



U.S. Department of Justice
Immigration and Naturalization Service

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Office of the Commissioner

425 I Street NW
Washington, DC 20536

APR 10 2000

The Honorable Spencer Abraham
Chairman
Subcommittee on Immigration
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am writing in response to your March 7 letter expressing concern about the treatment of Indian nationals by the Immigration and Naturalization Service (INS) during a recent enforcement action in San Antonio, Texas.

On January 20, the INS, in conjunction with the Department of Labor's Office of Inspector General, and the U.S. Air Force Office of Special Investigations, conducted an enforcement action at Randolph Air Force Base in San Antonio. This enforcement action was the result of a 5-month investigation precipitated by the suspected failure of certain employers, who contracted out H-1B nonimmigrants to work at the Randolph Air Force Base, to comply with the Immigration and Nationality Act (INA), as well as the INS and Department of Labor H-1B regulations.

During the enforcement action, the INS detained 40 Indian nationals, believed to be H-1B nonimmigrants working for the suspect employers. Thirteen of the Indian nationals were immediately released after initial review of their immigration status documentation. The remaining Indian nationals were released over the next several hours, and the INS issued charging documents, alleging removability, to some of the individuals. After a thorough review, the INS determined that the charging documents may have been prematurely issued and decided not to seek the removal of the individual employees at that time. However, since the employers are suspected of having committed violations of the INA and H-1B regulations, the INS continues to examine the possibility of administrative or criminal action against the employers. Administrative action against the employers for failure to comply with the requirements of the H-1B program could lead to the revocation of the H-1B petitions approved on behalf of their alien employees, including the H-1B nonimmigrants who were detained after the San Antonio operation.

The Honorable Spencer Abraham

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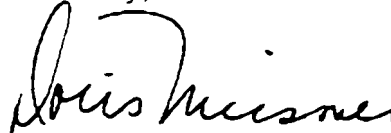
In your letter, you express concern about the INS' justification for and decision to conduct the enforcement action, as well as allegations of INS mistreatment of the individuals detained. I want to assure you that the INS shares your serious concerns, and has already taken steps to begin a review and evaluation of the decision process leading up to the action as well as the behavior of the INS officers during the action.

Shortly after the action, the INS began a Servicewide review of the processes that lead to decisions to take enforcement actions based on evidence of H-1B or other benefit fraud. We are presently working with our regional and district offices as well as our Service Centers to review the current processes leading to these decisions, including the specific steps that led to the action in San Antonio. Analysis of this information is ongoing.

The allegations of misconduct cited in your letter are of particular concern to me. The INS places a priority on the conduct and professionalism of its officers. Any allegations of abuse or misconduct are taken very seriously. To that end, I have directed the INS' Office of Internal Audit to review the events that took place during the recent enforcement action in San Antonio. Should this review find evidence of misconduct on the part of any INS officer, the Office of Internal Audit will refer the matter to the appropriate agency official for action.

I will keep you informed on the progress of our review. Please do not hesitate to contact me or my staff with any further questions.

Sincerely,



Doris Meissner
Commissioner

Rads

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BODY:

Prakash M. Swamy

NEW YORK, Feb. 8

THE arrest and handcuffing of 40 Indian computer programmers in a raid recently at an Air Force base in San Antonio has spread fear among the hi-tech Indian computer professionals working on the H-1B temporary work visa across the US.

Hundreds of employers who had filed H1B petitions on behalf of their employees and consultants are scurrying to get legal advice from their attorneys even as the affected two companies in Texas are planning to sue the Immigration and Naturalisation Service (INS).

Indian American fora and chambers of commerce are taking up the matter seriously writing to the respective Congressman urging him to take up the matter at the Capitol Hill. However, not many of the employers or employees under H1B are willing to come out openly for the fear of deportation.

The issue of racism and discrimination echoed again among some of the Indian computer consulting firms that employ H1B professionals who met in New York and New Jersey to chalk out their 'future.' The incident has sparked intense debate and angry protests against the INS in heavily Indian infested areas such as Silicon Valley, New York, New Jersey and Houston where thousands of Indians hold the H1B visa created for those in specialised occupations, including computer programming.

Meanwhile, the State Department, following pressures from Congressional Caucus on Indian and Indian Americans led by powerful Congressman Gary L. Ackerman (Democrat), has promised to get a full report from the INS, that carried out the raid.

why State Dept?

The Indian Ambassador, Mr. Naresh Chandra, denounced the arrest in the strongest possible terms.

The programmers were arrested, handcuffed and paraded from offices at Randolph Air Force Base on January 20 where they were working on two Air Force personnel management database projects and taken in buses to an INS detention centre.

The INS charged that some of 40 programmers held H-1B visas and were employed by two Houston companies that allegedly failed to file for permission from the US Department of Labour for their employees to work in San Antonio.

Attorneys for the companies, Frontier Consulting Inc and Softech Consulting Inc, were quoted as saying they had permission from the Labour Department for the workers to be in San Antonio and that the INS investigators are mistaken about the requirement to advertise the jobs.

Twenty-seven of the programmers now face immigration hearings. The remaining 13 were released without being charged with any violation of immigration law, including some who worked for the prime contractor on the project, a company that wasn't suspected of any violations.

Some fear that the INS will begin arresting people who don't carry all their paperwork with them, which was what happened in San Antonio.

"I never carry my passport, H-1B approval notice or any such other document on me. My company's lawyer has never advised me to do so either," said a programmer in New York. "This is America, not Iran or Saudi Arabia."

Frontier Consulting and Softech Consulting, both of Houston, furnished the Indian programmers to the prime contractor on the Air Force project, ACS Government Solutions Group. ACS Government Solutions is the Maryland information technology branch of ACS Inc. of Dallas, with (USDollar) 1.7 billions in annual revenue. ACS, the prime contractor on the project, was quoted as saying that it wants to get the programmers back on the job as soon as possible.

A computer engineer from Andhra Pradesh, who gave an interview with choked voice, requested anonymity for fear of backlash from INS officials.

"There is lot of discrepancies in their action, no one followed any procedure. The agent put a handcuff on me. He didn't say anything.

He didn't read my rights. He didn't even tell me why he is putting handcuffs on me... After spending 9 a.m. to 4 p.m. doing the jail procedures, we spent the night with hardcore criminals, drug dealers and murderers."

The computer engineer said the INS agents abused them and revealed their resentment at the Indians prospering in their homeland.

"We felt so humiliated when they handcuffed us in front of our fellow colleagues and paraded us down through the hallways looking for their van," a group of the Indians affected said in an e-mail message to this correspondent.

The group members declined to identify themselves or submit to an interview, but the Ambassador, Mr. Naresh Chandra, echoed their outrage.

"In India, we are not used to handcuffing decent people," he said by phone, explaining that such restraints are only used if a person is a flight risk.

A top official of the Central Intelligence Agency, speaking at a conference on information warfare recently, was quoted as naming Israel and India as the countries most likely to be building secret trap doors to infiltrate US Government and corporate computer networks utilising foreign-born programmers doing Y2K-related work.

The US is very much concerned about the information warfare as well as possible network hacking, especially after the incident involving alleged spying by a Chinese American. The CIA had prepared a document on issues such as denial-of-service attacks or computer viruses to gain access to or disrupt computer networks, now the heart of modern society in terms of banking, telecommunications and commerce.

The CIA had warned the Government that two countries have plans to conduct information warfare and planting trapdoors wherever they can would be a part of that.

This concern is magnified by the fact that hundreds of foreign-born programmers have more access to confidential networks than US-born programmers and have the ability to install backdoors into US systems, the CIA's confidential note had warned.

Indian-American leaders have warned that such unsubstantiated allegations of espionage could unfairly result in discrimination against Indian computer programmers, who constitute a large part of the programmer workforce in the US.

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TRANSMISSION RECORD

DEPARTMENT OF JUSTICE
OFFICE OF THE COMMISSIONER
IMMIGRATION AND NATURALIZATION SERVICE
425 I STREET NW, SUITE 7100
WASHINGTON, D.C. 20536

DATE: 2/2

TO: IRENE BUENO	FROM: CATHERINE ST-DENIS
TELEPHONE:	TELEPHONE:
FAX TELEPHONE:	FAX#:

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3

COMMENT/MESSAGE:

**Worksite Enforcement/Fraud Operation, Randolph Air Force Base
San Antonio, Texas - January 20, 2000
Prepared by Scott Robertson, Central Region Investigations
Reviewed by David Peter, Headquarters, Field Operations
Reviewed by Mike Becraft, Chief of Staff**

- This operation was based on a five month long investigation and coordinated with the investigative assistance of the San Antonio District, Investigations Unit (SNA/INV), INS Texas Service Center, Intelligence Division, Investigators of the Department of Labor (DOL), and U.S. Air Force Office of Special Investigations.
- Excellent cooperation and investigative technique provided accurate intelligence that resulted in a significant, but incident free operation.
- 40 Indian nationals were arrested/detained at the base. All were employees of Softech Consulting and Frontier Consulting, both based in Houston, TX.
- 37 of those detained were believed to be H1B (Professionals, Distinguished Abilities, DOD Projects) - Out of Status.
- 2 of those detained were H-4 (Spouse or Child of H1B) - Out of Status. They were arrested at a nearby apartment complex when their spouses (H1B) were taken to their apartments to collect personal effects and documents.
- 1 was a granted asylum claim that had to be taken to his residence for verification of his status. Once his status was verified he was released.
- A total of 13 H1B Indian nationals have been released pending further investigation. The INS believes some of these individuals are out of status. Verification of their status is dependent upon receipt of their files from Harrisonburg, West Virginia (HBG). Once the files are received, INS will make a determination as to the status of these individuals and issue warrants of arrest for any confirmed to be out of status.
- INS has processed the remaining 29 Indian nationals for removal based on Section 237(a)(1)(C)(i) of the INA, in that after admission as a non-immigrant under Section 101(a)(15) of the Act, they failed to comply with the conditions of the nonimmigrant status under which they were admitted.
- Investigation is continuing into whether the companies knowingly committed fraud during the labor certification and visa application process. Current evidence indicates that the companies involved were aware that the employment of the aliens at Randolph AFB was in violation of INS and DOL regulations. In order to

circumvent this, subsequent I-129s were submitted which also contained blatantly fraudulent information.

- INS will continue to work with both agencies as well as the Texas Service Center in furtherance of this investigation to ascertain if criminal violations occurred on behalf of the employers (Softech and Frontier).
- U.S. Air Force Officials and DOL are grateful for INS assistance, cooperation, and the success of the operation.
- Following the operation, with the concurrence of the Central Regional Public Information Office, INS participated in a joint news conference held at Randolph Air Force Base.

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INS Arrests 40 Programmmers in Raid

Action Needed NOW

[INS Arrest 40 Indians in Raid](#)

File a Report

[99 SASA Incident Report](#)

On January 20, 2000, the INS conducted a worksite raid of the Randolph Air Force Base in San Antonio, Texas and arrested 40 Indian computer programmers working on H1-B visas. The purpose of the raid was to uncover a "visa scam," however, the end result was public humiliation, mistreatment, and denial of fundamental civil liberties of Indian nationals whose only offense was coming into work that morning.

IACPA believes that without a strong public outcry from the Indian community, the INS will be emboldened to conduct more raids against Indian programmers, H1-B and otherwise. Please take the action requested below.

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What happened?

On Thursday, Jan. 20, 2000, the Immigration and Naturalization Service (INS) conducted a morning raid at the Randolph Air Force base in San Antonio, Texas, targeting a building in which many Indian computer programmers were working.

Employees in the building heard an announcement instructing US nationals to leave the building. Foreign nationals were instructed to gather in designated areas. Armed INS officers blocked exits and herded individuals into designated rooms on each of the three floors of the building.

They were then asked to produce their work visas and passports for inspection. Those with original documents were released. Copies of originals were not accepted. A Canadian white programmer without any documents at all was released. The remaining 40, all Indian nationals, were arrested, handcuffed, and escorted under armed guard, in front of their colleagues to awaiting vans. During this time, requests to use restroom facilities were flatly denied for fear that prisoners might escape.

Since most programmers pleaded that they kept their important documents at home or in bank vaults, they were escorted to their residences or banking institutions. At the residences, they were escorted under armed guard in handcuffs in front of their neighbors. The officers would conduct searches of the apartment for hidden persons and/or firearms. These searches occurred without a warrant or permission of the resident. Even after producing original work visas and passports, many were taken to an INS detention facility.

At the detention facility, they were denied food and clean water. They were told to drink water from filthy water fountains inside their cells. One group was brought beef tacos by officers who knew that the Hindu programmers would be unable to eat them; the officers told the group that they were bean tacos. Among those who were detained without food and water were two pregnant women.

The target of the INS raids were employees of two Indian-owned companies. After twelve hours in INS custody, those programmers that did not work for either company were released.

The remaining 23 were permitted to post bail of \$5000 if they signed a document beginning deportation proceedings against them. Those that requested a lawyer were told that they wouldn't be able to meet a lawyer until the next morning and would have to spend the night in detention. Many opted to sign the document, post bail, and get out of INS custody.

Personal accounts from the programmers

"I come from a respectable family from India and have no criminal record. Finished Bachelors of Engineering in India before coming to America for higher studies. Graduated from an American university with Masters in Computer Science before taking up a job on practical training.

Well aware of the immigration laws in US during F1 student status. Never been out of status during F1 Status. No criminal record in America either. Hired by a company in Houston during practical training program. Changed status to H1B before practical training expires.

Hired by another consulting company in Houston, Texas. Started working for that company immediately after transferring H1B. So no out of status here either. As a part of consulting career, got assignment at Randolph Air Force Base in San Antonio, Texas, and moved to San Antonio.

I started working for the Military Modernisation project which is a prestigious project for the whole United States Air Force community because it deals with their day to day activity as well as their family history. What not, it deals with every Air Force personnel life time history.

Proud to be part of such a project. Been working happily for 2 1/2 years.

There was an INS raid exactly a year ago, they picked up some personnel for questioning in a decent manner. Found a guy with some discrepancies with paper work. Didn't care much because I've never been out of status and having all the valid documents.

Nothing happened for another year.

There comes another INS raid at US Air Force Base.

THE DAY OF THE INS RAID:

Started working at 7:30 am as usual. Around 9:30 am or so, there comes our Lt Col asking us to come forward and move to a common area for an INS questioning.

Being un-aware of the things, picked up the documents that shows my legality in this country and moved to the area where all my colleagues already present. Observed by that time all the US citizens were out of the area. They are forcing all the people look like Indians into the common area. You could be an Indian American a.k.a. US citizen, but by the looks, you are not alone to be detained.

I am confident that just by looking at my documents, any INS agent would let me go free. I was wrong. They said they are picking up Indians working for two companies for questioning at INS local office.

There was a guy from an American neighbouring country working on the same project. When INS asked that particular person for the documents, he said he don't have it right now, and don't know whether they are at home or in his car. Strange thing happened, INS agents let him go. No questioning.

Nothing. Quite different case for Indians. They preached us that all foreign nationals in the US have to carry the passport and all other valid documents at all times.

The agent put a handcuff on me. He didn't say anything. He didn't read my rights. He didn't tell me why he is putting handcuffs on me.

Then they paraded me along with my teammates outside the building where there was a van which is already jam-packed with other Indians working at the same building including women. We waited for another van to come and pick us in a bitter cold weather. When we asked them about waiting inside the building until new van comes up because none of us had time to pick up our jackets, the agents started making fun of us saying that we were

shivering because we are illegals.

They treated us like common criminals.

There comes a new van... loaded us, let me say again they loaded us literally into the van and followed a convoy of about three vans and five cars.

At the beginning they don't know whom to follow. So they stopped in between on the road, started talking with others in the operation on radio. So they decided to go the nearby apartment complex where most of the Indians are staying to pick up the passports and all the immigration documents. Poor Indians (including me), thought, they will leave us after they see the docs. Nope.

They grabbed whatever they can at the apartments. If you have a housewife, they didn't spare. Asked whoever stayed at the apartments to get on to the convoy with the handcuffs.

When somebody asked for bathroom they asked us to wait until we go to INS building which was half-an hour away from the base.

AT THE INS BUILDING:

They unloaded us, let me say again unloaded like common criminals at the INS office. They moved us into the building during that time I saw a bathroom up there, and asked the agent to let me go. He said you will have a special bathroom upstairs. I didn't understand what did he mean until they pushed us into a small room filled with about 50 people inside and a toilet at a corner in that small room. Now I realised that I need to pee in front of 50 people. Thank God I didn't have a need to the second nature call at that time.

Then they started calling people one by one for questioning. If you are lucky, you get a good agent who will make you let go.

It seemed that the agents didn't prepare much for what to do after we came. They started hurriedly trying to open up the appropriate forms to fill up on the computer. Some agents started enquiring from other agents which form to fill. Some even looked asking how to print it, how to save it, what template to use, like that. I don't blame them for that. But to fill up a questionnaire of 20 questions my agent took two hours as I was lucky. Some of other Indians waited for 4-6 hours for the same process.

It looked like their main intention was to put as many people into the jail for the night. Because they very well know that the bond office downstairs closes at 4 pm, and if we can't get the bond paper work by that time, we will be spending the night in the jail. So they successfully made 19 guys and 4 girls to miss the 4 pm deadline to pay for the bond, and sent us to the jail.

The agent asked me whether I need an attorney. I still believed that I will be free after couple of questions. So I said I don't need anybody, and told him that I will answer whatever he wants. I'm pretty much confident that I'm not illegal.

After couple of questions, I asked him what's going on.

Then he said it's not your fault, it's happening because of my employer. I didn't understand what he meant, if it is not my fault what the heck I'm doing here. Then he said, I'm supposed to work in Houston, instead I'm working in San Antonio.

I am totally unaware of this law point. In fact, 99 per cent of the consulting people in this land of immigrants are unaware of this. Because, when my H1 approved, all I got from my employer is the approval notice and nothing else. How am I supposed to know what is my work address if at all there is a law prohibiting H1 people to work in other cities. H1 approval notice doesn't say anything about this and the employer has no reason to give all the paper work to the employee. So consulting people never know which address they are authorised to work.

Consulting business runs on this principle. Work assignments are scattered around the country. So people like me never will be knowing that there is a law prohibiting H1 people to work in other cities than the city they authorised to work.

I told him the same.

Then he said if a consulting company wants to send employees to different cities the company need to send them an itinerary of the employee. Any body want to laugh at this moment, So finally I realized that I am in trouble because my employer didn't send the INS agent my itinerary and didn't update the paper work. I didn't understand one thing at this

juncture. If the agent knows very well that I didn't do anything wrong, then why the hell he is harassing me. I ain't no criminal, I got no criminal record, I have no reason to run away from INS agents.

Ins d, they can go and question the employer for his so called wrong doing.

Any way I started believing that moment about the stories I heard about INS. So he took my finger prints and all the regular stuff, and told me that I am under arrest.

Thats when the first time I heard a word about arrest.

After that it is all procedural, they sent us downstairs into a much smaller room, and then into the van. The van took us about 80 miles from INS office into some correctional facility.

Excerpts from my fellow victims experience in this raid: "You, INDIANS, move here." "You make more money than me." "If I don't put handcuffs, you may grab a pen and kill me." "I can't even afford to buy the kind of jacket you are wearing." "You people make lot of easy money. Why did you come to US? Learn "... language if you want to live in Texas." "Offered BEEF burritos knowingly that Indians don't eat beef. Promised to bring vegetarian food and gave with meat in it without telling about it."

"Didn't care much about pregnant women who are on H4."

"Made derogatory comments about India."

"Made fun of Indian customs."

This message is sent on behalf of every Indian who is working at Randolph Air Force Base. Some of us have been working at the base since 1996 developing some State-of-the-art applications. Most of us are distributed among two major projects – Civilian Modern DCPDS and Military Modern DCPDS or simply called CIVMOD and MILMOD. These two projects are supposed to serve about 350,000 military and 180,000 civilians based all over the world. Both the applications are being developed in Oracle's tool called Oracle HR (Human Resources).

This is exactly how it happened with minor differences in some cases.

This happened on the morning of Thursday; 20th Jan 2000 around 9.00 AM at our place of work. As we (other colleagues) were busy involved in our work, we heard from the program manager that all U.S. citizens needed to go out of the building for 45 minutes. We assumed that it's a routine military drill or exercise etc. and started walking towards the exit door. On our way to the exit door, we saw that INS agents were manning the exits. As we walked towards the door, they asked us to step aside while letting all the Americans to go. They then asked for our identifications and started asking about our names, company name etc. For some of the people they asked about 5-6 questions and then they were arrested, but most of them got arrested based on their name alone. They already had arrest warrants issued for them and none of us had any idea what's happening. All this time, we had no idea why the INS agents were asking all these questions and what crime had we done.

We felt so humiliated when they handcuffed us in front of our fellow colleagues and paraded us down through the hallways looking for their van. Some of us even had to walk all around the block searching for their vans. They never read any rights to us nor did they explain why they were arresting us. There was no resistance of any kind from us but we were still treated like common criminals. The biggest irony is that a lot of us were pleading to use the restroom and the request was mostly denied and we had to wait about 4 hours. They then asked for our passport, H1's etc. and some of us said that they had them in our apartments, bank lockers etc. Some of us even had copies of it at our workplace and showed them to the agents. But, this was of no use.

We were dumped into their vans with our hands cuffed and were taken from one apartment complex to the other to retrieve our documents. Even pregnant women, green card holders were not spared from this ill treatment. Most of us got all of our documents from the apartments and they did not verify anything over there. They took all of us to INS office and dumped us into a cell occupied by others. They called one by one for questioning with our files already in their hand and it took an average of 2-3 hours per person. They wanted us to fill a questionnaire, which will be filed in our cases, and we were not sure what to answer. They gave us an option to wait until our attorney arrives from Houston (about 200 miles away) and hinted that it will delay the whole process waiting for him. We were really eager to get out of there as soon as possible and it looked like they took advantage of the situation.

Just before we were made to fill out the questionnaire, then they read out our rights and they still did not reveal the charges against us. We answered their questions to the best of our knowledge and memory under the given circumstance. Once we signed the questionnaire then

they told us that we were arrested because we failed to comply with Immigration Law. Their charge is "You failed to maintain status or to comply with the conditions of your non-immigration status in that you were not working in Houston, Texas in accordance with your approved Labor Condition Application and petition for nonimmigrant worker; to wit: You were working at Randolph Air Force Base in San Antonio, Texas".

If INS thinks the law is violated, they should have issued an intent to revoke the visa to our employer and an opportunity to rebut according to current federal regulations. Instead INS choose to raid our workplace and harass us.

INS stated that none of the 40 people arrested has any criminal record and not considered a threat to the community. AFPC stated that none of us have access to classified data and were not believed to have breach the security at the base. Basic impression put out by the media was that all foreign nationals were replacing U.S. citizens jobs, US Federal law permits 1,15,000 H1-B visa approvals a year. In the last couple of years, Indians are snagging more than 40 per cent of this quota because of the heavy demand for information technology professionals in the US. Recently U.S. congress passed a law allowing more foreign hi-tech workers to come into the U.S. because there is a acute shortage of hi-tech workers in the country. It proves the local media's version of saying U.S. citizens are replaced with foreign nationals is totally unjustified and mistaken. The demand is so great that some US lawmakers, lobbied by the industry, are seeking to raise the cap to 2,00,000 next year.

The whole questioning and interrogation went unto 6.30 p.m. and we came to know that our bond was set to \$5000 per head. At that point they charged 23 employees including 4 women. The men were transferred to Wachenhut Correction Center in Karsen City (about 80 miles away) and women were Transferred to a detention center in downtown. We had to stay overnight in those detention centers in most deplorable conditions. The Employer assisted in posting the bond on Friday and everybody was released by evening.

Inconsistency observed

Green Card Holders: They were about 5 or 6 green card holders and they were also handcuffed and dragged along with us. They were released after they showed their green cards either in their corresponding apartments or in INS building.

The INS arrested some of us for the reason that we were not carrying our passport and H1B documents in person. We were not aware of this rule and it's not practical and advisable to carry those important documents with the crime rate rising up day by day.

"Is this criteria not applicable to other than Indian nationals working in the same place?" we are asking this question because INS did not bother to check the same documents with other foreign nationals working at the same place.

Hardships:

INS retained driver license and social security cards from some of the detained persons for a week. It is extremely difficult for anybody to survive without a driver license particularly with small children. We are facing problems even to buy groceries and perform our daily activities.

We are not sure how long the case might prolong and INS indicated that we cannot work for that period of time. We are not sure whether it might take two months or one year and it is extremely difficult for anybody to survive for that long without pay.

What are the principal issues?

A. INS utilizing worksite raids as a method of internal enforcement

In 1996, the INS received additional funding for 'internal enforcement,' meaning stopping illegal immigration in non-border areas. After two years of raids of private homes, public areas, worksites, and neighborhood sweeps, the INS announced in 1999 that it would reduce worksite raids because (1) the raids did not produce much impact in curbing illegal immigration and (2) they often resulted in tremendous civil rights violations on the part of INS officers taking part. The INS vowed to focus on "alien smugglers" instead of workers.

The question that must be asked, therefore, is why the INS chose to use this method of operation for internal enforcement focusing on computer programmers instead of the companies that brought them into the United States?

B. INS targeting of Indians

Like most businesses, which are prohibited from discriminating based on race, religion, skin color, and national origin, the federal government is not allowed to discriminate based on any of those factors. The raid, however, smacks of racial targeting of Indians.

There is the fact that the only two companies targeted in the raid are Indian-owned, despite the fact that there were many companies with programmers contracted at the Randolph Air Force Base.

Also, the fact that non-Indian H1-B holders were let go without showing any documents, while Indian green-card holders were detained further reinforces the suspicion that the INS raid was racially targeted.

C. Civil rights violations and inhumane treatment

There were a number of civil rights violations that demand public outcry. First, there is the INS refusal to accept copies of passport and visa documents. Federal regulations require that the INS must demonstrate a reasonable belief that the documents are forgeries. This was not the case during the operation.

Second, the INS illegally detained Indian programmers who should have been immediately released once they provided their documentation. This includes the green-card holders who should not have been arrested at all as well as the H1-B programmers who were working for companies not targeted by the INS.

Finally, the INS officers conducted illegal searches of the programmers' residences when escorted them home to retrieve their documents. According to several accounts, they neither produced a warrant nor were the programmers asked permission before INS agents kicked down doors searching for firearms and hidden people.

The inhumane treatment of persons in the custody of INS agents is shocking. Denial of basic human needs, such as use of the restrooms and access to food and clean water are shocking. There were two pregnant women among those arrested who were denied food and water for up to twelve hours.

Moreover, there is some evidence of racial harassment in the conduct of the officers. In addressing the programmers, there were frequent references to 'you Indians,' suggesting that Indians deserved the treatment they were receiving. At least one group reported that the officers knowingly brought them beef tacos and attempted to deceive the group that the tacos were made with beans.

What's wrong with INS raids?*

According to a recent report by the National Network for Immigrant and Refugee Rights (NNIRR), which studied 235 INS raids in a one-year period, the problems with raids are so fundamental that the NNIRR recommended that the INS should end such operations immediately.

The key findings of the report were that:

- Raids violate constitutional and civil rights. INS officials used physical, verbal, and psychological abuse, relied on racial and ethnic stereotyping, and denied rights of due process in conducting raids.
- Raids destabilize families. Children and other family members have been traumatized. Oftentimes, parents are removed in shackles and children are left unattended or orphaned because their parents have been quickly deported because of a raid.
- Raids undermine fair wages and safe working conditions. Unscrupulous employers have used raids or the threat of raids to destroy worker organizing for better wages and working conditions, creating an atmosphere of intimidation that affects all employees, regardless of immigration status.
- Raids do not significantly impact migration patterns. INS raids are a punitive, ineffective, and inhumane approach to regulating immigration, and fail in their stated purpose of deterring undocumented migration.
- Raids involving collaboration with other law enforcement agencies undermine civil rights and community trust. When the INS has worked with local law enforcement, they have intruded on civil rights of their targets, heightened emotional stress for families, and disrupted the stability of community life. The actions have undermined community trust in law enforcement and reduced the community's likelihood of reporting crimes.

**from National Network of Immigrant and Refugee Rights, "Portrait of Injustice,"*

What is our strategy?

The community should be concerned about the grave civil rights violations that occurred as well as the allegations of inhumane treatment at the hands of INS officials. Such conduct is inconsistent with American values and with the INS declaration in April that the agency would reduce the use of raids as a method of internal enforcement.

Moreover, we should be concerned that failure to create a public outcry will embolden the INS to continue targeting Indian computer programmers, regardless of their immigration status, risking the civil rights and emotional well-being of the Indian American community and simultaneously disrupting the economic life of this country.

There are dozens of organizations that have been working towards getting the INS to stop worksite raids to no avail. Only a true grassroots efforts with thousands of letters pouring into Congress and the Administration can create a change in policy.

Therefore, we require a multi-pronged approach that includes Congress, the INS, and the White House. The bulk of this effort should be letters from the grassroots, protesting the inhumane treatment and civil rights violations of the programmers and calling for an immediate moratorium on INS raids.

IACPA, in conjunction with other H1B and immigrant advocacy organizations will also seek to generate media attention to this issue. Thus far, only the San Jose Mercury News has written a story on the incident. You can help by sending a letter or editorial to the editor of your local newspaper.

Our message should be very clear. We seek:

- An immediate moratorium on all INS raids activities.
- An investigation into civil rights abuses of Indian nationals arrested during the San Antonio raid.
- A mandate that the INS maintain detailed statistics on its raids operations.
- Establishment of a better mechanism to report victim complaints about abuse of authority in the enforcement of immigration law.
- Congressional hearings on the impact of INS raids on communities and families.

What can I do?

Without your support, the INS will become emboldened to continue worksite raids, thereby terrorizing innocent Indian and Indian American computer programmers, violating their civil rights, and subjecting them and their families to unfair and even cruel treatment.

Please send as many letters as possible to the following individuals. (Please "cc" a copy to IACPA so that we can document the community's response to this travesty of justice. Thank you for your cooperation.)

Please send your letters to:

1) Your Home Representatives and Senators

- For your Representatives's contact info, go to <http://www.house.gov/writerep/>
- For your Senator's contact info, go to <http://www.senate.gov>

2) INS Officials

Doris Meissner, Commissioner
Immigration and Naturalization Service
425 Eye Street, NW / Room 7030
Washington, DC 20536

Kenneth Pasquarell, District Director
INS San Antonio District Office
8940 Fourwinds Drive
San Antonio, TX 78239

John Chase
Director, Office of Internal Audit
Immigration and Naturalization Service
425 Eye Street, NW / Room 3260
Washington, DC 20536

3) Congressional Caucus on India and Indian Americans

Rep. Gary Ackerman (D-NY)
U.S. House of Representatives
Washington, DC 20515
No Email Address Available

Rep. Jim Greenwood (R-PA)
U.S. House of Representatives
Washington, DC 20515
pawizard@mail.house.gov

4) Senate and House Leadership

Senator Trent Lott (R-MS)
S-230 Capitol Building
Washington, DC 20510-7010
senatorlott@lott.senate.gov

Senator Tom Daschle (D-SD)
S-221 Capitol Building
Washington, DC 20510-7020
tom_daschle@daschle.senate.gov

Rep. Dennis Hastert (R-IL)
H-232 Capitol Building
Washington, DC 20515-6501
speaker@mail.house.gov

Rep. Richard A. Gephardt (D-MO)
H-204 Capitol Building
Washington, DC 20515-6537
dem.leadership@mail.house.gov

5) House and Senate Immigration Subcommittee Chairs

Senator Spencer Abraham (R-MI)
Senate Subcommittee on Immigration
SH-807 Hart Senate Office Building
Washington, DC 20510
michigan@abraham.senate.gov

Senator Edward Kennedy (D-MA)
Senate Subcommittee on Immigration
SH-807 Hart Senate Office Building
Washington, DC 20510
senator@kennedy.senate.gov

Rep. Lamar Smith (R-TX)
House Subcommittee on Immigration and
Claims
B370B Rayburn HOB
Washington, DC 20515
No Email Address Available

Rep. Sheila Jackson Lee (D-TX)
House Subcommittee on Immigration
and Claims
B370B Rayburn HOB
Washington, DC 20515
tx18@lee.house.gov

6) Congressional Asian Pacific American Caucus

Rep. Robert Underwood (D-GU), Chair
U.S. House of Representatives
Washington, DC 20515
guamtodc@hr.house.gov

Sample letter

February 1, 2000

Ms. Doris Meissner
Immigration & Naturalization Service
425 Eye Street, NW / Room 7030
Washington, DC 20536

VIA FACSIMILE
HARD COPY TO FOLLOW

Dear Commissioner Meissner:

We are writing to express our grave concerns over the recent INS raid of the Randolph Air Force Base in San Antonio, Texas on January 20th during which 40 Indian nationals were arrested and detained. Specifically, we are concerned over allegations of civil and human rights abuses and violations and the patent racial targeting of Indian nationals. We are also concerned with the fact that the raid appears inconsistent with policy changes which the INS announced in April of 1999 regarding work site raids.

Personal reports from those arrested indicate that the raid was racially targeted, that numerous civil rights violations occurred, and that those in INS custody were treated inhumanely.

These reports include the following egregious incidents:

- While Indian nationals who were unable to provide original copies of their passports and work authorizations were handcuffed, a Canadian H1-B programmer was let free.
- Several legal permanent residents were arrested and detained despite showing their valid green cards to INS agents.
- Those who had copies of valid papers or were not employed by either of the two companies targeted during the raid were still arrested and detained by the INS instead of being immediately released.
- The foreign nationals in INS custody had their residences searched by agents who neither asked permission nor produced a warrant.
- Racial epithets and derogatory comments were used by agents to intimidate Indians in their custody.
- Those arrested, including two pregnant women, were denied access to food and clean water for up to twelve hours.

These reports are even more troubling given the INS announcement in April of 1999 that it was shifting away from work site enforcement raids in favor of targeting employers that collaborated with smugglers and forgers of documents. The San Antonio raid clearly contradicts this announced policy change because it targeted employees, most of whom were not even aware that they were in any way in noncompliance with regulations.

Moreover, the San Antonio raid indicates that the INS guidelines in December 1996 and May 1998 to ensure the protection of civil rights during raids have still not been successfully implemented. The dangerous disregard for civil liberties and human rights is an affront to our American principles and must be addressed without delay.

Based on these concerns, we urge you to take the following steps without delay:

- Issue an immediate moratorium on all raids activities.
- Conduct an investigation into civil rights abuses of Indian nationals arrested during the San Antonio raid.
- Mandate that the INS maintain detailed statistics on its raids operations.
- Establish a better mechanism to report victim complaints about abuse of authority in the enforcement of immigration law.

We would appreciate a prompt response from the INS regarding our concerns. We thank you in advance for your time and attention.

Sincerely,

Debasish Mishra, Executive Director
India Abroad Center for Political Awareness

CC:

District Director Kenneth Pasquarell
Laura Efur, Deputy Public Liasion, White House
Bill Lann Lee, Acting Assistant Attorney General, Civil Rights Division
Representative Underwood, APA Congressional Caucus
Representative Sheila Jackson-Lee, Subcommittee on Immigration and
Claims
Senator Edward Kennedy
Senator Spencer Abraham
Senator Dianne Feinstein
Congressman Gary Ackerman
Congressman Jim Greenwood
Representative Richard Gephardt
Representative Dennis Hastert
Senator Tom Daschle
Senator Trent Lott

contact us

The India Abroad Center for Political Awareness

1275 K Street, NW / Suite 810
Washington, DC 20005
202.289.3654 tel
202.347.7750 fax

email: iacfp@iacfpa.org

3 Reasons to Intern
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3

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