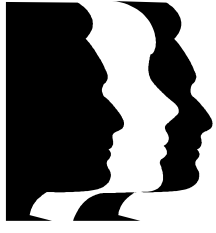


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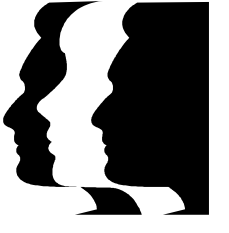


# The People News

OF BRADLEY COUNTY

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NOVEMBER

VOL 12 ISSUE 10

2009

## ICE Attempts to Keep Illegal Immigrant Info Secret

Davidson Co. Sheriff fights Immigration and Customs Enforcement over release of public documents

by Ashley Murphy

The Federation for American Immigration Reform (FAIR) estimated in 2008 that illegal immigration in the State of Tennessee reached 110,000 and that number is expected to continue rising. The current estimated cost per year, in Tennessee alone, for emergency medical care, education, and incarceration of

illegal immigrants is \$283 million. That amount is anticipated to rise to \$351 million by 2010 and up to as much as \$624 million by 2020.

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), which became effective in September 1996, added Section 287(g), which presents "local law enforcement agencies with an opportunity

to team with ICE to combat specific challenges in their communities." (ICE is Immigration and Customs Enforcement, they protect national security by enforcing the United State's customs and immigrations laws.)

However, the state and local agencies must enter into a Memorandum of Agreement (MOA) with the U.S. Department of Homeland Security, before they are per-

mitted to perform any aspects of an immigration law enforcement officer. Those participating individuals of local law enforcement undergo specific training and then are supervised by sworn U.S. ICE officers, whom they must also function under.

As of November 2008, there were 63 active MOAs across the United States under Section 287(g) and over 840 officers have completed training and received certification through the 287(g) program. One of those active MOAs is in Davidson County in Nashville, TN. Sheriff Daron Hall of the Davidson County Sheriff's Office signed into the program in February 2007 and the MOA has been active since.

In September of this year, stories broke in several local Nashville newspapers, that Hall could be ending his department's participation in the 287(g) program due to added terms in the new MOA that was to be signed. These terms would allow ICE to control public information records regarding the inmates being detained on immigration issues. Under their control, ICE says these documents "shall not be considered public record." But Hall has issues with the new written policy, saying that it interferes with Tennessee state law that requires the Sheriff's Office to make such information public.

There are several opponents of the 287(g) program

that say the program is sending mixed signals. They say that this program encourages racial profiling, punishes those that abide by the law, and can split up families.

Betsy Phillips writes in her article, titled "287(g) Is Good For Something" on nashvillescene.com, "Yes, it [287(g)] terrorizes people who have shown the temerity to want to live in our city." She continues saying that there are essentially two different types of punishment based on one's status.

"Properly stuated people can get a DUI and suffer a little public embarrassment and maybe some jail time. Meanwhile, people of the wrong status get their families torn apart, their lives destroyed, and deported." US law states that people can only be deported if they are here illegally, not because of their status alone.

It is clarified in the MOA that not just anyone can be picked out of a crowd and arrested on suspicion. But does state that anyone who is arrested and charged with an offense, of any kind, is allowed to be screened by the department. And in Nashville, it is only after they are booked on a charge that these inmates can be screened for immigration violations. Meaning, those people who the 287(g) program is terrorizing are criminals that have broken the law in some way already.

Yet, critics of the program are essentially protecting these people who come into

the United States under illegal circumstances and costing the legal, law abiding residents of Tennessee millions of dollars a year, and billions are being spent by the United States as a whole.

Linda Rose, an immigration attorney, when asked about the new agreement that would not allow the release of documents replied with, "I think in not releasing the information it would protect people who don't deserve to be exposed in that way."

As for whether this program will be staying around at the displeasure of its critics, yes it will be. Hall and the Davidson County Sheriff's Office reached an agreement in October with ICE over the release of information to the public on local inmates being held on immigration charges. Now, if ICE wants certain documents to be withheld in secrecy, then the federal agency must provide verification of a federal law, regulation, or executive order that would authorize the restriction of those files.

The Sheriff's Office has identified more than 6,000 illegal immigrants since the induction of the the 287(g) program, and that number just reflects the illegal immigrants that have been processed for deportation. According to Hall, the program has been helpful with deterring crimes illegal immigrants have committed. He said, "crime in that demographic is down by 46 percent."



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