

HUMAN TRAFFICKING IN AMERICA | Victims are too often deported

ASK QUESTIONS LATER



KEITH MYERS | THE KANSAS CITY STAR

Planes carrying illegal immigrants depart from this airfield in Harlingen, Texas, under the scrutiny of armed guards. This Immigration and Customs Enforcement flight returns the deportees to Guatemala. The U.S. Marshals Service also transfers illegal immigrants.

The Star found numerous abuses of deportees on one of two Kansas City-based government airlines.

By MIKE MCGRAW
The Kansas City Star

GUATEMALA CITY, Guatemala | In a dingy reception center across from the new terminal at La Aurora International Airport, Guatemalan immigration agents don surgical masks and brace for another day of controlled chaos.

A U.S. government passenger jet — one

of up to seven a week — taxis to a stop. More than 100 disheveled deportees shuffle down the stairs and head for the center. Agents check for criminal records and swine flu and return shoelaces confiscated stateside, usually as a suicide precaution.

One thing the agents won't do, however, is check to see if the deportees were victims of human trafficking while on U.S. soil.

"We don't look at that," said a Guatemalan immigration agent. "That's done by the U.S. government before they send them here."

In fact, that's not the case.

Instead, The Kansas City Star found, the U.S. government compounds their suffering by deporting them back to the same impoverished conditions they fled in the first place. Up to one-fourth of the victims who might have testified against their traffickers were deported.

What's more, deportees on one of two Kansas City-based government airlines have been abused or sedated in violation of federal regulations, The Star found.

"These are very disturbing allegations and this is not permitted under our system," said Rep. Zoe Lofgren, a California

Democrat who heads the House subcommittee that oversees detention and deportation procedures. That is "completely at odds with our policy," she noted, adding that The Star's findings should be investigated.

U.S. Immigration and Customs Enforcement (ICE) officials who charter the flights said they take great care to identify trafficking victims, but would not comment specifically on whether they screen all deportees for human trafficking status, or whether they are aware of deporting trafficking victims.

They said they have guidelines to prevent abuse of deportees, but they acknowledged that earlier this year at least one deportee was sedated on a Marshals Service flight in direct violation of those regulations.

Yet ICE said in a statement that it "takes allegations of trafficking very seriously and investigates any claims that a person makes to indicate they have been a victim of trafficking or trafficking-related crimes."

The State Department and Congress recognize the need for more aggressive screening to keep from deporting human trafficking victims, said Luis CdeBaca, the director of the State Department's Office to Monitor and Combat Trafficking in Persons.

"We are going to be working ... to make sure those vulnerable populations are not just shown the door," he said.

Top officials, however, have known about the problem for years.

Trafficking expert Julianne Duncan, formerly of the U.S. Conference of Catholic Bishops, told federal officials in 2005 that trafficking victims — who are often forced into prostitution or hard labor — are "frequently deported rather than provided services. This is shockingly the case even for children."

That's allegedly what happened to Mardoqueo Valle-Callejas and many of the 388

workers swept up in a workplace raid last year at a Postville, Iowa, meat processing plant.

The Guatemalan father of five came to America illegally to earn money for his family. But he told The Star that he was forced to provide hours of free labor to his bosses, work when injured and that he had questionable fees deducted from his remaining earnings.

Iowa officials are also pursuing some 9,000 child labor law violations involving 32 young Guatemalan workers caught up in the same raid, some as young as 15. Some were illegally put to work at jobs that exposed them to dangerous chemicals at the Postville plant, according to a complaint by the Iowa attorney general.

"These are classic examples of human trafficking victims," said attorney Sonia Parras Konrad, who is representing many of those swept up in the raid. ICE never screened them for victim status, she said.

Had they been identified as human trafficking victims, they could have qualified for aid and ultimately may have been allowed to remain in the United States.

Instead, most were jailed for five months and then deported.

The Star's investigation also found more than 100 instances, most between 2007 and 2009, in which the government violated or tried to sidestep its own rules for the treatment of deportees on government flights carrying trafficking victims and other vulnerable detainees such as children, the mentally ill, the sick and the dying.

The findings are based on court documents and thousands of pages of reports released under the Freedom of Information Act.

In some cases deportees were boarded on four- to five-hour flights without needed medication. Some were boarded despite being too ill to fly, at times potentially exposing guards and other passengers to communicable diseases.

Medical problems aboard

the flights clearly resulted at least in part from mismanaged health care inside U.S. immigration detention centers, according to a report released last week by Dora Schriro, a special adviser to ICE.

Schriro found that ICE often sent immigrants to detention centers before assessing their health needs, resulting in some not getting proper medical attention. She also said that ICE's "assessment, treatment, and management of pandemic and contagious diseases were inconsistent."

In addition, Schriro, a former Missouri prison official who now runs New York City's jails, said, "Medical summaries were not always provided when detainees were transferred."

Other deportees were harassed or denied permission to use lavatories on the planes, causing some to soil their clothing. Some deportees — chained at the wrists, ankles and waist — also were sedated with dangerous drugs, even after federal officials promised to discontinue the practice.

And that represents only the cases guards and nurses actually documented.

Many others may have gone unreported, some guards said, because of an unspoken rule that "what happens on the plane stays on the plane."

Deportation frenzy

During his presidential campaign, Barack Obama said it was unrealistic to believe the United States could deport all of the 12 million illegal immigrants estimated to be living in America.

"We are not going to send them home," Obama said.

But the government seems to be trying. For the fiscal year ending Sept. 30, the United States deported 387,790 illegal immigrants — the seventh consecutive record for deportations.

At some point most of them were passengers on one of two government "airlines" headquartered in Kansas City, one operated by ICE and the other by the U.S. Marshals

Service.

A few deportees are criminals, but most are what ICE calls "non-criminal" immigrants who entered the United States illegally. Most are from Mexico and nearly all came to find higher-paying jobs.

Some also are human trafficking victims, according to a report last year funded by the Justice Department.

"People definitely get deported who shouldn't be deported," said Nancy Morawetz, a professor at New York University School of Law and an expert on deportation law.

In fact, the United States has mistakenly been deporting its own citizens, including 31 specific cases recently documented by Jacqueline Stevens, a professor at the University of California, Santa Barbara.

One was Mark Lyttle, a cognitively disabled man who was born in North Carolina, but deported to Mexico even though he speaks no Spanish and has no Mexican heritage.

Lyttle was chained and boarded onto a U.S. Marshals Service plane late last year, flown to a staging area in Texas, and ordered to walk across the border.

Lyttle's strange odyssey began after he served jail time for inappropriately touching an employee at a group home where he lived. A jail form showed his birthplace as Mexico, and he gave ICE conflicting statements.

Stevens, who has studied the federal file on Lyttle, said records ICE checked showed Lyttle was born in the United States and was a U.S. citizen, but that ICE agents "falsely swore to the contrary."

Lyttle finally made it home in April this year, after he persuaded a consular officer in the U.S. Embassy in Guatemala to contact his family. ICE did not respond to a request for comment.

Federal auditors documented numerous weaknesses in ICE's "alien removal decision making" process, especially during large workplace raids such as the one in Iowa. The

problems included a failure to identify "humanitarian issues," such as child welfare and medical problems.

It's little wonder then, critics contend, that human trafficking victims sometimes get deported.

Agents should be required to screen for such victims after all workplace raids, said Leslye Orloff, director of the Immigrant Women Program, Legal Momentum.

"If we take the Postville case, we know there were at least some women who were picked up in the raid and later deported that may well have been crime victims," Orloff said.

While ICE officials acknowledged they were told of substandard working conditions and inadequate pay at Postville, they said no one claimed to be a human trafficking victim.

But victims are often reluctant to step forward, experts said, especially during raids such as the one in Postville.

"We ask other countries to make sure they are not deporting human trafficking victims," said Mark Lagon, former director of the State Department's Office to Monitor and Combat Trafficking in Persons. "But there's every reason to think that we have deported them, too."

Shroud of secrecy

An ICE public affairs officer accompanied a Star reporter and photographer on one deportation flight in August from San Antonio to Guatemala City.

Deportees on the flight were "non-criminal" illegal immigrants, and none were in chains. Conditions mirrored those on other flights, said Pat Reilly, an ICE spokeswoman. But documents, lawsuits and interviews with deportees, nurses and guards paint a different picture when the media isn't around — especially on ICE's partner airline run by the U.S. Marshals Service.

Deportations and transfers occur under a shroud of secrecy, often after detainees have been locked up for weeks or

months.

Because of space limitations in some detention centers, many are repeatedly transferred by ICE or Marshals Service planes in what one recent report described as a game of musical chairs.

"The transfers are devastating, absolutely devastating," immigration attorney Rebecca Kitson told Human Rights Watch for a recent report on the transfers.

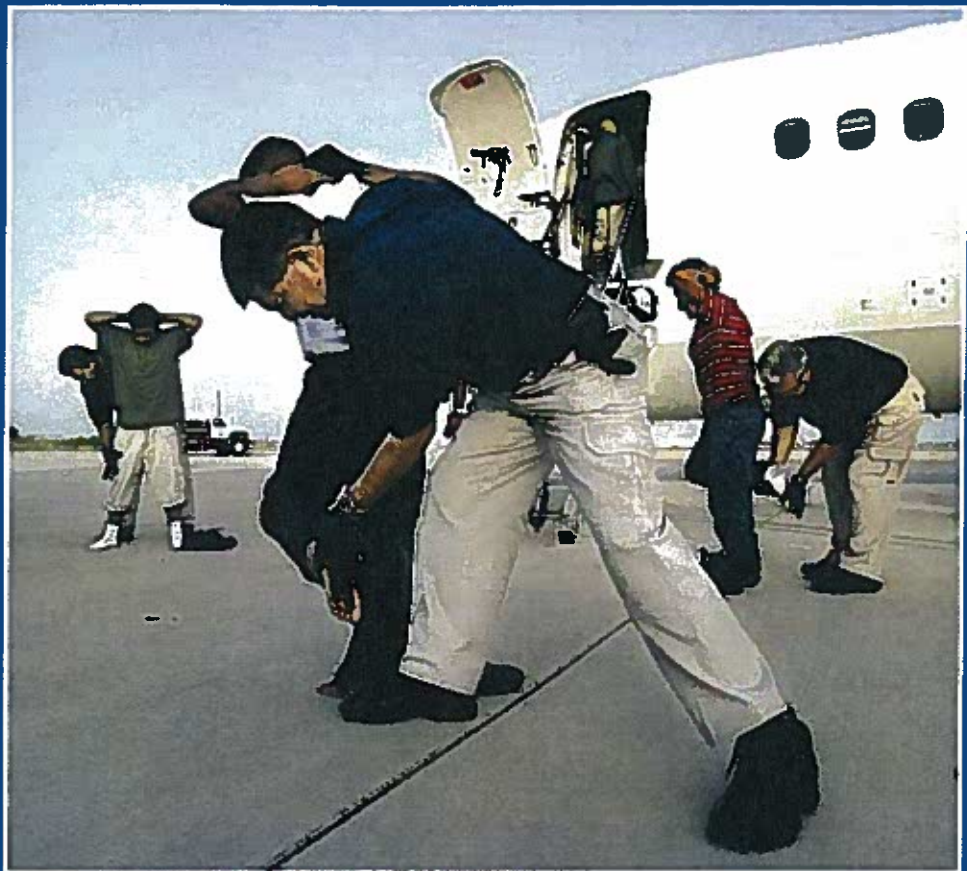
Kitson said detainees "are loaded onto a plane in the middle of the night. They have no idea where they are, no idea what state they are in. I cannot overemphasize the psychological trauma to these people."

The transfers also severely disrupt the attorney-client relationship, said Human Rights Watch, "because attorneys are rarely, if ever, informed of their clients' transfers."

ICE said the process is designed to reduce security risks.

But records show that some of those transferred and deported on the planes have been subjected to inhumane treatment and physical abuse on the trip, even those who were shackled.

As recently as last year Dianna McChargue, a Marshals Service supervisor, said in a sworn statement that she told



This Immigration and Customs Enforcement plane at Harlingen, Texas, will take captured illegal immigrants back to Guatemala. Before boarding the plane, deportees are searched one last time. When the deportees arrive in Guatemala City, their personal belongings — contained in small plastic bags — are returned to them, this time by Marta Munoz. The processing is done at an airport there.



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After their arrival in Guatemala City, deportees walk to a processing center. Guatemalan authorities rely on the Americans to check whether any deportees might have been human trafficking victims.

her bosses that some guards on the flights were sexist and racist toward fellow guards and others, but that they ignored her warnings.

A few years earlier, McChargue admonished guards for discouraging deportees from “defecating during lavatory call” because of “unpleasant odors.” She ordered them to stop preventing deportees from using lavatories in any way they needed.

The Marshals acknowledged “isolated cases” where deportees were denied permission to use lavatories during flights but added, “We can assure you these incidents have been addressed.”

Internal documents show ICE and the Marshals Service continue to disagree on how deportees should be treated on the flights.

In fact, the Marshals refused a request from ICE this summer to stop carrying stun guns, sedating passengers and restraining females and juve-

niles on the flights it operates for ICE.

The Marshals cited security concerns, adding that deportees are clearly in Marshal custody during those flights. ICE insists, however, that deportees remain in ICE custody, even while on Marshals Service planes.

Pre-flight cocktails

From 2003 to 2007, numerous deportees were injected with “pre-flight cocktails” before their flight home, according to congressional testimony.

The main ingredient: Haldol, a potent antipsychotic that can cause death. In some cases, sedated deportees needed wheelchairs to get off the plane.

The practice became so controversial that ICE ordered it stopped and said it would no longer involuntarily sedate immigrants without a court order. “There are no exceptions to this policy,” an ICE

memo said at the time.

But The Star found that the practice never really stopped, at least for detainees on Marshals Service flights operated as ICE charters.

Records show the Marshals Service in May forcibly injected a Jamaican detainee with Haldol — even after he had been moved to the back of the plane and was no longer disruptive.

Ashim Mitra, a pharmacy professor at the University of Missouri-Kansas City, called it a clear violation of ICE policies and an overreaction that risked harming the patient.

ICE told The Star it learned of the incident after the fact and sent the Marshals a memo asking them to stop. The Marshals said that they are aware of the memo, but that the action was called for under their own policies, and they don’t intend to make changes.

Incident reports obtained by the newspaper also show that ICE boarded or tried to

board detainees who were too physically or mentally ill, or too far along in their pregnancy to travel under ICE’s own guidelines.

The reports also showed that ICE often failed to provide nurses on Marshals Service flights with required medical records for deportees, and that seriously ill deportees were sometimes boarded without their medications.

“It was unbelievable the condition some of these people were in when they arrived,” said Nina Siulc, a professor at the University of Massachusetts, who interviewed several thousand Dominican deportees within minutes of their arrival there.

Scott Allen, a doctor with Physicians for Human Rights, said, “The documents I reviewed show multiple cases involving pressure on flight nurses to board improperly screened patients, or patients without proper medical documentation. This is simply bad

practice.”

Neither the Marshals Service nor ICE responded directly to the allegations in the reports, but both said they have guidelines to prevent such incidents.

Court documents show some deportees also have been harassed and threatened aboard the planes.

Marshals Service guard Fernando DaCosta held a switchblade knife in the face of a young Mexican deportee on one flight and threatened to cut his throat if he didn't give DaCosta his correct name, according to allegations in a federal anti-discrimination lawsuit.

The Marshals suspended DaCosta for two weeks in 2006 for “obscene and derogatory language” directed toward fellow workers and others, and “conduct unbecoming an aviation enforcement officer.”

ICE and the Marshals Service refused to comment about DaCosta, calling it a personnel matter. DaCosta, who is no longer with the Marshals Service, said the incident “never happened.”

The Star also found that guards, deportees and others potentially have been exposed to communicable diseases such as tuberculosis because ICE failed to follow its own screening criteria. On several occasions, records show ICE agents attempted to board de-

tainees despite what a nurse called “grossly positive” TB skin tests.

ICE insists all deportees are carefully screened and that deportees who test positive for TB are not sent home if they are contagious.

But in May 2003, in what federal auditors later called “an extreme case of failed medical screening,” a Marshals Service crew was ordered to board a female detainee who met the plane in Chicago.

She and two ICE agents wore surgical masks and protective clothing, and she showed symptoms of SARS, or severe acute respiratory syndrome.

Top Marshals Service officials in Kansas City ordered the woman boarded over objections from the nurse and the rest of the crew. The incident sparked a mutiny, and the crew refused to continue the mission.

She was later transported on a commercial airliner filled with passengers.

Valle-Callejas' journey

Advocates for detainees rounded up in the 2008 workplace raid in Postville said a lack of proper screening by ICE also led to the deportation of potential human trafficking victims.

They included Valle-Callejas, who was deported on one of the flights to Guatemala

City.

With his family gathered around in his impoverished village of Calderas, Valle-Callejas told the story of his ill-fated trek to America.

After putting up his house for a loan to smugglers, he was shuttled across the U.S. border illegally and traveled north looking for work. He said he ended up in a job where his illegal status was held over his head.

“I worked 86 hours a week and never got paid for more than 60,” he recalled. “If we complained, they would take the job away, and this was the only job available.”

After his arrest, U.S. authorities gave Valle-Callejas and the others a choice. Plead guilty to illegal entry and identity theft and spend five months in prison before being deported, or plead not guilty and face up to two years in prison.

Valle-Callejas and most of the others took the deal.

While Valle-Callejas was in jail he lost his house in Guatemala, and now he and his family are homeless.

“I came back feeling desolate for the way they treated us,” he said.

Were they human trafficking victims as their advocates insist? No one knows, because they allegedly were never properly screened.

But once they were back home, some told Guatemalan

officials they were exploited or abused and felt they were victims of forced labor, said Antonio Escobedo, director general of consular and migratory affairs in Guatemala City.

“There was absolutely no consideration of whether they were victims of trafficking, exploitation or child labor,” said Erik Camayd-Freixas, who served as a translator for the U.S. government after the Postville raid. “They all got the same raw deal.”

Still, many come back for more.

A Salvadoran who would only give his first name as Raoul said he already had been deported once. But this summer he was leaving a migrant shelter near the Guatemalan border in an effort to sneak back into the United States.

“In El Salvador I make \$3 a day from 7 a.m. to 4 p.m.,” Raoul told The Star as he prepared to ride a makeshift raft across the Suchiate River that divides Guatemala from Mexico.

Despite the risks of being deported again, Raoul said it's worth it.

“People in the U.S. should know that we suffer on the way. We know the risks, and we know we broke the laws in the U.S. But that is better than what we have here.”