

# Targeted But Not Silenced:

A Report on Government Surveillance and Retaliation  
Against Immigration Organizers in the United States



- 3**     [Introduction](#)
- 4**     [Grassroots Organizing in Immigrant Communities and ICE Responses](#)
- 16**    [Methods of Surveillance: Social Media Monitoring, In-person Surveillance, Data Brokers, Local Law Enforcement](#)
- 21**    [Methods of Retaliation: Detention and Deportation](#)
- 23**    [Acknowledging the Harms Caused by Retaliation and Surveillance](#)
- 24**    [Policy Recommendations](#)
- 27**    [Acknowledgements](#)
- 28**    [Endnotes](#)

## I. Introduction

The deployment of federal agents working for Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), as well as Department of Homeland Security (DHS) drones, during the Black Lives Matter protests in the summer of 2020 came as a shock to many observers.<sup>1</sup> But the reality is that federal immigration officers have long engaged in a pattern of surveillance of—and outright retaliation against—individuals advocating for immigrants across the country.<sup>2</sup> A recent study identified over a thousand instances of alleged retaliation by government officials against immigration organizers during the Trump Administration.<sup>3</sup>

Court filings, internal government records obtained through the Freedom of Information Act (FOIA) and related litigation, and interviews with five immigrants' rights organizations across the country—Organized Communities Against Deportation (OCAD) in Chicago, IL; La Resistencia in Washington State; Grassroots Leadership in Austin, TX; Comunidad Colectiva in Charlotte, NC; and Migrant Justice in Vermont—reveal a sustained campaign of ICE surveillance and repression against advocacy groups and activists. By providing a detailed account of the experiences of five organizations, this report exposes some of the steps that ICE undertakes to accomplish surveillance and retaliation, articulates the harms exacted, and offers recommendations for the future.

The University of Washington School of Law Immigration Clinic prepared this report as part of the Take Back Tech fellowship—a national cohort of law school clinics, technologists, and organizers coordinated by Just Futures Law and Mijente—to support organizing and policy campaigns aimed at combating technological policing used against immigrant communities.

## II. Grassroots Organizing in Immigrant Communities and ICE Responses

Across the country, immigrant communities are organizing against deportations, advocating for the end of immigration detention, and demanding an end to state and local governmental cooperation with ICE. Alongside the push for legal and policy change, numerous organizations are also supporting immigrant communities by engaging in mutual aid and providing critical services to immigrants, including to people being civilly incarcerated by ICE.

This section provides a snapshot of five organizations engaging in bold immigrants' rights advocacy and organizing in different regions of the U.S. While each group has its own history, priorities, and strategies, they have certain shared experiences. Each organization has a track record of impactful and effective work building power in immigrant communities. But that work has attracted ICE's attention, to the point that the federal government has chosen to monitor and, ultimately, retaliate against them through a range of tactics. These tactics have included monitoring organizations' social media and public events; surveilling individual activists; banning people from visiting ICE facilities; and the detention, deportation, and initiation of removal proceedings against individuals. The targeting of immigrant activists is chilling and raises basic fairness and First Amendment concerns.

But ICE's response to grassroots organizing also underscores the work's effectiveness in the immigrants' rights movement. "The publicity that we've gained has made us a target," Claudia Muñoz and Bethany Carson from Grassroots Leadership commented, "but it also makes us more protected and ICE's retaliation less secretive."

## A. ORGANIZED COMMUNITIES AGAINST DEPORTATION (OCAD): DETENTION AND DEPORTATION OF OCAD MEMBER BETO LOPEZ GUTIERREZ

With the mission to fight against deportation and criminalization of immigrants and advocate for the rights of immigrants and people of color, Organized Communities Against Deportation (OCAD) has engaged in numerous deportation defense campaigns in Chicago and surrounding areas. They seek to empower individuals facing deportation to advocate for themselves with community support.<sup>4</sup> OCAD has also worked to end cooperation by local governmental authorities with ICE.<sup>5</sup> OCAD has invested in leadership by young people in particular. Many of OCAD's members and leaders are undocumented or DACA eligible.<sup>6</sup>



*Photo credit Organized Communities Against Deportation*

In May 2019, OCAD member Beto Lopez Gutierrez was on the brink of turning 25 when ICE detained him. Beto's older brother, Miguel Lopez, had worked with OCAD for nearly a decade. While returning from a camping trip in a friend's car, Iowa law enforcement stopped the vehicle, and Beto (a passenger) was subsequently detained and transferred to ICE custody. This traffic stop led to Beto's incarceration by federal immigration authorities for approximately eight months. During Beto's time in an ICE prison, OCAD organized around the clock for his release. OCAD members attended his court hearings, made hundreds of calls to ICE, arranged press releases

and media interviews, and staged rallies outside the courtroom.<sup>7</sup> Beto, too, protested ICE detention for himself and others. He organized 45 fellow detainees to sign a public letter decrying detention conditions, including dirty cells, unwashed clothing, and a dearth of edible food. While in detention, Beto lost roughly 30 pounds.<sup>8</sup>

As the activism of Beto and OCAD gained national and local attention, ICE took notice. Prison officials shuffled him between facilities and held him in solitary confinement intermittently until he was finally released on a \$25,000 bond.<sup>9</sup> At the time of his release, Beto was awaiting the adjudication of his Deferred Action for Childhood Arrivals (DACA) application which, if granted, could have served as a defense to his deportation. But on the day before his scheduled appointment with ICE (a condition of his earlier release from detention), he received a notice indicating that the government intended to deny his DACA request. On June 9, 2020, Beto appeared at an ICE office for what officials had previously assured his lawyers was a routine check-in. When he arrived, Beto was arrested and detained, and the next day deported to Mexico.<sup>10</sup> (According to advocates in the Chicago area, a one-day turnaround between arrest and removal is extremely fast for that office.) On June 10, 2020, ICE deported Beto to Reynosa, Tamaulipas, Mexico – described in international media as “the U.S.-Mexico border’s most dangerous town”<sup>11</sup> and the subject of State Department travel advisories warning of threats of gun battles, murder, armed robbery, carjacking, kidnapping, forced disappearances, extortion, sexual assault, and rampant COVID-19 spread.<sup>12</sup> Beto was forced to travel 600 miles across Mexico to safety with his uncle in Guadalajara,<sup>13</sup> during which time ICE failed to inform Beto’s parents, sister, and brother Miguel of his whereabouts.<sup>14</sup> Beto remains in Mexico as of the publication of this report.

## **B. GRASSROOTS LEADERSHIP: BANNED FROM DON T. HUTTO FACILITY FOR ORGANIZING AGAINST IMMIGRATION DETENTION**

Grassroots Leadership is a non-profit organization based in Austin, TX, that works towards abolishing prisons, including privately owned prisons that contract with ICE. Grassroots Leadership has worked extensively to close the T. Don Hutto Detention Facility, a for-profit prison operated by CoreCivic in Taylor, TX. The facility was previously used to detain immigrant families, but since 2009 has been in the business of incarcerating immigrant women. Grassroots Leadership has maintained communication with and

provided support to women detained at Hutto, including support for protest actions and legal and social services support.<sup>15</sup> Grassroots Leadership also runs Migra Watch, a rapid response team protecting people in the Austin area who are vulnerable to federal immigration enforcement activity.<sup>16</sup>



Photo credit Grassroots Leadership

In October 2017, a detainee named Laura shared with Grassroots Leadership that a Hutto guard had sexually assaulted her.<sup>17</sup> More reports of abuse from other detained individuals followed.<sup>18</sup> In February 2018, Grassroots Leadership immigration policy organizer Bethany Carson spoke before the Williamson County Commissioners Court about the organization's concerns regarding the abuse propagated by prison officials. As she pointed out to the commissioners, CoreCivic personnel had violated not only Laura's personal safety, but numerous laws for which the county could be held legally and financially liable.<sup>19</sup> The next day, Austin city council member Gregorio Casar joined Bethany on a visit to Laura at Hutto. Both were denied physical entry to the facility. A guard told Bethany that she had been banned from the facility, and when Bethany questioned the guard, a CoreCivic supervisor threatened her with arrest. Immigration program director Claudia Muñoz tried to visit Laura the following day and was likewise told she would not be permitted inside the facility.<sup>20</sup> Grassroots Leadership subsequently learned that ICE had banned Claudia and Bethany from visiting Hutto indefinitely, limiting the organization's ability to advocate for the women detained there.

Several FOIA requests revealed that ICE’s targeting of the organization went further than a physical ban at the Hutto facility. ICE had monitored and photographed Claudia and Bethany and disseminated their photographs and personal information internally within the government agency.<sup>21</sup> ICE also retaliated directly against Laura. While in detention, Hutto guards assaulted, threatened, and isolated Laura, denied her medical attention, and attempted to force her to recant her accusations. Laura—who eventually secured release with support from Grassroots Leadership—became a center point of local and national opposition to the Hutto facility and ICE more generally, as her story shed light on the routine mistreatment of detainees.<sup>22</sup> Indeed, the public attention on Laura’s case led to other women coming forward to share their stories of abuse.<sup>23</sup>

### C. COMUNIDAD COLECTIVA: SURVEILLANCE AND MONITORING OF STEFANIA ARTEAGA

Comunidad Colectiva (Comunidad) is an immigrants’ rights organization in Charlotte, NC, founded by Stefania Arteaga and Oliver Merino. Comunidad seeks to counter anti-immigrant policies and rhetoric by organizing for political and civic engagement in Latinx communities. The organization runs a community ICE verification system, defense trainings, and youth groups. It also participates in broad public education campaigns. In 2018, Comunidad spearheaded community pushback against Charlotte’s longstanding 287(g) agreement with ICE, which authorized local police to collaborate in ICE enforcement activity against community members. During that time, Comunidad held community meetings to discuss the harmful impacts of the 287(g) program, hosted press conferences, and went door to door to raise community awareness about the program. Comunidad endorsed the campaign of Sherriff Garry L. McFadden, who had promised to end the 287(g) program in Charlotte. The 2020 Netflix documentary *Immigration Nation* featured Comunidad Colectiva’s campaign against 287(g) and ICE enforcement.<sup>24</sup>





Photo credit Comunidad Colectiva

Comunidad successfully secured the election of Sheriff McFadden, which resulted in the termination of both the 287(g) agreement and the use of the local county jail as an ICE detention center after continuous pressure. But during this time, ICE engaged in steady surveillance of Comunidad’s activities. ICE actively monitored Stefania’s social media accounts and personal life. For example, at a Cabarrus County 287(g) Steering Committee meeting in April 2019, an ICE agent approached Ms. Arteaga, unprompted, with highly personal questions. These questions, social media alerts, and similar incidents ratcheted up after McFadden’s election.<sup>25</sup> ICE agents attended community meetings organized by Comunidad, in arguable violation of the government’s own sensitive locations policy, which prohibits enforcement action (including surveillance) at a range of locations.<sup>26</sup> In one incident, Stefania’s car was nearly forced off the road due to the aggressive maneuvering of a vehicle she believed belonged to ICE.<sup>27</sup>

Following Comunidad’s successful bid to end 287(g) agreements, ICE engaged in retaliatory raids on workplaces and homes in Charlotte. When questioned after his attendance at the community meeting, ICE’s Assistant Field Office Director for Charlotte, NC, Robert J. “Bob” Alfieri, stated to *Immigration Nation* videographers, “They [immigrant community members present at the meeting] were concerned that ICE would ramp up activities, you know, because they [Mecklenburg County] got out of the 287(g) program. And, um, of course we’re gonna ramp up activities.”<sup>28</sup> And according to Sheriff McFadden, “[ICE Public Affairs Director] Bryan Cox mentioned that if

I did take this [287(g)] off the books, this will cause more aggressive activity [from ICE].”<sup>29</sup> Bryan Cox also told the cameras, “We’re doing it [increasing raids] because we were forced.”<sup>30</sup>

#### **D. LA RESISTENCIA: REMOVAL PROCEEDINGS INITIATED AGAINST COMMUNITY LEADER MARU MORA VILLALPANDO**

La Resistencia is a grassroots collective based in the state of Washington. La Resistencia works to end the detention of immigrants and to stop deportations. For the past several years, its specific focus has been closing the Northwest Detention Center (NWDC) in Tacoma, WA, a for-profit prison run by the GEO Group.<sup>31</sup> (In 2019, ICE changed its name to the Northwest ICE Processing Center.<sup>32</sup>) With leadership from undocumented immigrant activists, detainees, families of detainees, and community members, La Resistencia has increased public scrutiny of the detention facility. In early 2021, La Resistencia’s years of organizing resulted in tremendous victory: the successful passage of House Bill 1090 by the Washington State Legislature, which the governor signed on April 14, 2021. The legislation is expected to lead to the effective closure of the NWDC.<sup>33</sup>

One of La Resistencia’s most visible voices is its co-founder Maru Mora Villalpando, a longtime Washington resident. Maru is a well-respected and influential leader in the immigrants’ rights movement, having organized multiple local and statewide campaigns and protests in support of immigrants and detainees. She is regularly invited to speak in local, state, and national forums.<sup>34</sup> In December 2017, around the time that Maru was actively working to close the NWDC, she received a Notice to Appear in immigration court and learned that ICE had placed her in removal proceedings.



*Maru Mora Villalpando speaking outside the Northwest Detention Center (Photo credit La Resistencia)*

Various ICE records—such as those obtained through FOIA, produced through active litigation and even forms entered into her immigration file—demonstrate that ICE’s decision to place Maru in removal proceedings was an act of retaliation against her role in organizing against the NWDC. Because Maru is undocumented, ICE officials seized on its power to place her in removal proceedings. One internal email exchange between the Deputy Field Officer Director of ICE’s Enforcement and Removal Operations in Seattle Bryan Wilcox and Marc J. Moore<sup>35</sup> took place the month before she received a Notice to Appear in immigration court. That email contained internet links to Maru’s work and described her and others as “instigators of all the turmoil surrounding the NWDC for the past several years.”<sup>36</sup> The email went on to explicitly state that “[placing Maru] into proceedings might actually take away some of her ‘clout.’”<sup>37</sup> In Maru’s immigration case, the Form I-213—a document roughly analogous to that of a police report in the criminal context—referenced her “involvement in anti-ICE protests.”<sup>38</sup>

Documents from FOIA further reveal that ICE had sought extensive personal information about Maru from the Washington State Department of Licensing in violation of state law.<sup>39</sup> Those records also suggest that ICE bought additional data about Maru from data brokers, thereby facilitating the agency’s efforts to place her in removal proceedings.

**From:** Moore, Marc J [REDACTED]  
**Date:** Monday, Nov 20, 2017, 4:13 PM  
**To:** [REDACTED]  
**Cc:** Wilcox, Bryan S [REDACTED]  
**Subject:** FW: List of community members

Maru Mora is the specific individual who was behind the 2014 hunger strikes and every other one since then... She continually tries to foster hunger strikes and protests both inside and outside the facility. She is a self-proclaimed illegal alien and we have confirmed this (she's a B-2 overstay). In fact, we have been planning on placing her into proceedings either by mailing an NTA or calling her in on A G56 and serving her personally. Either way, it will of course, make the news, but we cannot continue to ignore her status under the new enforcement policies. Placing her into proceedings might actually take away some of her "clout", claiming unity by fear of the unknown. She also has authored the handbook attached

She has no family members in the facility and she's not an attorney. As she self-proclaims to be an illegal alien, we should plainly say to the Congresspersons that she will not be allowed into the facility.

*Internal ICE email*

U.S. Department of Homeland Security		Continuation Page for Form I-213	
Alien's Name MORA VILLALPANDO, MARIA	File Number [REDACTED]	Date 12/18/2017	
Event No: [REDACTED]			
<p>Record of Deportable/Excludable Alien:            Maria MORA VILLALPANDO came to the attention of Seattle, WA, ICE-ERO after an interview was published in the "Whatcom Watch" wherein she stated that she is "undocumented" and that "many people like me come on a visa and then do not return to their countries when the visa has expired." (<a href="http://whatcomwatch.org/index.php/article/maru-mora-villalpando-and-latino-advocacy/">http://whatcomwatch.org/index.php/article/maru-mora-villalpando-and-latino-advocacy/</a>) Upon review of the article and available information regarding her situation it should also be noted that she has extensive involvement with anti-ICE protests and Latino advocacy programs. VILLALPANDO has become a public figure primarily in Whatcom County, where she currently resides.</p> <p>VILLALPANDO was admitted to the United States (US) at San Francisco, California, on April 29, 1996, as a nonimmigrant B2 visitor. VILLALPANDO has remained in the US beyond the six month allotted period of admission without authorization from the Immigration and Naturalization Service or its successor, the Department of Homeland Security.</p>			

*Maru's Form I-213 ("Record of Deportable/Inadmissible Alien")*

This explicit targeting of Maru was not an isolated case amongst those organizing to close the NWDC. Internal ICE records indicate that officials sought to install surveillance technology at NWDC "to monitor and record the activities of the protestors at the NWDC."<sup>40</sup> Indeed, for years, as part of its work to support people held at the NWDC, La Resistencia regularly learned of instances in which ICE and GEO prison guards would retaliate against individuals for communicating with La Resistencia, participating in hunger strikes, and otherwise exercising their rights to free speech and association.<sup>41</sup> Detainees informed La Resistencia of multiple instances of prison officials using solitary confinement and other troubling tactics to quell dissent and protest by people in their custody.<sup>42</sup>

## E. MIGRANT JUSTICE: INFILTRATION, PLANNED ARRESTS, AND EFFORTS TO UNDERMINE THE ORGANIZATION.

Migrant Justice is a grassroots organization operating in Vermont to build collective power amongst farmworkers and advocate for economic justice. Migrant Justice has engaged in numerous policy campaigns that have resulted in the organization being identified as one of the most prominent advocates for immigrants in the region.<sup>43</sup> It has supported policies to reduce collaboration between state law enforcement agencies and federal immigration agencies<sup>44</sup> and successfully campaigned for the passage of the Vermont “Driver Privilege Card” legislation in 2013, which expands access to drivers’ licenses to all Vermont residents, regardless of immigration status. The organization also created the “Milk with Dignity” Program, which establishes labor protections for dairy workers and has resulted in a high-profile, formal commitment from Ben & Jerry’s, one of the largest dairy buyers in the region.<sup>45</sup> Most recently, Migrant Justice campaigned for and secured a \$5 million Covid relief fund for undocumented people in Vermont not covered by the federal government’s stimulus program.<sup>46</sup>



Photo credit Migrant Justice



Photo credit Migrant Justice


Leading members of Migrant Justice experienced retaliatory tactics from federal immigration officials prior to the extreme tactics of the Trump administration, typically following a successful campaign for a new state law or policy. For instance, in 2011, a Migrant Justice member was stopped by Vermont state police and transferred to ICE custody.<sup>47</sup> The member ultimately received a stay of removal. State officials later investigated his arrest and found a discriminatory motive behind the arrest.<sup>48</sup>

Starting from 2014 and continuing through the Trump administration, Migrant Justice and its staff and leadership have been targeted and surveilled by ICE. By 2014, Migrant Justice's work around state drivers' licenses became well-known in the region. Within the space of three years, from 2014 to early 2018, no fewer than 20 members and leaders of Migrant Justice were arrested and detained by ICE.<sup>49</sup> In some arrests, the ICE Forms I-213 prepared as part of those members' removal cases specifically mentioned the members' affiliation with Migrant Justice.<sup>50</sup> During the arrests and interrogation of the detained members, ICE spread misinformation about Migrant Justice,<sup>51</sup> told arrestees that fellow Migrant Justice members would be the "next to go,"<sup>52</sup> and continued detaining members despite their not being enforcement priorities under the government's own policies at the time.<sup>53</sup> In addition to monitoring Migrant Justice through social media, ICE is believed to have enlisted at least one community informant to gather information about Migrant Justice to enhance its tactics against the organization.

In October 2020, Migrant Justice settled a lawsuit in which it had brought multiple claims against the agency for its retaliatory actions. As part of the settlement agreement, ICE agreed to pay monetary damages, grant immigration relief to targeted members, and affirm its commitment to basic First Amendment principles.<sup>54</sup>

# Burlington Free Press

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 **Stop the spread** • Avoid close contact with others • Cover your mouth and nose with a cloth or tissue • Wash your hands often • Cover coughs and sneezes • Clean and disinfect frequently touched surfaces



From left, Enrique Balcazar, Zully Palacios Rodriguez and Victor Diaz, of the group Migrant Justice, pose outside the federal courthouse Wednesday in Burlington. ICE agreed not to deport them in a settlement of their lawsuit alleging that they were targeted because of their activism. LISA RATHKE/JAP

## ICE settles lawsuit filed by activists

Government agrees not to deport them workers in Vermont.  
"ICE tried to terrorize us by going af-

*Photo credit Migrant Justice*

### III. Methods of Surveillance: Social Media Monitoring, In-person Surveillance, Data Brokers, Local Law Enforcement

The experiences of the organizations highlighted in this report demonstrate that ICE uses a range of strategies—including social media monitoring, traditional surveillance tools, and relationships with third-party data collection companies—to proactively collect information on organizations and leaders working to resist abusive immigration enforcement.

#### A. SOCIAL MEDIA SURVEILLANCE

Social media serves as an initial source of information about the organizations as well as the personal lives of the organizers.<sup>55</sup> The organizations reported common instances of ICE social media surveillance and intimidation:

- ICE downloaded and circulated internally photographs of Grassroots Leadership staff Claudia Muñoz and Bethany Carson from Facebook.<sup>56</sup> The photographs include a selfie of Claudia, a section cropped from a larger image of Claudia with a family member,<sup>57</sup> and cropped images of Bethany apparently taken from photos of social events.



*ICE email containing Facebook photos of Grassroots Leadership members (redactions by ICE)*

- When Beto Lopez Gutierrez of OCAD was arrested at an ICE check-in, the ICE officers in the room scrolled through OCAD’s Facebook posts and reportedly made rude and demeaning comments as they did so.<sup>58</sup> Agents from the Chicago ICE field office had attempted to convince OCAD to refrain from posting comments critical of ICE a few years before Beto’s arrest.<sup>59</sup>



- In Charlotte, ICE agent Steve La Roca trawled the LinkedIn accounts of Stefania Arteaga and her colleagues, using the information they gained to ask Stefania specific questions about her, her colleagues, and her family.<sup>60</sup> Changes in Stefania’s employment status resulted in comments about those changes from an ICE agent. Stefania also received an “invitation to connect” on LinkedIn from that ICE agent, presumably so that the agent could access more information about her.<sup>61</sup>
- In March 2017, Zully Palacios Rodriguez of Migrant Justice received a security notification telling her that an unidentified user had attempted to access her email account. Later that day, plainclothes ICE agents dragged her from her vehicle. Her arrest form revealed that ICE had run checks on her Facebook account, confirmed as much when agents referred to her by a nickname she used for her Facebook.<sup>62</sup>

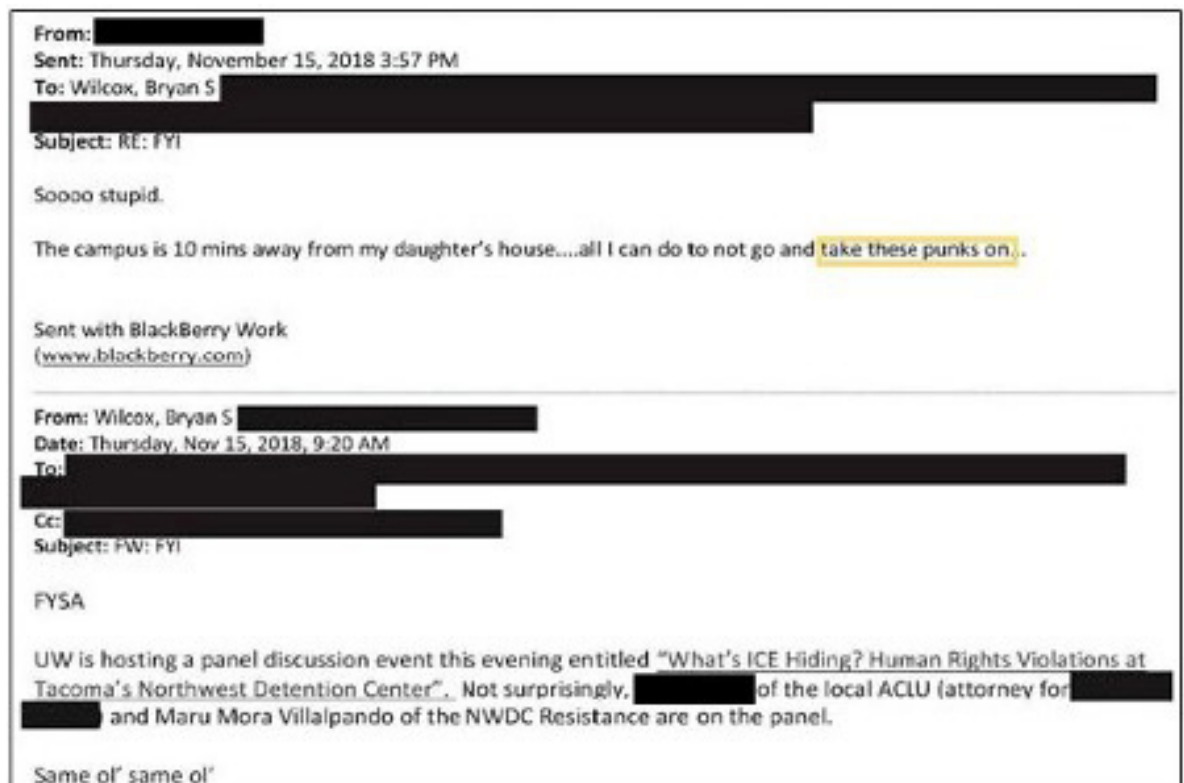
While social media information is quasi-public, the fact that taxpayer-funded officials at ICE devoted their time and resources to collecting personal information about immigration activists and community leaders is troubling and raises questions about those officials’ motives and goals.

ICE dedicates millions of dollars to social media surveillance. As of 2018, ICE had paid a social media search corporation, Ghost Oak, a total of \$45 million over approximately four years.<sup>63</sup> Ghost Oak’s CEO is a former CBP employee.<sup>64</sup> Of equal concern, ICE provides taxpayer funds to a company called Babel Street for “Locate X,” a tool that collects location data from smartphones, tracking the phone’s owner.<sup>65</sup> Locate X can tell ICE officers which restaurants a person favors for lunch, which friends they visit, and whether they ever go to protests.<sup>66</sup> Since the end of 2019, ICE has paid Babel Street approximately \$787,700 for its location-tracking technology.<sup>67</sup>

## B. IN-PERSON SURVEILLANCE

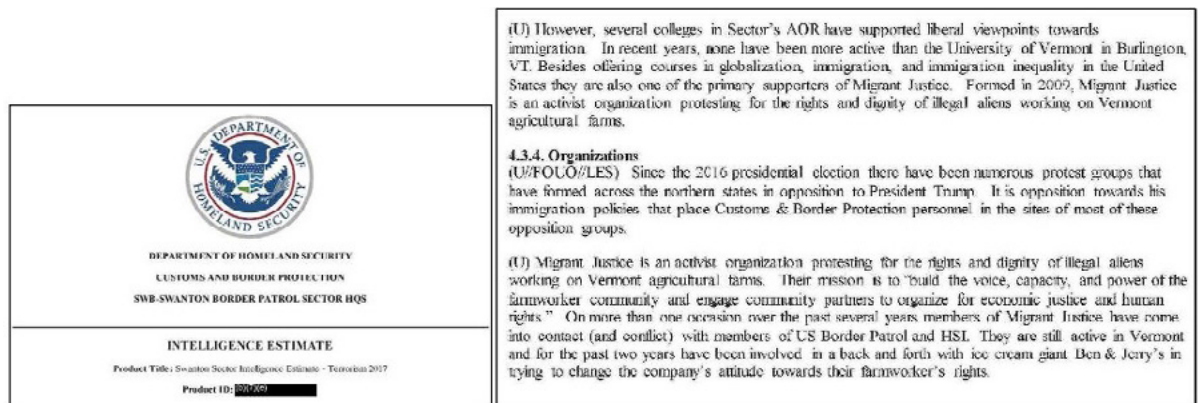
ICE is not averse to traditional methods of human surveillance, such as following a target in person, as the following examples demonstrate:

- During Grassroots Leadership’s ICE Out of Austin campaign, FOIA records show that ICE followed and photographed members of Grassroots Leadership. The photographs, along with images of Claudia and Bethany taken from Facebook, were circulated through ICE internal emails and labeled “Claudia MUNOZ picture,” “Claudia Munoz,” “Claudia Munoz Facebook,” and “parking garage surveillance.”<sup>68</sup> Similarly, ICE agents attended events organized by Comunidad Colectiva.<sup>69</sup>
- Nearly a year after placing Maru in removal proceedings, the ICE Field Office director shared in an internal email with redacted recipients that Maru was speaking on a panel on human rights violations at the Northwest Detention Center sponsored by the University of Washington.<sup>70</sup>



*ICE email about the panel at the University of Washington at which Maru Mora Villalpando spoke (redactions by ICE)*

- With Migrant Justice, an “Intelligence Estimate” report prepared by CBP in 2017, presumably to provide background strategy information on CBP’s Swanton sector and purporting to have a terrorism purpose, devotes over a paragraph to describing Migrant Justice, its encounters with CBP, its work with Ben & Jerry’s, and support received from the University of Vermont.<sup>71</sup>



*Intelligence Estimate Report by CBP (redaction by ICE)*

With Migrant Justice, ICE also appears to have used community informants to gather surveillance on the organization. The recruitment process of such informants can be highly coercive. ICE capitalized on the vulnerability of undocumented individuals by exchanging release from detention for their agreement to pass on information about Migrant Justice. In one instance, ICE reportedly arrested an undocumented couple, detained the male partner, and released the female partner to be an informant in exchange for the later release of the male partner.<sup>72</sup> According to text messages sent between an ICE agent and the informant, ICE used the informant to obtain private information to arrest, detain, and retaliate against Migrant Justice members.<sup>73</sup> ICE agents labeled information thus acquired as “from a concerned citizen.”<sup>74</sup> Use of informants creates distrust and suspicion within the community, in that any person released by ICE may be suspected of agreeing to be an ICE informant.<sup>75</sup> The use of informants by government agencies is not new: Dr. Martin Luther King, Jr. and his Southern Christian Leadership Conference (SCLC) were targets of FBI infiltration campaigns, alongside the NAACP, the Black Panthers, and other civil rights organizations.<sup>76</sup>

## C. LOCAL LAW ENFORCEMENT AND DATA BROKERS

ICE has also relied on local law enforcement and third-party data brokers to obtain information about activists. In Maru’s case, ICE requested information about her from the Washington State Department of Licensing—information that the Department provided. FOIA records also include a 35-page document that appears to have been obtained from Thomson Reuters just weeks before the issuance of Maru’s Notice to Appear.<sup>77</sup> This document shows a list of 39 aliases (it appears many data entry programs have difficulty parsing her name), 16 possible addresses, five phone numbers, prior litigation, and various utility services associated with Maru, as well as workplaces, owners of those addresses, values, deed transfers, names of potential relatives, and other information subject to ICE redactions.

Individual Report Plus Associates | MORA VILLALPANDO, MARIA | 12/06/17 03:53 P... **Page 1 of 35**

Individual Report Plus Associates | MORA VILLALPANDO, MARIA | 12/06/17 03:53 PM |  
Reference: N/A

Report Section Summary

- [User Search Terms \(1\)](#)
- [Subject \(1\)](#)
- [Possible Addresses Associated with Subject \(16\)](#)
- [Work Affiliations \(2\)](#)
- [Utility Services \(2\)](#)
- [Phone Numbers Associated with Subject \(1\)](#)
- [SSN & Current Address Fraud Alerts \(2\)](#)
- [Quick Analysis Flags \(1\)](#)
- [Phone Listings for Subject's Addresses \(1\)](#)
- [Bankruptcy Records \(2\)](#)
- [Corporate Filings \(2\)](#)
- [Property Owners of Subject's Addresses \(2\)](#)
- [Relatives \(14\)](#)
- [Associates \(7\)](#)
- [Associate Analytics Chart \(1\)](#)
- [Neighbor Listings for Subject's Address \(3\)](#)
- [Report section\(s\) with no matches \(39\)](#)

User Search Terms

Last Name: villalpando  
First Name: maria

*Thomson Reuters report provided to ICE about Maru*

ICE’s reliance on data brokers in Maru’s case is consistent with broader concerns expressed by Just Futures Law, Mijente, Grassroots Leadership, and other community organizations that have criticized law enforcement’s broad use of private surveillance companies.<sup>78</sup> The companies collect information from state agencies, utility companies, and other sources in a manner that raises fundamental privacy, Fourth Amendment, and fairness concerns. It is

worth noting that data brokers are businesses and are thus not bound by the Fourth Amendment or other legal limitations that apply to law enforcement authorities. Data broker companies are permitted to obtain information from various sources, often corporations selling their customers' data.<sup>79</sup> ICE uses data brokers to evade legal limitations on what personal data it can access, buying what might otherwise be impermissible for it to collect. While these technological surveillance policing and data collection strategies have broad ramifications for entire communities, they also enhance ICE's ability to engage in retaliatory measures against organizers.

## IV. Methods of Retaliation: Detention and Deportation

In addition to surveillance, ICE has used its power to detain and deport to exert control and engage in retaliation against many organizations, related individuals, and communities, as highlighted in this report.

The mere *threat* of detention or deportation serves as a means by which ICE has sought to intimidate and discourage immigrant rights activism. In the case of Comunidad Colectiva, ICE agents physically attended—in the front rows—a meeting held at a church, which many undocumented community members attended to discuss plans to oppose the 287(g) agreement.<sup>80</sup> With Migrant Justice, ICE attempted to exploit community members' fears of deportation and proactively spread misinformation about Migrant Justice, claiming that the organization collaborated with ICE to identify targets for deportation.<sup>81</sup>

Immigrants' rights leaders have experienced the threat of deportation on multiple occasions. Over 20 people actively involved in Migrant Justice's work were detained by ICE, and evidence of direct retaliation was alleged in 9 of those cases. In addition, from April 2016 to March 2017, ICE arrested five Migrant Justice leaders, each at two- to three-month intervals. These members should not have been immigration enforcement priorities, and on each of their Forms I-213, ICE noted their affiliations with Migrant Justice.<sup>82</sup> Text and email messages between ICE agents suggest that the agency had plans to target Migrant Justice members, including asking an informant to identify photographs of people wearing Migrant Justice t-shirts.<sup>83</sup> Maru's case also serves as a flagrant example of ICE intentionally singling out a prominent community leader and placing her in removal proceedings in an effort, in an ICE's official's own words, to "take away some of her 'clout'...."<sup>84</sup>

Other times, ICE has apparently singled out individuals who received strong community support for retaliatory deportation as well as mistreatment while in custody, as Beto's experience suggests. OCAD rallied to support Beto's release from detention and campaigned to stop his deportation, and Beto himself organized fellow detainees to protest the conditions of their detention. While in detention, Beto was placed in solitary confinement. To members of OCAD and Beto's family, the decision to deport Beto on June 9, 2020, was an act of retaliation. Internal ICE records from Beto's case suggest that ICE had not previously identified Beto as an enforcement priority.<sup>85</sup> But, inexplicably, those records reflect new entries on the date of his deportation, claiming that Beto "significantly abused the visa or visa waiver program," even though Beto's only known immigration violation was an alleged overstay of his entry visa that had taken place in 2005 when Beto was 10 years old.<sup>86</sup> Finally, ICE released Beto in Reynosa, a place hundreds of miles away from Beto's family in Guadalajara and infamous for its crime rate.

Several of the organizations profiled in this report work in close partnership with people detained in ICE prisons. Their experiences show that ICE has readily extended its retaliatory actions against those in its custody, who are the most vulnerable to the agency's potential abuse of power. La Resistencia's communications with individuals incarcerated at the Northwest Detention Center, for instance, suggest a regular pattern of retaliation, particularly against people who participate in hunger strikes or otherwise seek more humane conditions. Physical violence is a common complaint, although the resolution or investigation of those complaints is rare. Solitary confinement is frequently used as a tactic to discourage hunger strikes. ICE has also recruited informants among the detained population to share information with prison guards and ICE about activism at the jail. In one instance, an informant told a guard about another detainee's testimony forms for a human rights review; the guard then removed the papers without the detainee's consent.<sup>87</sup> Finally, banning advocates—like Grassroots Leadership's Claudia and Bethany—cuts off an important source of support for people in detention.

## V. Acknowledging the Harms Caused by Retaliation and Surveillance

Organizations, individuals, and communities suffer multiple harms when ICE engages in retaliatory tactics like those described above. At an organizational level, certain forms of retaliation directly hamper organizations' ability to engage in advocacy work and leadership by preventing organizations from entering detention facilities or punishing detainees for working with outside groups. Other ICE actions appear to be aimed at intimidating organizations to discourage power-building work and engagement with undocumented communities.

Every organization featured in this report has had to change its working strategies. Being banned from entering the detention facilities forced Grassroots Leadership to reconfigure their work, for instance. When organizational leaders and members are subject to enforcement action, the organizations must invest time and resources into protecting them. Organizations have also suffered because some community members reasonably fear retaliation and are thus discouraged from further participation. At a practical level, some organizers felt it was no longer safe to drive their own cars to meetings out of a concern that ICE would use their license plates to track their movements.

For individuals, the harms are tangible, visceral, and life-threatening, particularly when ICE wields its power to detain, use solitary confinement, deport, and threaten with deportation. In addition to the obvious physical harms of losing one's home, family, and community, detention and deportation bring a range of emotional and psychological harms. For people in immigration detention, ICE's retaliation can have a devastating impact. Beto still hopes to be reunited with his family in the U.S. one day, and his family suffers in his absence. Maru continues to fight her removal case. Several organizers reported feeling depressed and anxious, living with constant fear, and needing to take medication to cope with the stress of possible deportation. And when visible leaders are targeted, the harms flow to communities as well.

At the same time, every organization and organizer interviewed for this report has vowed not to allow ICE's efforts to silence them. "The way I look at it," said Maru, "it means ICE is now afraid of us."<sup>88</sup> Each organization still exists and continues to fulfill its mission. The organizations, their members, and leaders are still resisting immigration enforcement activity, organizing their communities, advocating for the enactment of bold and inclusive policies, and setting forth their visions of justice and freedom. To the extent that ICE's goal has been to strangle their work, the agency has failed.

## VI. Policy Recommendations

The Biden Administration and Congress have an opportunity to institute and advocate for a range of policy interventions to address the harmful effects of ICE's retaliation against immigration activists.

### A. EXERCISE PROSECUTORIAL DISCRETION IN FAVOR OF CIVIL, LABOR, AND HUMAN RIGHTS ORGANIZERS AND ACTIVISTS.

DHS and the Department of Justice (DOJ) should consider a person's public service as an immigrant rights, civil rights, or labor rights organizer or activist as a strong positive equity. They should presume that the person merits prosecutorial discretion at multiple stages of the process, including the decision to take enforcement action at all, release from detention, granting immigration benefits, staying imminent deportation, and termination of removal proceedings. DHS and DOJ should ensure the availability of headquarters-level review for all organizers because allowing ICE field offices that engaged in retaliation to make determinations about discretionary relief constitutes a conflict of interest. Where other government entities—such as members of Congress or other federal, state, or local agencies—request favorable exercises of prosecutorial discretion, DHS and DOJ should grant such requests.



**B. BRING HOME IMMIGRANT ACTIVISTS AND ORGANIZERS TARGETED AND DEPORTED BECAUSE OF THEIR PROTEST ACTIVITY, REPORTED ABUSE, OR OTHER CIVIL RIGHTS ACTIVITIES.**

Where federal agencies targeted an individual because they were engaging in protected speech critical of the government, they should restore them to their prior status. DHS and DOJ should prioritize returning immigrant rights organizers who have been deported, like Beto, to their homes in the United States. They should also create a mechanism so that individuals who participated in protest actions, including hunger strikes in detention facilities, have an opportunity to request prosecutorial discretion to return home or reopen their immigration cases. People who engaged in activism may serve as valuable witnesses in investigations or prosecutions of government misconduct and abuse, but forcing them to remain in exile makes their participation in such accountability efforts extremely difficult.

**C. END MASS SURVEILLANCE OF IMMIGRATION ACTIVISTS, ORGANIZERS, AND PROTESTS GENERALLY.**

DHS has used intrusive modern technological tools and boots on the ground to engage in widespread surveillance of immigrant activists, immigrant-led organizations, and protests across the country. The Biden Administration must end the practice of surveilling immigrant rights organizers and protests generally and must end the procurement of technologies—including through contracts with third-party data brokers—that make mass surveillance possible.

**D. CONDUCT AN AUDIT OF RETALIATION AGAINST IMMIGRATION ACTIVISTS, ORGANIZERS, AND PROTESTS.**

DHS and DOJ should conduct an audit or internal review of the types of retaliation and surveillance described in this report. It should do so in a way that facilitates truth-telling and reconciliation as a way of acknowledging the harms caused by activist surveillance and retaliation on immigrant communities. The purpose of such an effort would be to investigate ICE abuses of human and constitutional rights, consistent with restorative justice methods and with input from directly impacted communities.

**E. ENACT STATUTES OR REGULATIONS THAT LIMIT DHS'S SURVEILLANCE TACTICS AND ACCESS TO PERSONAL DATA.**

Although there are legal limitations on the data that DHS can collect absent a judicial warrant, the agency has employed numerous strategies to circumvent these limitations. Congress should explore the possibility of enacting stronger data privacy laws so that basic information from everyday life, such as establishing a utility service or lawfully obtaining a driver's license, does not increase one's risk of apprehension by federal immigration agents. In the absence of legislative action, DHS can promulgate binding regulations that limit the scope of its surveillance power, for instance, by limiting the types of data accessible to it or the amount of time for which it is permitted to store data about an individual. Congress and the executive branch might similarly explore stronger laws and regulations that govern the activities of data brokerage companies that collect and monetize private information.<sup>89</sup>

**F. RE-ENVISION THE IMMIGRATION SYSTEM IN ITS CURRENT FORM.**

An overwhelming recommendation from the organizations and individuals featured in this report is a call to rethink the current immigration system. In the short term, such a re-envisioning involves treating immigration as the civil—not criminal—system that the courts have long held it to be. Treating immigration as a civil system means doing away with the tools typically associated with criminal punishment, such as the use of prisons and high-tech surveillance. It also involves recognizing that deportation need not be the only response to every alleged immigration law violation. Along those lines, another intermediate step consists of reducing funding for ICE and CBP, the primary enforcement agencies.

**G. ABOLISH THE IMMIGRATION ENFORCEMENT AGENCIES.**

A long-term goal shared by each of the organizations featured in this report is to abolish the current immigration enforcement agencies. Public momentum is growing to do away with the existence of federally funded agencies, especially ICE, that are devoted to the pursuit of mass deportation and detention. This momentum recognizes that public safety and democratic ideals are best served by allowing communities to live in freedom and without fear. The pattern of surveillance and retaliation detailed here contributes to the call for abolition.

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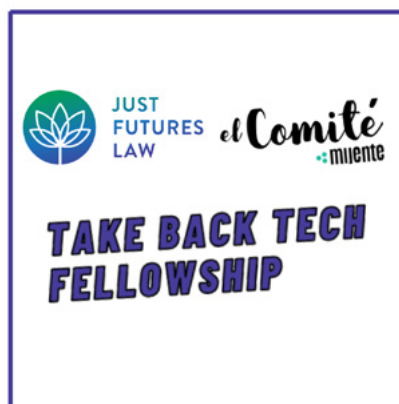
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- 1 Jonathan Levinson et al., *Federal Officers Use Unmarked Vehicles to Grab People in Portland, DHS Confirm*, NAT'L PUB. RADIO (July 17, 2020), <https://www.npr.org/2020/07/17/892277592/federal-officers-use-unmarked-vehicles-to-grab-protesters-in-portland>; Tory Johnson, *ICE and CBP Agents Were Deployed at Black Lives Matter Protests*, IMMIGRATION IMPACT (June 25, 2020), <https://immigrationimpact.com/2020/06/25/black-lives-matter-ice/#.YG8tZehKjD4>; Zolan Kanno-Youngs, *U.S. Watched George Floyd Protests in 15 Cities Using Aerial Surveillance*, N.Y. TIMES (June 19, 2020).
- 2 See Nick Pinto, *Across the U.S., Trump Used ICE to Crack Down on Immigration Activists*, THE INTERCEPT (Nov. 1, 2020), <https://theintercept.com/2020/11/01/ice-immigration-activists-map/> (quoting JFL legal director Sejal Zota commenting on crack downs by ICE officers in Portland and explaining that “We’ve now seen the machinery of DHS go after non-immigrants, as part of the uprising,” but that “this is part of a longer history of targeting immigrant activists.”).
- 3 Immigrant Rights Voices, <https://www.immigrantrightsvoices.org/#/>. (accessed Apr. 8, 2021).
- 4 See Maria Ines Zamudio, *Detained Immigrants Turn to the Courts to Protect Themselves from COVID-19*, WBEZ (Apr. 20, 2020), <https://www.wbez.org/stories/detained-immigrants-turn-to-the-courts-to-protect-themselves-from-covid-19/e66b4471-9daa-4ad0-8a2d-eedf3e2ddc41>; *In Huge Victory, Immigrant Leaders Shut Down ICE “Citizen’s Academy,”* LAWDALE NEWS (Sept. 10, 2020), <http://www.lawndalenews.com/2020/09/in-huge-victory-immigrant-leaders-shut-down-ice-citizens-academy/>; Anabel Mendoza, *Chicago judge approved the release of immigrant father from detention, a ‘great’ but minor victory according to organizers*, MEDILL REPORTS, Feb. 24, 2020, <https://news.medill.northwestern.edu/chicago/chicago-judge-approved-the-release-of-immigrant-father-from-detention-a-great-but-minor-victory-according-to-organizers/>.
- 5 *About Us*, ORGANIZED COMMUNITIES AGAINST DEPORTATION, <https://www.organizedcommunities.org/about>.
- 6 *Id.*
- 7 See Irene Romula, *The fight to release Beto*, CHICAGO READER (Jan. 29, 2020), <https://www.chicagoreader.com/chicago/fight-to-release-beto/Content?oid=77404793>.
- 8 Second Amended Complaint at 23, 50, *Jesus Alberto Lopez Gutierrez v. United States*, No. 19-cv-8049 (N.D. Ill. Jul. 29, 2020).
- 9 See, e.g., Laura Rodriguez Pena, *DACA-eligible Chicago man released after 9 months in immigration detention, thanks to his brother’s activism*, CHICAGO TRIBUNE (Mar. 3, 2020), <https://www.chicagotribune.com/news/ct-daca-eligible-chicago-man-jailed-months-released-20200303-eqiy6pobdngh3khem3biwink3e-story.html>.
- 10 Carlos Ballesteros, *Southwest Side man quickly deported to Mexico while awaiting DACA decision*, CHICAGO SUN TIMES (July 3, 2020), <https://chicago.suntimes.com/politics/2020/7/3/21311671/daca-jesus-alberto-beto-lopez-gutierrez-deported-jalisco-west-elsdon>.
- 11 *Trump’s Wall: On patrol in the border’s deadliest town* (BBC television broadcast Aug. 11, 2017), <https://www.bbc.com/news/av/world-us-canada-40755559>.
- 12 Mexico Travel Advisory, U.S. Department of State, <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/mexico-travel-advisory.html>.

- 13 Second Amended Complaint at 58.
- 14 Interview with Arianna Salgado, Xanat Sobrevilla, & Miguel Lopez, Organized Communities Against Deportation (Feb. 5, 2021) (notes on file with the University of Washington Immigration Clinic).
- 15 See TEXAS LAW IMMIGRATION CLINIC AND GRASSROOTS LEADERSHIP, CRUELTY AND CORRUPTION, CONTRACTING TO LOCK UP IMMIGRANT WOMEN FOR PROFIT AT THE HUTTO DETENTION CENTER (2021), [https://grassrootsleadership.org/sites/default/files/reports/utlaw\\_hutto\\_rpt\\_2.pdf](https://grassrootsleadership.org/sites/default/files/reports/utlaw_hutto_rpt_2.pdf).
- 16 See, e.g., Sarah Marloff, *Commissioners to Discuss Racial Disparities in County Jail: Grassroots Leadership report indicates detainees of color face inequalities*, AUSTIN CHRON. (Jul. 21, 2017); Sarah Marloff & Cindy Widner, *What Austin renters need to know during the coronavirus pandemic*, CURBED (Apr. 13, 2020).
- 17 Interview with Claudia Muñoz, Bethany Carson & Barbara Hines, Grassroots Leadership (Oct. 21, 2020) (notes on file with the University of Washington Immigration Clinic).
- 18 Philip Jankowski, *Two more women accuse guard of sexual misconduct at immigration lockup*, AUSTIN STATEMAN (Nov. 21, 2017), <https://www.statesman.com/NEWS/20171121/Two-more-women-accuse-guard-of-sexual-misconduct-at-immigration-lockup>.
- 19 REGULAR SESSION OF THE WILLIAMSON COUNTY, TX COMMISSIONERS COURT (Feb 20, 2018) (citizen comments), <https://williamsoncountytexas.new.swagit.com/videos/110696/7>.
- 20 Interview with Claudia Muñoz & Bethany Carson (Oct. 21, 2020) (notes on file with the University of Washington Immigration Clinic).
- 21 Email from redacted to redacted, subject: Facebook, Oct. 18, 2019, 3:42 PM (on file with the University of Washington Immigration Clinic); email from redacted to redacted, subject: Claudia Munoz – Active Bond, Dec. 17, 2019, 4:28 PM (on file with the University of Washington Immigration Clinic).
- 22 *FBI investigating sexual assault claims at T. Don Hutto detention center*, KXAN (Dec. 15, 2017), <https://www.kxan.com/news/fbi-investigating-sexual-assault-claims-at-t-don-hutto-detention-center/>.
- 23 *Id.*
- 24 Yvonne Villareal, *Inside ‘Immigration Nation,’ the Netflix docuseries ICE didn’t want you to see*, LA TIMES (Aug. 4, 2020); Jane Wester, *New sheriff tells ICE he’ll end controversial jail immigration program in Mecklenburg*, CHARLOTTE OBSERVER (Dec. 5, 2018).
- 25 Interview with Stefania Arteaga, Comunidad Colectiva (Feb. 8, 2021) (notes on file with the University of Washington Immigration Clinic).
- 26 The “sensitive locations” policy reads, in part: “This policy is designed to ensure that these enforcement actions do not occur at nor are focused on sensitive locations such as schools and churches... The enforcement actions covered by this policy are (1) arrests; (2) interviews; (3) searches; and (4) ... surveillance.” While the sensitive locations memo identifies specific locations and events covered by the policy such as schools, churches, hospitals, and public demonstrations, it also states that the list is “not [] exclusive,” and applies to events and locations that “could reasonably be viewed as being at or near a sensitive location.” See John Morton, *Enforcement Actions at or Focused on Sensitive Locations*, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Oct. 24, 2011), <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>; David V. Aguilar, *U.S. Customs and Border Protection Enforcement Actions at or Near Certain Community Locations*, U.S. CUSTOMS AND BORDER PROTECTION (Jan. 19, 2013); see also, FAQs: Sensitive Locations and Courthouse Arrests, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, <https://www.ice.gov/about-ice/ero/sensitive-loc>.

- 27 Interview with Stefania Arteaga, Comunidad Colectiva (Feb. 8, 2021) (notes on file with the University of Washington Immigration Clinic).
- 28 *Immigration Nation: Episode 4, The New Normal* (Netflix 2020) at 6:04 (emphasis added).
- 29 *Id.* at 43:54.
- 30 *Id.* at 1:02:22.
- 31 See La Resistencia, <http://laresistencianw.org/>.
- 32 See, e.g., Maru Mora Villalpando & Megan Ybarra, *ICE rebranded the Tacoma detention center. It's still inhumane*, Opinion, CROSSCUT. (Sept. 24, 2019), <https://crosscut.com/2019/09/ice-rebranded-tacoma-detention-center-its-still-inhumane>; Paula Cornell, *In Tacoma, an ICE detainee's hunger strike tops 100 days*, SOUTH SEATTLE EMERALD (Mar. 26, 2021).
- 33 House Bill Report, EHB 1090, <http://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bill%20Reports/House/1090.E%20HBR%20PL%2021.pdf>.
- 34 *Immigrant Activists Maru Mora-Villalpando & Ravi Ragbir Keep Speaking Out Despite Deportation Threat*, Democracy Now! (May 17, 2019), <https://www.youtube.com/watch?v=mxuyscm0a2Y>; Citizen University TV: *Conversation with Maru Mora Villalpando*, SEATTLE CHANNEL (Sep. 20, 2017), <https://www.youtube.com/watch?v=peI7brIMaHM>.
- 35 Moore was previously head of the Miami ERO office, under whose leadership 92 detainees were beaten by ICE officers and shackled aboard a plane for 48 hours. See Motion for Temporary Restraining Order and/or Stay of Removal and Request for Emergency Hearing, Farah Ibrahim et al. v. Marc J. Moore, Field Office Director, Miami Field Office, Immigration and Customs Enforcement, et al., No. 17-cv-24574-GAYLES (S. D. Fla. Dec. 18, 2017).
- 36 Email from Bryan S. Wilcox to Marc J. Moore, Nov. 20, 2017 at 12:39PM, [https://justfutureslaw.org/wp-content/uploads/2020/04/A-1\\_ICE-0000618\\_image-Redact-Highlight\\_r.pdf](https://justfutureslaw.org/wp-content/uploads/2020/04/A-1_ICE-0000618_image-Redact-Highlight_r.pdf) (ICE-0000624).
- 37 Email from Marc J. Moore to redacted, CC: Bryan S. Wilcox, Nov. 20, 2017 at 4:13 PM, [https://justfutureslaw.org/wp-content/uploads/2020/04/A-1\\_ICE-0000618\\_image-Redact-Highlight\\_r.pdf](https://justfutureslaw.org/wp-content/uploads/2020/04/A-1_ICE-0000618_image-Redact-Highlight_r.pdf) (ICE-0000623). See also email from Bryan S. Wilcox to Marc J. Moore, Jan. 16, 2018 at 9:38 AM, [https://justfutureslaw.org/wp-content/uploads/2020/04/B-r\\_W-9\\_ICE-0003616\\_image-Redact-Highlight\\_r.pdf](https://justfutureslaw.org/wp-content/uploads/2020/04/B-r_W-9_ICE-0003616_image-Redact-Highlight_r.pdf) (ICE-0003616-18) (describing Maru Mora Villalpando as “the primary instigator and coach of all the so-called hunger strikes we’ve seen at the NWDC as well as almost all meaningful protests over the past decade.”).
- 38 Form I-213, Maru Mora Villalpando (on file with the University of Washington Immigration Clinic).
- 39 Email from Washington State Department of Licensing Public Disclosure Manager to redacted, Feb. 14, 2018 at 9:28 AM, referencing “the records that DOL sent to you about Maria [sic] Mora Villalpando” (on file with the University of Washington Immigration Clinic).
- 40 Email from Bryan S. Wilcox to redacted, July 25, 2018 at 6:29 PM, [https://justfutureslaw.org/wp-content/uploads/2020/04/C-1-ICE-0000129\\_Redact-Highlight\\_Redacted\\_r.pdf](https://justfutureslaw.org/wp-content/uploads/2020/04/C-1-ICE-0000129_Redact-Highlight_Redacted_r.pdf) (ICE-0000130-31).
- 41 Interview with Maru Mora Villalpando, La Resistencia (Feb. 27, 2021) (notes on file with the University of Washington Immigration Clinic).
- 42 *Id.*

- 43 Interview with Will Lambek, Spokesperson, Migrant Justice (Apr. 12, 2021) (notes on file with the University of Washington Immigration Clinic).
- 44 Amended Complaint at 7, *Migrant Justice et al. v. Kirstjen Nielsen et al.*, No. 5:2018cv00192, (D. Vt. filed Nov. 14, 2018) *dismissed* (D. Vt. 2020).
- 45 Milk with Dignity, <https://migrantjustice.net/milk-with-dignity-campaign>; see also Dan D'Ambrosio, "Everything is better": Effort grows to improve working conditions on Vermont dairy farms, BURLINGTON FREE PRESS (Oct. 7, 2020), <https://www.burlingtonfreepress.com/story/news/2020/10/07/milk-dignity-conditions-improving-migrant-workers-vermont-dairy-farms/5907222002/>.
- 46 Amanda Gokee, *Covid relief for undocumented immigrants begins rolling out*, VT DIGGER (Jan. 14, 2021), <https://vtdigger.org/2021/01/14/covid-relief-for-undocumented-immigrants-begins-rolling-out/>.
- 47 Amended Complaint at 7, *Migrant Justice et al. v. Kirstjen Nielsen et al.*, No. 5:2018cv00192, (D. Vt. filed Nov. 14, 2018) *dismissed* (D. Vt. 2020).
- 48 *VT Human Rights Commission Unanimously Finds State Police Discriminated Against Daniel Alejandro Lopez-Santiago During September Traffic Stop*, MIGRANT JUSTICE (Dec. 1, 2011), <https://migrantjustice.net/node/130>.
- 49 Amended complaint at 10, *Migrant Justice et al. v. Kirstjen Nielsen et al.*, No. 5:2018cv00192, (D. Vt. filed Nov. 14, 2018) *dismissed* (D. Vt. 2020).
- 50 *Id.*
- 51 *Id.* at 10, 13.
- 52 *Id.* at 11.
- 53 *Id.* at 13.
- 54 See Stipulation for Compromise Settlement and Release and Dismissal of All Claims with Prejudice, *Migrant Justice v. Wolf*, No. 5:18-cv-192.
- 55 In addition to social media, various internal ICE emails obtained through FOIA show ICE officials sharing links to online media coverage of the organizations and individuals highlighted in this report.
- 56 Email from redacted to redacted, subject: Facebook, Oct. 18, 2019, 3:42 PM (on file with the University of Washington Immigration Clinic)
- 57 Interview with Claudia Muñoz and Bethany Carson of Grassroots Leadership, Oct. 21, 2020 (notes on file with the University of Washington Immigration Clinic).
- 58 Interview with Arianna Salgado, Xanat Sobrevilla, and Miguel Lopez of Organized Communities Against Deportation, Feb. 5, 2021 (notes on file with the University of Washington Immigration Clinic); Second Amended Complaint at 56, *Jesus Alberto Lopez Gutierrez v. United States*, No. 19-cv-8049 (N.D. Ill. Jul. 29, 2020).
- 59 *Id.*
- 60 Complaint for Declaratory and Injunctive Relief at 15–18, *Comunidad Colectiva v. U.S. Immigration and Customs Enforcement*, No. 20-1256 (D.D.C. May 13, 2020); Interview with Stefania Arteaga, Feb. 8, 2021 (notes on file with University of Washington Immigration Clinic).

- 61 Complaint for Relief, Comunidad Colectiva.
- 62 Complaint, Migrant Justice v. Nielsen, Nov. 14, 2018 at 81–8.
- 63 *Who supplies the data, analysis, and tech infrastructure to US immigration authorities?* PRIVACY INTERNAT'L (Aug. 9, 2018), <https://privacyinternational.org/long-read/2216/who-supplies-data-analysis-and-tech-in-frastructure-us-immigration-authorities>; *IDV to GIANT OAK, INC.* USASpending.gov, Apr. 22, 2021. Accessed Apr. 27, 2021. [https://www.usaspending.gov/award/CONT\\_IDV\\_HSCEMD17D00001\\_7012](https://www.usaspending.gov/award/CONT_IDV_HSCEMD17D00001_7012).
- 64 Gary M. Shiffman, Ph.D., Team, Ghost Oak, <https://resources.giantoak.com/gary-m-shiffman-phd-bio>. DJ Pangburn, *The data firms hired by ICE to hunt people down raise alarm about a hidden surveillance industry*, FAST COMPANY, Nov. 11, 2018, <https://www.fastcompany.com/90248772/data-firms-ice-hires-raise-alarms-about-an-unseen-industry-giant-oak-palantir-thompson-reuters>.
- 65 BPA to BABEL STREET, INC., USASpending.gov, Apr. 22, 2021. Accessed Apr. 27, 2021. [https://www.usaspending.gov/award/CONT\\_AWD\\_70CMSD19FC0000052\\_7012\\_70CMSD19A00000007\\_7012](https://www.usaspending.gov/award/CONT_AWD_70CMSD19FC0000052_7012_70CMSD19A00000007_7012).
- 66 Rhett Jones, *Secret Service Paid to Get Americans' Location Data Without a Warrant, Documents Show*, GIZMODO (Aug. 17, 2020), <https://gizmodo.com/secret-service-bought-access-to-americans-location-data-1844752501>.
- 67 BPA to BABEL STREET, INC. USASpending.gov, Apr. 22, 2021. Accessed Apr. 27, 2021. [https://www.usaspending.gov/award/CONT\\_AWD\\_70CMSD19FC0000052\\_7012\\_70CMSD19A00000007\\_7012](https://www.usaspending.gov/award/CONT_AWD_70CMSD19FC0000052_7012_70CMSD19A00000007_7012).
- 68 Email from Lead Field Intelligence Officer, San Antonio Intelligence Operations Unit to redacted, Nov. 7, 2019 at 3:57 PM (on file with the University of Washington Immigration Clinic).
- 69 *See id.*
- 70 Email from Bryan S. Wilcox to redacted, Nov. 15, 2018, 9:20AM, available at [https://justfutureslaw.org/wp-content/uploads/2020/04/D-5\\_ICE-0002908\\_image-Redact-Highlight\\_r.pdf](https://justfutureslaw.org/wp-content/uploads/2020/04/D-5_ICE-0002908_image-Redact-Highlight_r.pdf) (ICE-0002908).
- 71 Swanton Sector Intelligence Estimate – Terrorism 2017, May 2017, at 24–25 (on file with the University of Washington Immigration Clinic).
- 72 Interview with Will Lambek, Apr. 12, 2021 (on file with the University of Washington Immigration Clinic).
- 73 Migrant Justice Amended Complaint at 75.
- 74 *Id.* at 80.
- 75 Interview with Will Lambek, Apr. 12, 2021 (on file with the University of Washington Immigration Clinic).
- 76 *Intelligence Activities and the Rights of Americans Book II, Final Report of the Select Committee to Study Governmental Operations with respect to Intelligence Activities United States Senate (Church Committee)*, 94th Cong. (2d Sess. 1976), archived at <https://web.archive.org/web/20061019170937/http://www.icdc.com/~paulwolf/cointelpro/churchfinalreportIIa.htm>
- 77 Individual Report Plus Associates for “MORA VILLALPANDO, MARIA,” Dec. 6, 2017 (on file with the University of Washington Immigration Clinic).
- 78 *Id.*



- 79 See *Secure Our Data: Protecting the Privacy of Pennsylvania Residents and Drivers*, DRIVING PENNSYLVANIA FORWARD AND FARMWORKER LEGAL ADVOCACY CLINIC (Sept. 2020), <https://drivingpaforward.org/wp-content/uploads/2020/09/Secure-Our-Data-Hit-the-Brakes-on-Information-Sharing.-Driving-PA-Forward-2020-1.pdf>; See *Austin's Big Secret: How Big Tech and Surveillance are Increasing Policing*, GRASSROOTS LEADERSHIP, JUST FUTURES LAW & MIJENTE, (Aug. 2020), [https://grassrootsleadership.org/sites/default/files/reports/austins\\_big\\_secret\\_how\\_big\\_tech\\_and\\_surveillance\\_are\\_increasing\\_policing.pdf](https://grassrootsleadership.org/sites/default/files/reports/austins_big_secret_how_big_tech_and_surveillance_are_increasing_policing.pdf).
- 80 For examples of how data brokers work, and where they obtain data, see Kurt Opsahl and Rainey Reitman, *The Disconcerting Details: How Facebook Teams Up with Data Brokers to Show You Targeted Ads*, Electronic Frontier Foundation (Apr. 22, 2013) <https://www.eff.org/deeplinks/2013/04/disconcerting-details-how-facebook-teams-data-brokers-show-you-targeted-ads#get-info>.
- 81 See Part II.C. of this report.
- 82 See Migrant Justice Amended Complaint at 65, 70.
- 83 See Migrant Justice Amended Complaint at 51-71.
- 84 Complaint, Migrant Justice v. Nielsen at 79.
- 85 See Part II.D. of this report.
- 86 See EARM View Encounter Summary, Jesus Alberto Lopez Gutierrez (on file with the University of Washington Immigration Clinic) (describing Beto as “no priority”).
- 87 EARM Person History, Jesus Alberto Lopez Gutierrez (on file with the University of Washington Immigration Clinic).
- 88 Interview with Maru Mora Villalpando, Feb. 27, 2021 (on file with the University of Washington Immigration Clinic).
- 89 *Id.*
- 90 Kashmir Hill, *Your Face Is Not Your Own*, NY TIMES (Mar. 18, 2021) <https://www.nytimes.com/interactive/2021/03/18/magazine/facial-recognition-clearview-ai.html?searchResultPosition=5>.

