader community.

Recommendations

- Congress must pass commonsense immigration law reform that provides a roadmap for people who are currently undocumented to gain status that does not prohibit naturalization.
- Congress should restore discretion to immigration judges so that individual circumstances can be considered in deportation cases.
- Congress should repeal mandatory detention laws and ensure that every person detained by immigration authorities has access to a review of their custody status before an independent judicial authority.
- Congress should repeal the unlawful presence bars to adjustment of status to permanent residence that prevent family reunification.
- Congress should create realistic ways for workers to immigrate to the United States that meet the needs of the U.S. economy.