



YOU are an arriving alien. X

Verónica* left her home in one of the countries of the “Northern Triangle” of Central America—El Salvador, Guatemala, and Honduras—after her mother and brother were kidnapped and killed—and after her own life had been threatened. She brought her children, a five-year-old boy and a girl of two and a half years. They had spent what money they had on the bus tickets to Mexico and on modest provisions for their trip; they had no money to pay someone to help them cross the Río Bravo/Río Grande. The children were too young to swim. Verónica walks with her little ones across the bridge and presents herself to the first U.S. official she sees. She tells the man that she can not go home. She wants to apply for asylum.

The Customs and Border Protection (CBP) officers arrest Verónica, her little boy, and her little girl. They interview her, “take” her fingerprints, and formulate a set of allegations. She and her children spend two days in the “hieleras” and then are loaded into a van. Hours later, they arrive in Karnes City.

An asylum officer interviews Verónica; the officer determines that she has a “credible fear” of returning to her home country. Whew! This means that Verónica will not be immediately “removed” (the legal term for deported), at least not yet. An officer brings her a NOTICE TO APPEAR. The notice is in English, a language Verónica does not speak. One of the pages is in tiny letters, but she signs it anyway.

She is afraid. The kids won’t eat the strange food and they cry when she tries to get them to drink the foul-tasting water.

You are an arriving alien. X

You are an alien present in the United States who has not yet been admitted or paroled. (The box for this charge is blank.)

You have been admitted to the United States, but are removable for the reasons stated below. (This box, too, is blank.) The Department of Homeland Security alleges that:

1. You are not a citizen or national of the United States;
2. You are a native of [A different country] and a citizen of [that same country].
3. You arrived at or near McAllen, TX on or about January 8, 2015;
4. You did not then possess or present a valid immigrant visa, reentry permit, border crossing card, or other valid entry document;
5. You were not then admitted or paroled after inspection by an immigration officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law: Section 212(a)(7)(i)(I) of the Immigration and Nationality Act, as amended, as an immigrant who at the time of application for admission, is not in possession of a valid unexpired passport, or other suitable document, or identity and nationality document if such document is required by regulations issued by the Attorney General pursuant to Section 211(a) of the Act.

These words might mean something to a person who had studied immigration law. Had Verónica and her kids arrived a year ago, immigration officials might have gone through this process, released her and her children on her own recognizance, or required her to pay a bond. She would have received strict instructions to report to a particular ICE office on a certain date and to keep every subsequent appointment with ICE, and to let both the immigration court and ICE know if she changed her address. If she moved without telling officials, she might miss a court date and receive a removal (deportation) order in absentia.

They might have gone to live with relatives, or stayed for a time in a shelter – perhaps the RAICES casita in San Antonio, or Casa Marianella in Austin. A church whose congregants and clergy understood that it was perfectly legal to offer hospitality – that providing sanctuary to a family released from detention breaks no law—might have taken them in.

But since Verónica entered the U.S. after June, 2014, she is locked up. That’s when the U.S. government radically changed its practice and started detaining women and children, supposedly because they presented a “danger” to “national security” in the form of “mass migration.”

ICE STARTED DETAINING ALL CENTRAL AMERICAN FAMILIES; MEXICANS AND BRAZILIANS ARE ALSO TRAPPED IN KARNES. IT REFUSED TO SET BOND FOR ANYONE; IT RELEASED A HANDFUL OF FAMILIES IN EXTREMELY UNUSUAL CIRCUMSTANCES (SUCH AS A CHILD WITH A BRAIN TUMOR).

Verónica can not go to the judge, because she’s an “arriving alien”; by statute, the immigration judge reviews the DHS decision to keep her locked up, as he could have done had she crossed the river and been arrested then. Eventually, DHS will tell her she can leave if she pays \$ 7500—the standard amount for “arriving aliens”—but Verónica has nowhere near that amount of money. Her family at home has scattered, and they wouldn’t been able to come out with that much, anyway.

Verónica joins the fast, although of course she still feeds her children—although they protest. They are losing weight.

In court, without a lawyer, Verónica admits to the charges. Or she doesn’t. Either way, the judge finds her removable. A judge tells her she must turn in her asylum application in two weeks, or he’ll consider her to have abandoned it. When she turns it in, she receives a date for a hearing on her application for asylum, another three weeks. She has her voice, her story, and her fear of returning. Will it be enough? ❖