

Deportation skyrockets in Louisiana under Trump

Immigrants in constant worry over new policies

BY JIM MUSTIAN and MAX MUTH

Alberto B. Hernandez, who came to the United States illegally from Toluca, Mexico, has been living the American dream in Louisiana for more than a decade. A taxpaying father of six who owns a successful bricklaying business, he recently built a new house for his family in Prairieville, a community he has called home for several years.

Federal authorities picked up Hernandez years ago and had the opportunity to prosecute - and deport - him many times. But they gave him a pass, instead requiring he stay out of trouble and renew his work permit on an annual basis.

He held up his end of the bargain, working long hours, including weekends and birthdays, to give his family the sort of prosperity that had eluded him south of the border.

But on a sweltering afternoon last month, Hernandez's world was upended when he reported to the U.S. Immigration and Customs Enforcement office in downtown New Orleans for what he expected to be a routine appointment. Instead of renewing his permit, immigration officials issued Hernandez an ultimatum: sign papers agreeing to leave the country by Oct. 10 or be arrested on the spot.

In a surreal instant, he went from planning his daughter's 15th birthday party to fearing imminent separation from his family.

"It was a devastating day," Hernandez recalled in an interview. "When we arrived home, I told my kids what had happened. They started to cry."

Hernandez's plight highlights the growing uncertainty that people who came to the U.S. illegally face under President Donald Trump's administration, which has dramatically stepped up deportation efforts, particularly in cases that do not involve criminal charges.

Immigrants like Hernandez, who essentially had been left alone for years to work and raise their families, are now living in constant worry.

Under Trump, ICE agents have been unshackled from the guidelines of

former President Barack Obama's administration, which called for them to focus their resources on the most violent of the 11 million people living in the country without permission.

Regional disparities

The result has been an increase in immigration-related arrests across the country and a staggering jump in this region. Deportations also have skyrocketed in Louisiana and the four other states covered by ICE's New Orleans field office: Alabama, Arkansas, Mississippi and Tennessee.

In those states, the agency deported 6,665 immigrants living in the country illegally through the first three-quarters of the current fiscal year - more than the total of the previous three years combined. Immigration-related arrests and detainer requests at local jails have jumped by a similar margin, according to statistics released to The Advocate by federal immigration officials.

In East Baton Rouge Parish, for instance, ICE has lodged 40 detainees on inmates booked into the jail on counts unrelated to immigration in 2017 - up from 27 all of last year, according to the Sheriff's Office.

An ICE detainer is a request that jail officials hold someone due for release an additional 48 hours to give ICE more time to decide whether to take that person into federal custody so they can be deported.

Although deportations also are on the rise nationally, the increases are not nearly as pronounced elsewhere as in this region. The reasons for the disparity are unclear. "Certainly the evidence is that they're locking people up," said Susan Long, the co-director and co-founder of TRAC Immigration, a nonprofit group that documents immigration cases in the U.S.

Trump, who made immigration a central focus of his campaign and vowed to build a wall along the Mexican border, issued an executive order within days of taking office that drastically expanded whom the government deems a priority for deportation, while threatening to strip federal funding from so-called "sanctuary cities" that don't cooperate with ICE.

The Department of Homeland Security later issued a memorandum explaining that no one in the country illegally is exempt from enforcement.

"All of those in violation of the immigration laws may be subject to

immigration arrest, detention and, if found removable by final order, removal from the United States," the memo stated.

'No prioritization'

One of the most significant shifts has been the spike in immigration arrests of people not facing criminal charges. Through the first 100 days of the Trump administration, fewer than half of the approximately 1,400 arrests made by agents assigned to ICE's New Orleans field office involved criminal charges.

"There is no prioritization," said Michael W. Gahagan, a New Orleans immigration attorney. "Everybody is a priority. It's, 'If we get you, we get you.' " Gahagan and his counterparts across the state said they've seen a flood of deportation cases, swelling court dockets that are being managed by additional judges who recently have been brought on in New Orleans and Jena to handle the glut of new immigration proceedings.

Paul "Woody" Scott, a Baton Rouge attorney who represents Hernandez, described the current atmosphere as "a free-forall."

"Under Obama, it was all about priorities," Scott said. "They prioritized people who had criminal records or were recent arrivals. Now it's whoever they can get their hands on."

Last month, ICE arrested 83 people in New Orleans, Memphis and Nashville, Tennessee, as part of a nationwide crackdown called "Operation Border Guardian/Border Resolve," which the agency said targeted immigrants "who entered the country as unaccompanied alien children and family units." The authorities described 64 of those arrested as "non-criminal" and acknowledged that many of them were picked up while agents were searching for other targets.

Thomas Homan, the acting ICE director, warned "anyone considering making the dangerous and unlawful journey to the United States" to reconsider. "Ultimately, if you have no basis to remain the United States, you will be identified, apprehended and returned to your home country," he said in a statement.

Trump's approach has been welcomed by conservative lawmakers in Louisiana, who have long called for a federal government crackdown. The new guidelines have boosted morale among federal immigration agents, whose union issued a statement saying the changes would help "save thousands of lives and billions of dollars" while making the country safer.

But the rapidly shifting landscape has sent a shudder of fear through local Hispanic communities in places like Kenner, which has the highest percentage of Latino residents of any local community and where local authorities work closely with federal immigration officials.

Some advocates say that cooperation has had a chilling effect when it comes to the reporting of crimes against immigrants. In the New Orleans metro area, there were some 30,000 immigrants who came here illegally as of 2014, according to an estimate released earlier this year by the Pew Research Center.

"We're seeing people who were themselves victims of crimes or were in a traffic accident, maybe rear-ended, and then arrested by Kenner police and handed over to ICE," said Chloe Sigal, an organizer with the Congress of Day Laborers. "Some people don't even want to go out and buy groceries. People are afraid to leave their children at the bus stop."

Thomas Byrd, an ICE spokesman, said in an email that "there are mechanisms in place to protect victims and witnesses of crimes."

"I'm not aware of victims of traffic accidents being arrested and removed by ICE," he said.

The Kenner Police Department did not respond to requests for comment.

'Only God can protect you'

The statistics provided by ICE are not broken down by city or even by state, so it's unclear where the increases have been most pronounced. Byrd said he could provide numbers only for the entire New Orleans field office, which covers five states.

The numbers likely would be even higher in New Orleans if it weren't for the refusal of the Orleans Parish Sheriff's Office to honor immigration detainers lodged by ICE, except in cases involving those facing serious felony charges.

The New Orleans Police Department, under the terms of a federal consent decree, also has limited its cooperation with immigration officials; it specifically forbids officers from inquiring about the immigration status of suspects, victims and witnesses.

Those policies together have prompted critics to label New Orleans a

"sanctuary city," a label Mayor Mitch Landrieu has vigorously disputed.

ICE's current approach marks a drastic change from the guidelines the agency followed during the Obama administration, which initially took an aggressive stance toward deportations but later, in an about-face, largely called for ICE to leave alone the millions of immigrants who lack legal permission to live in the U.S. but have nevertheless found work here and have not committed any crimes.

Take Ramon, for example, an immigrant living in Jefferson Parish who came to the United States illegally 13 years ago to earn money for his family.

A Honduran national who asked that his last name not be printed, Ramon, who says he has no criminal history, lives a reclusive life in Metairie when he's not painting houses. He doesn't go out drinking or partying. Paying for the education of his two sons, who are both in college in Honduras, is his sole focus.

Three years ago, during the Obama administration, ICE detained Ramon three times in just two months. He was scared, he said, but immigration officials ran his fingerprints and let him go. He was not a priority for deportation in those days and felt relatively safe. But that's changed in recent months. Three of his friends were deported recently, he said, though he's unsure whether they committed a crime or were expelled solely because they were here illegally.

"These days, I'd say it's a tossup," he said. "You wake up with that fear every day. Only God can protect you from that."

Ramon and several other immigrants said they feel comfortable in Metairie, but they are increasingly wary in Kenner, where they perceive immigration enforcement to be more aggressive at the local level.

But it's not just Kenner that has seen an influx of immigration-related arrests. Sigal, the Congress of Day Laborers organizer, said her organization has heard reports of ICE agents staking out the Ideal market on Hessmer Avenue in Metairie, which is frequented by Latino shoppers.

"They don't have free rein to profile people and stalk them without probable cause, and unfortunately, that's what we're seeing," Sigal said. "They're acting without any regard for children's welfare or humanitarian factors."

Why the hostility?

Hernandez, the Prairieville bricklayer, has six children, two of whom suffer from severe medical conditions.

And though he came to America illegally, he has paid federal income tax since 2005 and employed up to 10 people at Hernandez Brick Layer LLC.

Those were among the factors that prompted federal prosecutors and immigration officials to allow him to remain after he was arrested in 2014.

At that time, someone had told local authorities that "a previously deported alien from Mexico was working as a self-employed bricklayer and living" in Prairieville, according to court records. Hernandez suspects a jealous neighbor implicated him.

Hernandez was granted a "stay of removal" and placed under an order of supervision that allowed him to obtain a work permit and a driver's license but required him to check in with immigration officials once a year.

Last month, he reported to the ICE office on Poydras Street in New Orleans expecting to renew his permit. "It was more like a formality, really," he recalled. "But when I got there, they told me that I had to sign that paper or they'd detain me right there."

Hernandez asked to speak to his lawyer, a request that was denied. Hernandez reluctantly complied, agreeing to leave the U.S. voluntarily by Oct. 10 or be forcefully removed.

In 1997, when he left his hometown in Mexico to find a better life, Toluca was relatively quiet. But that's changed in the time he's been in the United States. Now, that community, about 40 miles west of Mexico City, is beset by violence, robberies and kidnappings, Hernandez said. He had been thinking about returning to Mexico for his retirement but not to Toluca.

Hernandez said he can't understand the hostility many Americans feel toward immigrants like him.

"We come here to live in peace and work," he said. "We are not the criminals as many are depicting us. We're just here working and helping this country. That's all."

