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Bay Area Resistance to Trump's Anti-Immigrant War

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Immigrants and the immigrant rights community are at war. Within hours of his inauguration, President Trump attacked with the Muslim ban. Then came the assault on sanctuary cities, random Immigrant and Customs Enforcement (ICE) operations and “collateral arrests,” labeling all youngsters as “gang members,” deporting parents, rescinding the Deferred Action for Childhood Arrivals (DACA) policy, terminating Temporary Protected Status (TPS), increased detentions, and the most recent inhumane act of separating asylum seekers from their children and proclaiming that victims of domestic and gang violence are not legitimate refugees. Now, as we enter 2019, Trump continues his fear mongering tactics and obsession with a “border wall” causing a partial government shutdown and chaos and dissension in Congress.

Truth is, we have been at war for some time. How far back do you want to go? The Trumpian efforts may be the worst in a generation, but going back just 25 years we see evidence from other presidential administrations. Bill Clinton instituted the death trap of Operation Gatekeeper, George W. Bush set the tone for Islamophobia after 9/11, and Barack Obama, a.k.a., the “Deporter-in-Chief,” opened new family detention centers in New Mexico and Texas following the surge of unaccompanied minors and women with children in 2014.

Fortunately, immigrants and their allies in the San Francisco Bay Area have led the resistance to anti-immigrant efforts for generations. Long before I started practicing immigration law in the 1970s, private immigration lawyers regularly volunteered to represent Chinatown residents who were “paper sons or daughters,” (immigrants from China who purchased fraudulent documents to enter the country), Filipino War Veterans who did not know they could have applied for U.S. citizenship during World War II, and Mexican farmworkers rounded up after seasonal work was ending. By the time I started working for a local legal aid office, a culture of service among practitioners had evolved with a shared vision that noncitizens facing deportation deserved quality legal services.

When the summer of 2014 surge of unaccompanied children and women from the Northern Triangle of Central American was happening, immigration service providers from across the Bay Area met regularly to coordinate services for those newcomers who made it to the Bay Area. Pro bono attorneys played a big role, but community-based organizations such as Dolores Street Community Services, Central American Refugee Center, Centro Legal De La Raza, Asian Law Caucus, Catholic Charities, Pangea Legal Services, Legal Services for Children, the Lawyers Committee for Civil Rights, the Immigrant Legal Resource Center, Community Legal Services of East Palo Alto, and our own University of San Francisco (USF) immigration clinic all stepped up. Eventually, the City and County of San Francisco, led by Supervisor David Campos, successfully appropriated money so that each agency could hire more immigration lawyers, and the Bar Association of San Francisco helps to coordinate representation. Alameda, Santa Clara, Sonoma, and recently San Mateo Counties have followed suit with their own funding.

San Francisco also funds San Francisco Immigrant Legal and Education Network SFILEN—a network of organizations including Mujeres Unidas y Activas, the Immigration Center for Women and Children, the African Advocacy Network, and the Arab Resource and Organizing Center. Among other things, SFILEN provides the framework for a rapid response network that springs into action at the hint of ICE activity. Religious groups in the Bay Area uniformly support the sanctuary movement, and religious leaders, such as Faith in Action, recruit members to provide accompaniment services to immigrants facing crises. Bay Area local officials also stand at the side of their immigrant constituents. In February, Oakland Mayor Libby Schaaf famously warned Bay Area residents of impending ICE activity. After Trump’s threat to stop providing federal funds to sanctuary cities, rather than waiting around, San Francisco, Richmond, and Santa Clara County filed preemptive lawsuits arguing that any withholding of federal funds under such circumstances would be

unconstitutional. The Public Defender's Offices in the Bay Area have added immigration attorneys to their staffs who specialize in criminal-immigration matters. Mayors and county supervisors regularly denounce Trump and ICE activities.

The deportation of immigrants has been part of the American presidency for years, but the scale of these efforts has surged with under the Trump administration. President Barack Obama was dubbed "Deporter-in-Chief" by immigrant rights advocates for good reason. During his eight years in office, his administration formally removed more than three million noncitizens, compared to two million during George W. Bush's tenure and about 900,000 under the Bill Clinton administration. Unfortunately, under Trump, interior enforcement numbers have skyrocketed. This shift in enforcement philosophy has translated to more arrests and deportations of noncitizens. Between January 25, 2017, and the end of fiscal year (FY) 2017 (September 30, 2017), ICE made 110,568 arrests—a 42 percent increase over the 77,806 arrests made during the same period in 2016. Trump is well on his way to the title of "deportation king," and given his policy of separating migrant children from their parents at the border, he is more of an "Abuser-in-Chief."

For reasons not that complex, President Trump and his ICE army want to disrupt the lives of undocumented immigrants and their families. They want to create confusion and chaos even when it may not be legally justified, and that's working. The Trump White House has instilled a get-tough attitude among the ICE officers and tries to manipulate public perception into believing that this is normal and permissible. That makes Trump and his troops so much harsher than the "mainstream" Republican approach to immigration which was just strict, but not purposefully spiteful. Combine that with Trump's immigration-savvy advisors' approach of using old dormant immigration law provisions (like expanding the expedited removal powers of the Department of Homeland Security), sometimes beyond the constitutionally-permitted boundaries, and the nightmare is complete.

Yes, this is war. But the Bay Area leads the resistance.

Bill Ong Hing is a Professor of Law and Migration Studies at the University of San Francisco. He is the founder of the Immigrant Legal Resource Center in San Francisco and directs the USF Immigration & Deportation Defense Clinic. He is the author of several books including Immigration Law and Social Justice (2018); Ethical Borders—NAFTA, Globalization and Mexican Migration (2010). His new book, American Presidents, Deportations, and Human Rights Violations, will be published by Cambridge University Press in the Fall.