

A NEW BROOM SWEEPS CLEAN

The newly elected Bush Administration has started to aggressively enforce Draconian US Immigration Laws by using para-military style sweeps in the Caribbean Community in South Florida.

These sweeps frequently violate the constitutional rights of Caribbean Nationals resident in the United States.

As a result of these sweeps, Caribbean people now have to adopt a siege mentality. Some of us cannot confidently go about our daily routine without constantly looking over our shoulder to see if Border Patrol is lurking to snatch our family and us away to the cruel reality of the Krome Avenue Detention Center.

ARE SWEEPS A GOOD IDEA?

It is the submission of the undersigned that immigration sweeps are ill-advised as a matter of policy. Politicians, Attorneys, Diplomats and Activists have worked for the last twenty years to regularize and make predictable a US Immigration System; a system which is even-handed and orderly. Currently, our US immigration laws use precious resources, which seem to focus on the destruction of families rather than the exclusion of enemies.

The defeat of the proposed King Amendment in the Congress is indicative of the national mood. The King Amendment sought to force local police officers to act as Federal immigration agents by giving them power and resources to enquire about the immigration status of detained foreign nationals.

Legislation such as the CLEAR Act, and the King Amendment to the CLEAR Act, designed to require State and local police enforcement of Federal Immigration Laws, are contrary to the interests of the Caribbean community in South Florida.

Police officers, when asked to enforce immigration laws have always resisted attempts to make themselves immigration officers as well.

The sweeps that are currently occurring, are IRAIRA predicated, and appear to be based upon the desire of finding aliens who have been convicted of criminal offences. These sweeps do not lead to the protection of the community or to the enhancement of public safety.

RECENT EVENTS

A recent article in the Miami Herald suggests that Border Patrol has been raiding jobsites and conducting roadblocks in Lauderhill and North Lauderdale to find undocumented workers.

What should you do if you are caught in such a sweep? If you have your green card on you and it is requested, hand it over. Remember, to recover your card from the Border Patrol officer. You are more likely to be caught in a sweep in a market or a bus station as Border Patrol has a long standing policy which discourages Border Patrol agents from conducting sweeps near residential areas and places of employment. However, the Border Patrol can confront you anywhere so always be prepared.

You may be a United States citizen or legal permanent resident and find yourself detained if you do not have identification that will clarify the *bona fides* of your immigration status.

TARGETING BLACKS

Victor Colon, Assistant Chief US Border Patrol, denied this week that the Border Patrol targets “specific ethnic groups”. Haitians believe that because of their skin color they are most likely to be stopped. The frequent reported instances of harassment of Haitians suggest that racial profiling is occurring.

Sometimes, even individuals who have lived in the United States for more than twenty years have been stopped by police, zealously doing their duty.

Cheryl Little, Director of the Florida Immigration Advocacy Center, has indicated support for Mr. Colon’s position. Immigration stops or sweeps may all be contrary to the law. (See *Whren vs. United States* 517 US 806 (1996)), stops by law enforcement require justifiable pretext. An individual may not be

stopped on the pretext that he is black or a foreigner.

Racial profiling of course violates the Fourteenth Amendment Right to equal protection under the law and the Fourth Amendment Right to freedom from improper searches and seizures.

Border Patrol will have to confine its activities within the ambit of the United States Constitution Law or face definitive legal challenge.

IMMIGRATION DETENTION

This is just as difficult and abusive as ordinary State and Federal detention. Anyone who has visited the Krome Avenue Detention Center can attest to that.

A commentator, Mark Dow, referred to immigration detention centers as “The American Gulag” a comparison to the prison system operating under the Soviet Union. Krome Avenue Center is in the middle of the Everglades. Inmates are not permitted contact visits with attorneys.

Caribbean-Americans should take away this “broom” from Federal Officials before it sweeps them all away!

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