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New report exposes surveillance and retaliation by ICE against immigrant & activists

Activists demand that DHS create protection against retaliation categories in upcoming enforcement memo

Just Futures Law, Mijente, and the University of Washington School of Law Immigration Clinic released results of new FOIAs and interviews with immigrant rights activists in a report on Wednesday that chronicles a pattern of retaliation against organizers by ICE.

ICE agents followed, photographed, and monitored the social media of activists who engaged in protests or other public advocacy, sometimes in violation of state law. ICE agents launched immigration raids, placed individuals into deportation proceedings, and in one instance arrested 20 members of an immigrant rights organization following the organization’s attempts to sever the ties between local police and ICE.

The report documents retaliation committed against individuals associated with five immigrant rights groups: Grassroots Leadership, Organized Communities Against Deportations, Comunidad Colectiva, La Resistencia, and Migrant Justice. The report shows that ICE targeted organizers and leaders of each group in apparent retaliation for their advocacy against immigration enforcement, raising serious concerns that ICE is punishing individuals for First Amendment-protected activities.

The findings come as the Department of Homeland Security is preparing to release its priorities enforcement memo—the guidelines that would shape who ICE agents target for arrest and deportation.

Advocates are deeply concerned that the DHS memo will not prohibit this type of retaliation. Despite assurances by the Secretary of Homeland Security that ICE retaliation would not be tolerated, ICE has continued retaliating against activists under the Biden administration. Prior investigations have already shown more than a thousand documented cases of retaliation by federal agents nationwide, including hundreds of cases of ICE retaliation.

"ICE has a history of retaliating against organizers and activists, terrorizing us with surveillance, arrest, deportation, detention, solitary confinement, and more," said Jacinta Gonzalez, senior campaign organizer with Mijente. "This report lays that practice bare, a practice that continues under the Biden administration. The Department of Homeland Security must prohibit this retaliation and ensure ICE stops violating our constitutional rights."

“The findings of this report are troubling, and suggest that the federal government has used its resources and power to retaliate against communities and leaders organizing for their own
safety and survival. But it also shows the strength of activism from the grassroots, and we hope to see the Biden Administration encourage more speech, organizing and leadership from immigrant communities by making amends for the government's disturbing practices,” said law professor Jennifer Lee Koh, formerly the Director of the University of Washington School of Law Immigration Clinic, who worked with University of Washington law students Abby Jiang and Elicia Shotland to author the report.

“We’re glad this report is making public what other people in our community already know,” said Claudia Muñoz, Co-Executive Director of Grassroots Leadership. “ICE continues to terrorize and surveil our community, and it’s not stopping in the Biden Administration. This administration must ensure not only that ICE stops its harassment of the immigrant community, but allow for all those who have been harmed and deported to be able to return to their loved ones.”

“ICE has tried to terrorize us by going after our leaders. They have tried to divide us by attacking our organizations. They have tried to silence us, but we have shown them that we will not be silenced,” said Victor Diaz, dairy worker and member of Vermont-based Migrant Justice.

“Our work is to make public all the brutality of the immigration detention system. We have seen ICE retaliation against those who dare speak up while in detention. As organizers outside of these cages, ICE retaliation was extended to us because both detained people and we have been successful. ICE retaliation only made us stronger and more committed to continue our work to end all detentions and deportations,” said Maru Mora Villalpando of La Resistencia.

“The scale of ICE’s surveillance and retaliation against immigrant activists is alarming. It demonstrates how they view communities of color speaking truth to power as a threat and the lengths that they’ll go to silence people. We urge the Biden administration to clearly and firmly repudiate this practice in the forthcoming immigration enforcement priorities memo,” said Sejal Zota, the Legal Director of Just Futures Law and an editor of the report.

"Throughout Beto's case, we saw a persistent retaliation through his time in detention, up until his abrupt deportation. ICE has always felt emboldened to punish those who decide to organize and speak out about their atrocities and human rights violations. If this administration is serious about not continuing this harm, the very least they can do is to stop detaining people, stop deporting people, and start bringing back people that have been deported, like Beto. We will not compromise and we will continue to organize and build people power until migration is no longer criminalized and our communities are able to thrive in whatever place they call home,” said Miguel Lopez of Organized Communities Against Deportations.

“ICE utilizes governmental resources to oppress organizers who ensure they are held accountable for the human rights violations they cause. This report sheds light on what organizers have said for so long,” said Stefania Arteaga of Comunidad Colectiva.

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