

Coordinating Committee Minutes

Wednesday, July 1, 2020

Present:

Carolyn, O'Connor, Esther Lumm, Mary Montalvo, Dianne Post, Linda Bates, Kay Gram, Pat Stoneburner, and DJ Jacobs

Treasure Report

Mary Montalvo

Beginning Balance	\$ 2640.30
Income (petty cash deposit)	100.00
Total Income	100.00
Expenses	
Money Order for Refugee Aid	400.00
Monthly service Fee	14.00
Total Expenses	<u>414.00</u>
Currant Balance	<u>\$ 2226.30</u>

Mary suggested that URFC donate to Ofelia to help with the cost of her son's funeral. All were in favor to donate \$200.00. Mary will send a money order.

Minutes from the June meeting were sent to the general memberships and posted on the web.

Legal

Dianne

Dianne's report is attached.

DJ requested that Dianne's reports be posted on the web. All were in agreement. Dianne will send a clean copy to post.

Humanitarian

Linda

Mary Jo Miller will replace Yolanda on the Humanitarian Committee.

Linda & Reuel have been following Mary Jo's weekly resource list and picking up and delivering clothing and food to Mary Jo.

Advocacy

All

Carolyn asked if URFC wanted to send a letter about the changes in asylum seekers. All voted yes. Kay shared that she was in the process of composing a letter for MJRC and would share with URFC to reproduce. Carolyn agreed to take charge of this.

Esther wrote a letter in support of DACA for the Hispanic Community Forum, whose focus is on education. It was sent and posted on her Facebook and blog for Arizona (see attached).

Kay is representing URFC on the Migration Justice and Relief Coalition (MJRC).

The intent of MJRC is to engage in letter writing and to advocate for DACA, Proposed Asylum Rule, and Release of Medically Fragile Detainees. MJRC sent letters to Acting Secretary of Homeland Security, Arizona Senators and representatives. Mary Jo is in the process of setting up a Zoom meeting with McSally and Sinema about DACA. Several members MJRC members, including Carolyn, will attend.

MJRC is preparing to enter Comments into the Federal Register opposing the Administration's Proposed Rule Changes against Asylum Seekers. Should the proposed rules go into effect, virtually all who seek asylum in the US will be turned away.

You and I, the public, can stop the administration from ending asylum through our Public Comments. Every unique comment will be counted. Please take the time to voice your opinion through one of the sites listed below. You never know how many lives you might save.

THE DEADLINE IS 10:00 AM (AZ time), July 15, 2020. You can easily submit a comment and learn more about the proposed changes through one of the following three links that are recommended by the American Bar Association's Civil Rights and Social Justice Section:

[American Immigration Lawyers Association's Advocacy Action Center](#)

[Tahirh Justice Center Action Alert: Save Asylum](#)

[Catholic Legal Immigration Network, Inc. Call to Action at this link: <https://p2a.co/vRu15hT>](#)

Tony Navarrete is working on a press release related to the abuse of females in Eloy detention center. (see attached)

Media

Mary Mo & DJ

Mary asked about the petition. DJ shared that it will be posted in the next few days.

DJ asked if URFC should start up the newsletter now that news outlets are reporting more on the topic of immigration. All were in full agreement to continue with the weekly newsletter. Carolyn suggested that we send it to the Senators. Dianne suggested we send to legislators and also put on Arizona Blog. All were in agreement.

DJ reported difficulty with sending and receiving email following a recent Windows update. She has made changes to her email and will send out new email addresses that will include where to send articles.

Old Business

Carolyn reported that there was **no response** to letters sent to the Secretary of Homeland Security, US Immigration and Customs Enforcement, Enforcement Office of Immigration Mexican Consulate General³, Border Patrol sheriffs, & 6 sheriffs who are members of Border Patrol Coalition. Re: COVID-19 and the Remain in Mexico / "Migrant Protection Protocols" Policy

No Response to letters written to US Immigration & Customs Enforcement and Arizona Senators and legislators, concerning COVID-19 and immigrants detained at La Palma, Eloy and Florence detention centers.

Citing the unrelenting spread of the coronavirus, U.S. District Judge Dolly Gee ordered ICE to release all unaccompanied minors US custody.

Court report said that as of June 24 judge ordered released of the children by July 17, 2020. See article: <https://www.npr.org/sections/coronavirus-live-updates/2020/06/26/884186168/judge-orders-ice-to-free-detained-immigrant-children-because-of-covid-19>

New Business

Pat reported:

- DACA/Dreamers. E-actions through links a) Ignatian Solidarity Network and b) Aliento. Phone calls with scripts to Senators McSally and Sinema. (see template attached)
- Proposed Rule Against Asylum Seekers. E-action to make Public Comments through CLINIC links.
- HEROES Act - Emails and letters using templates, and phone calls with scripts to Senators McSally and Sinema. See CCMJ template for DACA attached

Pat, Linda & Esther have been working phone banks for Democratic Party

Next meeting August 6, 2020

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

LUCERO XOCHIHUA-JAIMES, *Petitioner*,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 18-71460

Agency No. A206-105-249

OPINION

On Petition for Review of an Order of the Board of Immigration Appeals

Argued and Submitted March 4, 2020 San Francisco, California

Filed June 26, 2020

Granting a petition for review of the Board of Immigration Appeals' denial of deferral of removal under the Convention Against Torture, and remanding, the panel held that the evidence compelled the conclusion that petitioner would more likely than not be tortured, with the consent or acquiescence of a public official, if returned to Mexico.

The panel held that the Board misapplied Ninth Circuit precedents regarding acquiescence of a public official and the possibility of safe relocation, and relied on factual findings that are directly contradicted by the record, in concluding that petitioner failed to meet her burden to establish that she would more likely than not be tortured. Specifically, the panel held that the Board erred by relying on national efforts to combat drug cartels in concluding that petitioner failed to establish acquiescence. Considering petitioner's testimony regarding multiple instances of acquiescence in the past involving her personal circumstances, and extensive country conditions evidence documenting the widespread problem of public official acquiescence in crimes by Los Zetas cartel generally, the panel held that the record compelled the conclusion that petitioner established the requisite level of acquiescence by public officials. The panel also held that the evidence compelled the conclusion that petitioner could not safely relocate within Mexico to avoid future torture, where there was no affirmative evidence that there is a general or specific area within Mexico where petitioner could safely relocate, and the evidence indicated that Los Zetas operate, and that LGBTQ individuals are at heightened risk, throughout much of Mexico.

The panel held that the evidence compelled the conclusion that it is more likely than not that Los Zetas will target petitioner for murder or other torture if she is removed to Mexico, and remanded for the Board to grant deferral of removal.

Petitioner has lived in the United States for almost twenty years, since she fled Mexico as a teenager after being raped multiple times and being ejected from her parents' home because she is a lesbian. Petitioner eventually became involved in an abusive relationship with Luna, a man connected to Los Zetas, one of Mexico's major drug cartels. After Petitioner reported Luna for raping her twelve-year-old daughter in 2013, and Luna went to prison as a result, Luna's family began a campaign of threatening Petitioner that if she ever returned to Mexico, Petitioner and her daughter would be killed. The Immigration Judge (IJ) found that Petitioner did not carry her CAT burden, and the Board of Immigration Appeals (BIA) affirmed. We grant the petition, and hold that Petitioner is entitled to deferral of removal pursuant to CAT.

Finally got husband in prison for sexually molesting 12 year old daughter. CPS took all the kids.

Luna's older children came from CA to AZ and threatened with gun etc. "Friend" promised to lend \$2,000 if she would come with. Turned out was deal to take some guys to move drugs. She had no drugs in car and did not even know about it but got 1.5 years in prison. After she got out, ICE tried to deport her. The IJ claimed all that happened to her and her daughter was not torture. Or that she specifically was in danger of torture. – in spite of evidence!! She could move to another part of Mexico and the gang wouldn't find her. Even if tortured, it wouldn't be the government. BIA affirmed holding that she could not prove she would be tortured in Mexico.

On appeal to the 9th Circuit they held that she met her burden on everything! Lower court put burden on her to show she could not live anywhere in Mexico safely. That is not the legal burden. Extensive evidence shows that gang operates throughout Mexico. Even if they didn't find her, violence against LGBT is going up.

16 States v. Trump

No. 19-16299

D.C. No. 4:19-cv-00872- HSG

9th circuit decision, Filed June 26, 2020

The panel affirmed the district court's judgment holding that budgetary transfers of funds for the construction of a wall on the southern border of the United States in California and New Mexico were not authorized under the Department of Defense Appropriations Act of 2019.

Section 8005 and Section 9002 of the Act (collectively "Section 8005") was invoked to transfer \$2.5 billion of Department of Defense funds appropriated for other purposes to fund border wall construction. Sixteen states, including California and New Mexico, filed suit challenging the Executive Branch's funding of the border wall. The district court granted California and New Mexico's motion for partial summary judgment, and issued declaratory relief, holding the Section 8005 transfer of funds as to the El Centro and El Paso sectors unlawful.

The panel held that California and New Mexico established the requisite Article III standing to challenge the federal defendants' actions.

Concerning the injury in fact element of standing, the panel held that California and New Mexico alleged that the actions of the federal defendants will cause particularized and concrete injuries in fact to the environment and wildlife of their respective states as well as to their sovereign interests in enforcing their environmental laws. First, the panel held that California and New Mexico each provided sufficient evidence, if taken as true, that would allow a reasonable fact-finder to conclude that both states would suffer injuries in fact to their environmental interests, and in particular, to protect endangered species within their borders. Second, the panel also held that California and New Mexico demonstrated that border wall construction injured their quasi-sovereign interests by preventing them from enforcing their environmental laws.

Concerning the causation element for standing, the panel held that California alleged environmental and sovereign injuries that were fairly traceable to the federal defendants' conduct. The panel held that with respect to most of the environmental injuries, causation was apparent. The panel also concluded that the causation requirement was likewise satisfied for the injuries to California's and New Mexico's quasi-sovereign interests.

Concerning the redressability element of standing, the panel held that a ruling in California and New Mexico's favor would redress their harms. Without the Section 8005 funds, the Department of Defense would have inadequate funding to finance construction of the projects, and this would prevent both the alleged and environmental and sovereign injuries.

The panel held that California and New Mexico had the right to challenge the transfer of funds under the Administrative Procedure Act ("APA"). Specifically, the panel held that Section 8005 imposed certain obligations upon the Department of Defense, which it did not satisfy. The panel further held that California and New Mexico, as aggrieved parties, could pursue a remedy under the APA, as long as they fell within Section 8005's zone of interests. The panel held that California and New Mexico were suitable challengers because their interests were congruent with those of Congress and were not inconsistent with the purposes implicit in the statute. The panel concluded that California and New Mexico easily fell within the zone of interests of Section 8005.

The panel held that Section 8005 did not authorize the Department of Defense's budgetary transfer to fund construction of the El Paso and El Centro Sectors. Specifically, the panel concluded that the district court correctly determined that the border wall was not an unforeseen military requirement, and that funding for the wall had been denied by Congress. Absent such statutory authority, the Executive Branch lacked independent constitutional authority to transfer the funds at issue here. The panel concluded that the transfer of funds was unlawful, and affirmed the district court's declaratory judgment to California and New Mexico.

Finally, the panel declined to reverse the district court's denial of California and New Mexico's request for permanent injunctive relief, without prejudice to renewal.

Why the Arizona Hispanic Community Forum (AHCF) Supports DACA!

The mission and focus throughout the 33 years the AHCF has existed, its mission has always included higher education. Why?

- Because it is higher education that has led many Latinos (and others) out of poverty, hunger, and sometimes abusive or dangerous situations
- Because it has given Latino students the opportunity to prove they have much to contribute when given the opportunity
- Because it has proven to business and society in general that Latinos can succeed in careers that traditionally were forbidden to them
- Because it has proven that Latinos are some of the hardest workers, with high integrity and values, and extremely dependable when it comes to completing a job
- Because it exposed the tremendous Latino talent that surfaced in education, arts, music, culture, architecture, business, financial, civic, medical, healthcare, judicial, mechanical, technical, culinary, social and other fields.
- Because it concurs with the U.S. constitution that promotes equality, justice, and the pursuit of happiness

The history of the Deferred Action Childhood Arrival (DACA) has never been a smooth path. In fact, we would describe it as a rickety bridge between two cliffs that students would have to cross to get to the other side. First of all, to even admit to being a DACA recipient, you had to admit you were in the United States as an undocumented person, not because it was your choice, but because it was your parent's choice to attempt to give you a better life than they experienced in their home countries. The majority of DACA recipients were brought to the US when they were too young to have a say in the decision.

Some of them came knowing only their native language, or too young to speak at all. The ones that were only babies or toddlers were actually more fortunate because they may have grown up hearing two languages, their native tongue at home, and English outside the home. Those that were a bit older, like Lilia Durán Holguin, a Forum member, who was born in Juarez, Chihuahua, had to start school here knowing only Spanish, without classes such as English as a Second Language, Dual Language, or bilingual classes. She was pretty lost in those first elementary years, but because she was hearing both languages, she learned fast and ended up being an English, Spanish, and elementary teacher after earning her Bachelor's and Master's Degrees at Arizona State University. This is what is possible when you give a student the opportunity to live, work hard, and succeed. The AHCF is proud to have temporarily assisted several students in the past with university expenses by awarding them with the Rosie Lopez Scholarship, regardless of their citizenship status.

We were all very relieved when the Supreme Court recently voted in favor of DACA recipients remaining in the United States with all of the benefits afforded them during the Obama administration. But we cannot relax and think that the struggle is over. As easily as the Supreme Court found the reasons the Department of Homeland Security presented were "arbitrary and capricious," it can also rule with them the next time if their presentations are timelier and based more on "reason and decision-making" with facts to back up their arguments.

But there is much to consider when deciding to deport more than 650,000 DACA recipients, also called "Dreamers." The majority of them have earned their college and university degrees, become very

valuable to all types of companies as employees, managers, and many have started their own businesses. Employers are not willing to lose the investment they made in training them to contribute to their companies. Many have married and had children who are now United States citizens. They pay taxes, impacting the US Revenue. If they were to all be deported, the drop in revenue and Gross Domestic Product (GDP) would be enormously impacted. And with the current COVID 19 Pandemic, we cannot ignore the fact that of the 650,000 Dreamers, at least 29,000 are working in the front lines in hospitals and medical centers as doctors, nurses, technicians, aides, administrators, etc. Don't look now, but these 29,000 Dreamers are helping to save American lives every single day in every single state of the U.S. None of these contributions were addressed in the Supreme Court during the recent hearings. These are facts that must be taken into consideration by any insane attempt to deport these productive DACA recipients!

Make no mistake, hatred of people of color, Latinos, Blacks, Asians, or religions that bigoted people fear will embolden them to continue to fight against DACA recipients, no matter how many facts are presented to them about the value these Dreamers have brought to our country! Therefore, we must all continue to fight for them to stop this insanity and allow them to stay permanently with a short path to U.S. citizenship! They have already earned it and deserve it! The only way we are going to win for them is to vote on November 3rd, 2020 to completely change the presidency, the current administration, and anyone in the U.S. House and Senate who does not support DACA. Please join the fight! It's true that the pen is definitely mightier than the sword, and anyone that can read and write can join this challenge! Write to your elected officials at all levels and vote on November 3rd, 2020!

A group of female detainees from Eloy sent this letter to Selena Keesecker with Guadalupe Detention Ministries. I think we should discuss it on the Monday call of the Asylum Assistance Roundtable. There are 153 Covid-19 positive cases in Eloy.

“Eloy's current situation is quite worrisome and delicate. I speak in the name of the nearly 1000 detainees who live in anguish and fear for our health and life.

Since the crisis by the Corona Virus began, the staff and workers at this center thought themselves immune to the pandemic by ensuring us that everything here was under control. As a result, today we can see a catastrophe, since the contagions and positive cases due to the dreaded disease that plagues the whole country and the whole world causing countless deaths is on the rise in this place.

We are not safe here and there are no even minimum preventive conditions to prevent spread and contagion.

In principle we were never provided with the protective and asepsis materials, we were only told that we should kept handwashing and the social distance between the interns, but the contagion came from the outside.

It wasn't until a month ago that we were given the masks.

The chemicals for hygiene are scarce, they are not enough and to make them last longer they are mixed with water.

Core Civic officers who care for us worked without protection, having contact with the infected detainees.

I'm on Bravo 100 and from my cell window I see male detainees being isolated by COVID19 in alpha's block. There are over 10. I see the men in their protective uniforms who take care in that isolation unit and then they are the same ones they take care in the other units. So far there have been no cases but we know that this is a time bomb.

I can also see the ambulance several times in the day and the detainees stationed in Alpha that they are taking are no longer returning.

The only building that is not infected by COVID 19 is the building of Bravo, but we are at high risk of contagion because in these times, there is very few personnel to care for us in our tanks. The same people who care for us when the time to count the detainees comes, they go and count the others in the building that have people infected not using the necessary protection of the disease and then return again to our building, where we are exposed to the contagion of this terrible disease.

There are people vulnerable to the spread of such disease. The processes are very slow. There are people who have already won their cases and can be released and yet they are still in custody here in the arrest center.

The food is extremely poor, its quality and quantity is terrible. All detainees fear for our lives, we are very afraid of being infected by this disease and for these reasons we suggest to please help us.

It is said that there are more than 50 guards who tested positive and as many suspected of being infected by COVID 19.”

".....we appreciate your help. We want our voices to go beyond our walls and bars where there are persons who struggle each day to survive in this harsh-reality. None of us imagined that we would be stripped of our liberty; we are not criminals; we only want protection, a hope for our life and the opportunity that we were denied in countries of our origin. !WE WANT TO LIVE!

Hi my name is _____ I am a concerned Catholic and I live at _____ (your address) in your district. I am calling to urge (Senator McSally or Sinema) _____ to legislate **compassionate immigration policies** that support **family unity**, provide a **pathway to citizenship for DACA recipients** and other undocumented young people, and promote **humane and just treatment of those who migrate, by specifically passing the Dream Act of 2019, Senate Bill 874. Young people** in the community who have DACA status are looking forward to contributing to our country through school and work. They deserve to have the opportunity to stay and legislation should not be used to harm others in the community.

We have to protect the members of our community and I ask (Senator Sinema or McSally) _____ to work for a solution to provide a legal pathway to citizenship for DREAMers.

Thank you.