

Working Document

Draft for discussions at the January 12, 2009 meeting.

Governor Carcieri's Executive Order of March 27, 2008
Report of the Advisory Panel
January 2009

On March 27, 2008, Governor Carcieri issued an Executive Order (EO) which has come to be known as the "Illegal Immigration Executive Order." Shortly after the issuance of this EO, several leaders within the Rhode Island clergy met with the Governor to stress their concerns with certain provisions of the EO. As a result of this meeting the Governor committed to appointing an Advisory Panel to monitor the effect of the EO on various immigrant communities, and to report any unintended consequences of the EO on documented immigrants who are here legally.

The Panel, which consisted of twenty-six members, has held three meetings during which it discussed the implementation of the EO and the peripheral issues that may follow. Members of the panel are from churches, the business community, academia and different community agencies; and others who are also community leaders, came to voice their concerns and to represent the different communities they serve, even though they themselves are not members of the Panel. During the course of its assignment, the Panel has had the opportunity to invite and to hear from personnel of the Immigration and Customs Enforcement office, the Rhode Island State Police, the Department of Children, Youth and Families, the Providence Health Centers and many other participants.

In addition, the panel formed a "Listening Group" made up of nine panel members to meet with members of the immigrant communities and other concerned citizens. A total of five such meetings were held. The purpose of this group was primarily to listen to the concerns expressed by those in attendance regarding the Governor's EO and related issues and to report back to the Panel at large. The "Listening Group" held sessions at Jesus Savior Church in Newport, St. Edward's Church in Providence, the West Side Tabernacle Baptist Church also in Providence, the International Institute, and the Genesis Center (various classroom discussions).

While the "Listening Group" has heard any number of anecdotal accounts of police abuse, racial harassment, ICE personnel allegedly not following their own procedures, etc., the following conclusions can be drawn from repeated comments heard by the "Listening Group" at all the locations. The major unintended consequences of the EO are that:

- a) It has been misunderstood and misinterpreted by both the immigrant and law enforcement communities, and by the general public.
- b) It has led to an overriding sense of fear among both legal and undocumented immigrants, their families and friends, which has affected their ability to travel within the State, to attend church and school, and to receive medical care.

- c) Misunderstanding appears to have led to a heightened racial and ethnic insensitivity among some members of the public and law enforcement, and a heightened perception that the State of Rhode Island as well as its governor is anti-immigrant.

Basically, the EO has six provisions.

1. NEW HIRES in the Executive Branch of State Government must undergo E-Verify procedures to ensure their eligibility for employment.

2. All contractors and businesses working with the state must utilize E-Verify to ensure their employees comply with federal and state laws.

3. RI State Police under Section 278(g) of IIRAIRA shall work to secure a Memorandum of Agreement with ICE to receive the necessary training to enable them to assist ICE personnel in the enforcement of federal immigration laws.

4. Department of Corrections shall also work with ICE to secure a Memorandum of Agreement that will define the scope of authority of correctional personnel to perform certain immigration law enforcement functions subject to cross supervision of ICE in order to combat illegal immigration issues at the Adult Correctional Institution.

5. The Parole Board and Department of Corrections shall work cooperatively with ICE personnel to provide for the parole and deportation of criminal aliens.

6. All law enforcement officials including state and local enforcement agencies are urged to investigate and determine the immigration status of all non-citizens taken into custody, incarcerated or under investigation for any crime and notify federal authorities of all illegal immigrants discovered as a result of such investigations.

Many of the issues raised during the listening sessions, are not to be considered unintended consequences of the EO. Actions taken by law enforcement agencies after the issuance of the EO, have served to create some apprehension, and have also significantly reinforced an environment charged with fear, natural among both legal and undocumented immigrants.

As already stated, in establishing the Advisory Panel, the Governor charged the panel with reporting possible unintended consequences of the EO on legal and documented immigrants; it turned out to be a much more difficult task than it first appeared. Many families in Rhode Island are made up of members who are here legally and other members who are undocumented; and still others who were born here and are natural citizens. The EO has caused great fear for all the members of such a family because of the one family member who is undocumented. There is a feeling of great anguish due to the increased emphasis placed on illegal immigration by the EO. The increased fear comes from the realization that a mother or a father could be deported, leaving the other parent alone to care for the children, or both parents might be deported, leaving children who are citizens of this country to live with relatives or friends, or to fend for themselves. Any situation of that sort might heavily impact the delivery of service by the Department of Human services, whether due primarily to the EO or not.

Fearing that the documented alien could provide the link to an undocumented parent or relative, the listening group has been told that the number of children seeking health care has been

reduced; school attendance is down in certain section of the state, and church attendance has been much lower in certain parishes since the EO. For example, St. Joseph's Parish in Newport reports a 50% reduction in Sunday attendance at its Spanish Mass. All of these seem to be unintended consequences of the EO.

It is difficult to come up with a true measure of the feeling of FEAR that was projected by a great many immigrants to the listening group but one can hear in the voices and see on the faces that the element of fear significantly affects the lives of these immigrants. Some of those projecting this fear are likely to be undocumented and are understandably afraid of being deported. However, there are others who are documented and are also fearful...

Appendix 1, attached to this memorandum, lists the comments heard by the listening group. Some of these comments bear directly on consequences of the EO, and other comments reflect immigration problems not directly related to the EO, but we felt it was important to report all we heard from community members. The majority of comments project a strong feeling of fear ... fear to leave one's home; fear to shop during normal hours; fear to use health clinics; fear to drive through certain parts of Rhode Island.

Appendix 2 provides a report on the immigration agreements other states have developed with the US Immigration and Customs Enforcement (ICE). Only a limited number of states and municipalities have such agreements. Rhode Island's EO extends further than the agreements in most states, which in the majority of cases involve Corrections or Jail Enforcement Officers, affecting only individuals already incarcerated.

Published in March 2008, the EO will soon have been in effect for one year. The Panel believes it is important for policy makers to fully understand the effects of its implementation. The Panel recommends that the State collect data to analyze fully what gains or benefits the EO has produced for the State, and what economic or other financial costs have been realized in addition to the emotional costs noted above. We ask that after this thorough examination by the State, the Panel meet in May 2009 to discuss these findings.

Questions that arose as Advisory Panel members discussed the issues could serve as a helpful starting point for such an analysis. For example, the EO may have benefited legal residents of the State by making jobs available formerly held by undocumented workers. Cost savings for Corrections as immigrants formerly held in the State prison system are moved into Federal custody have been suggested. If the E-Verify system has been error-free, it may have identified undocumented workers and employers who hire them. Potential benefits could be documented and translated into dollars saved for the State.

Members also discussed unintended economic consequences for the State. Immigration reform is "uncharted water" and predicting its effect is problematic at the least. E-Verify as a system may raise costs for the State and employers, and its error rate is unclear. Correctional and police officer training in federal immigration enforcement contain costs. As police address civil immigration matters, personnel and resources may be diverted from fighting crime. Profits of local tourism, agriculture and other businesses that hire seasonal workers may be affected. If employed undocumented taxpayers are incarcerated or deported, tax revenues

may be lost, and their legal families and children may end up on public assistance. A cost-benefit analysis of issues like these could contribute greatly to our understanding of immigration reform.

It is clear that the EO is not well understood. It has been misinterpreted by the immigrant community to allow law enforcement agencies to carry out just about any enforcement action. This is not to say that the agencies are doing that, but the strong sense of fear and misunderstanding of the EO combine to convince immigrants that such action is possible.

The panel recommends that the Governor makes a well-publicized clarifying statement about the EO and its intent, outlining exactly what the EO covers and does not cover. Acknowledgement of the complexity of this issue is critically important. Panel members have noted that much of the public appears to believe that becoming a legal citizen is a simple process, and have little understanding of the complexity of the immigration process. A public statement could have a powerful effect on public education and unity on this issue. Media outlets should be carefully chosen to promote the widest possible coverage. It is important that both the immigrant and law enforcement communities understand the provisions and limitations of the EO. It is highly desirable that this pervasive feeling of fear within the immigrant community be dissipated and that immigrants resume normal church, school, medical and other activities within their neighborhoods. This, of course, does not apply to those who have committed crimes that merit full prosecution and when called for deportation.

**Report of Listening Group to Governor's Panel
Appendix One**

Dates and Locations of Listening Sessions

9-27-08 -Jesus Savior, (Newport)
9-20-08- St. Edward's Church (Providence)
11-2-08 – West Side Tabernacle Baptist church(LC), 2008
11-6-08 – International Institute (II)
The Genesis Center classroom discussions various dates (Genesis)

Listening Panel Members

Rev. Dr. Donald Anderson
Toby Ayers, Ph. D
Carrie Bridges
Yvon Chancy
Rev. Dr. Liliana DeValle
Merrill Thomas
Rev. James Ruggieri
Rev. William Shaw
Pheamo R. Witcher

Purpose and Scope of Listening Sessions

A small group of the Governor's Advisory Panel conducted a series of listening groups over a two month period. The purpose of these listening sessions was to determine and document any unintended consequences stemming from the Governor's Order. The listening groups were attended by immigrants, community advocates, clergy, church members church staff, and others.

Questions Posed by Panel:

How has life changed for you since the Executive Order?
What has been your greatest challenge since the Executive Order?
What is your hope for the future of Rhode Island?

Findings from Listening Sessions:

Employers/Worksites not following the intent or letter of the EO:

(LC, Cranston resident) I worked for the company for 7 years, I took a short vacation. Employer called, it is imperative for me to present a green card now. It didn't matter that I was on vacation. Said the Governor's order made it imperative to get the green card. Called him every day on his vacation. After 7 years working for the same company, why ask now? (Yvon noted that what the company did was illegal and not required by the EO)

(II) I work at the (a state office where police often are present). Police ignore me or try not to talk to me because of the color of my skin. It isn't just recent, it has always been this way since I started working there, and why do they not even talk to me?

Fears of calling police for help:

(LC, Providence) Some of us are citizens; do we have to have proof of our status with us always? Hear that police are asking everyone they see (for their papers) and if you don't have documents, taking them to the police station.

(LC, Providence) People affected by the EO are very afraid to come forth; the concern is the EO will be discriminately enforced, in areas such as housing as well as by police.

(II) I know an undocumented person, he went to cash his check, the money was stolen and he was beaten up but he could not go to police and complain.

(II) Legal permanent resident (but) in the midst of all this he feels unsure of ALL police, feels he is being sought after by ICE and all police. "Everyone feels this way" Never in my life have has he had any encounter with police but fears this, "because of my strong character and that might cause a problem".

(II) The Order, it's a question of security for the population. For some people, their documents have been stolen from them. They don't want to call the police.

(II) If someone wants to make a complaint about police, must you give your name? (Implication that they will not complain). (New statewide forms that do not require names).

(II) What can we do to stop the abuse? If people are in fear and in the house too afraid to leave, how can they make change?

(Newport) Last week a woman came to church crying because the Middletown Police came to her door looking for another woman to return a check

(Newport) Because people are afraid to call police there is a real danger of unscrupulous persons taking advantage of them

(St Edwards) Because people are afraid to call police there is a real danger of unscrupulous persons taking advantage of them

Disparities in ICE and Police enforcement.

It's about race.

(LC) The raids are not done on illegal White people. The issue is race; you don't see police checking places where white people work. It is worse since last spring, this has never happened to me until this EO. When she parked her car, the police crossed the road to stare into her car. She came back and confronted them, "I work here, I can afford this car, it is not stolen".

(St. Edwards) There are reports of ICE using someone known to a resident to have that person knock on the resident's door so that the resident willingly opens the door but then ICE enters the residence and makes interrogations and/or arrests. In some cases ICE is looking for someone who does not even live there any more.

(Newport) Questions were raised about State Police protocol for traffic stops when a person does not have a valid license – how does this effect other in the vehicle? – story about 3 men pulled over on Pell Bridge that were sent to court and then to ICE

(Newport) During Newport raid ICE used an immigrant man to knock on a door – when a woman answered in her pajamas the man was pulled away and ICE entered – the woman did not understand English well – her 12 year old daughter went through the harsh interrogation with mother – officers left after traumatizing the youth – law enforcement should be using better techniques

(Newport) Landlord's office was asked for keys by ICE so that they could search apartments – again question about procedure

(Newport) Difficult to keep track of people who are in custody

(Newport) Immigrant man (US Citizen) lost his construction partner to ICE because he was present when they were looking for someone else – there was a problem finding this person's personal property

(Newport) I know of a situation in which ICE came looking for someone who did not live at the address but ICE took the family who lived there into custody. The family was here legally but ICE kept them overnight. The family's 16-year old daughter (a citizen) was among those detained and was used by ICE as an interpreter during the ordeal. The daughter was traumatized.

(St Edwards) The police are stopping more Latinos now because they think the Latinos are immigrants. There are immigrants from Europe too but those immigrants are not profiled.

(St Edwards) Local police are acting like ICE agents. They directly schedule appointments with ICE for people who receive moving violations.

(St Edwards) People are not looking for pity. They are looking for basic respect as human beings. They are looking for solutions. I experience racism every time the police stop me when I'm walking somewhere and ask me why I'm walking there.

(Genesis) It's scary because when you are driving, if you have a problem, the police ask for the papers of even your passengers. Sometimes we don't know if our friends have papers or not.

Quality of Life

(St. Edward's) Quality of life has changed. We moved from the 3rd floor to a smaller basement apartment to save money in case a family member is picked up by ICE. We only go out of the house when necessary and we buy only the necessities.

(St. Edwards) It feels like we're living in jail. No one is coming with solutions to relieve the stress, e.g. ESL classes, job training, education about options for persons who are undocumented. People need skills that can help them if they get deported back to their home country, especially if they haven't lived there in many years. Even if the law doesn't change, people need solutions to the problem to relieve the stress.

(Genesis) We can't go out without being afraid.

(Genesis) The order separates us from our families.

(Genesis) The fact that people can't work because of the Executive Order is going to cause a rise in crime because people will be obligated to get money one way or the other.

(Genesis) There have been cuts in many important programs in the schools and in health insurance.

Afraid to Seek Services and/or Participate in Community

(St. Edward's -(Yessenia) I have a fear of being separated from my son for him to go to school or to go to the store, etc. I prefer to go to a private doctor instead of a community health center because I think there is a greater risk of ICE going to health centers to detain undocumented persons than of ICE going to private doctors' offices.

(Newport) People are afraid to come to church – attendance at St. Joseph in Newport is down as much as 50% -- attendance at St. George in Central Falls has significantly dropped

(Newport) Reverend Raymond B. Malm reported seeing people run out of hiding places when the RIPTA bus pulled up for fear of being picked up at the bus stop

(Newport) Some people are slipping out at 2 AM to do their shopping

(St Edwards) Church attendance is down significantly because people are afraid to leave their homes.

Afraid to Visit and/or live in Rhode Island

(St. Edwards) I have family in Virginia but they don't visit me because they are afraid to enter Rhode Island.

(St. Edwards) I know of a family in New Bedford that drives around Rhode Island to get to Connecticut because they are afraid to drive through Rhode Island.

(St. Edwards) I have a daughter and grandson in Washington, DC who I haven't seen for 1.5 years because they are afraid to come to Rhode Island.

(Newport) Some people are going back to Brazil – about 20

Discrimination

(Newport) An immigrant woman was at BJs and offered to help another woman who responded by asking if the first woman had a green card

(Newport) People seem to portray ALL immigrants as criminals

(Newport) Felt insulted by the executive order

(St Edwards) The Shaw's supermarket in North Providence asked a man (a citizen) who was shopping at the store for the second time in one day to leave the store. The man was shopping and didn't want to leave so the manager called the police. The police asked the man for documentation of his citizenship and despite the fact that the man is a citizen; Shaw's placed a restraining order on the man. The man feels he was the victim of racial profiling; he was profiled because he is Latino. As a result of the Executive Order, racial profiling is occurring by other residents of the state and the police who feel it's permissible because they are backed up by the police.

(St Edwards) I know of a man who has been cashing his paycheck at Stop & Shop for years. After the Executive Order, the clerk at the store refused to cash his check. This is discrimination legitimized by the Executive Order.

(St Edwards) The Executive Order created an environment of hate and distrust from the White community toward Latinos. The Governor's role should be to create an environment of peace and security for all residents, because those people who are being discriminated against also pay taxes. I was asked to leave a store in Narragansett just because I'm Latino. In Olneyville, many homes are boarded up as people and businesses leave the state. My fear is that the Executive Order will lead to hate crimes.

(Genesis) The Executive order adds to discrimination.

(Genesis) The government should respect the basic human rights.

(Genesis) This Executive order makes people feel that all immigrants are here without papers, which is not true.

Other Concerns

(Newport) A woman said the immigration laws are very unclear

(St Edwards) The effects of the Executive Order are the same as the effects of the dictatorship in the country in which I was raised.

(Genesis) We want to be useful in this country but we can't be if we can't work.

(Genesis) We think that the government is focusing its attention on immigrants in order to distract people from the other big problems such as unemployment and the war in Iraq.

(Genesis) If this is the country of opportunity and freedom of expression, why is the government doing this abuse to immigrants?

(Genesis) Due to this rule, many businesses that have paid taxes have had to close their doors because their business has gone down because people don't have money to pay.

What are your hopes for the future?

Put a moratorium on current actions

Seek fair and just immigration reform

Find a way to lower costs for people who have to file paperwork with ICE

Make the law (regulations?) less complicated

Reform should recognize reality

- o Newport needs seasonal workers for hospitality industry
- o Immigrant workers pay taxes
- o Change the way people come to us from other countries
- o There had been a concern that there would be a shortage of 400 to 450 workers for the 2008 season – it appears some sort of concession was made and workers were found

My hope is that the Governor will rescind the Executive Order and allow people who have had licenses to renew them.

I hope that there will be work to change the racial profiling and hateful environment that has been created by the Executive Order.

It is hard to think about the future when I am consumed with worrying about the present.

For our future in this beautiful country, we must believe in God and meet the challenges with a positive mind and a clear heart.

Our hope is that in the future we will have a new governor who will abolish this order to return peace and tranquility to Rhode Island.

Questions asked by participants:

What would happen to the occupants of a vehicle if the driver is a citizen or has proper documentation and is pulled over for a moving violation with vehicle occupants who do not have documentation?

Of people who were picked up by ICE during the Courthouse raids, why are only seven required to wear ankle bracelets? This seems unfair and the ankle bracelets are demeaning. Also, the restricted hours during which a person can be outside of the house (8 am – 8 pm) conflict with work schedules and limit ability to support their families.

(Dali) What considerations are made for people who are victims of domestic abuse? The inability to work limits one woman's ability to leave her partner who abuses her.

Will the Governor reinstate the policy allowing people with an ITIN (Individual Tax Identification Number) to get state identification? Reportedly, this policy was agreed upon six years ago but the Governor rescinded the policy last November.

Will the DMV and Social Security begin cross-checking people's identities?

Appendix 2

Below is the list of the state and local departments that have entered into a MOA with ICE. It is interesting to note that more than half of the agreements are of the Jail Enforcement Officer (JEO) variety. This demonstrates a greater willingness of states and municipalities to devote Corrections Officers to enforcing the immigration laws on individuals who already incarcerated, and therefore, have already broken a state or federal law. Also worth noting is the fact that CT has not entered into any MOA with ICE, and in MA, only the Department of Corrections, Barnstable County, and Framingham have entered into a MOA with ICE.

State	MOA Name	Type	Signed
AL	AL State Police	TFO	9/10/2003
AL	Etowah County Sheriff's Office	JEO	7/8/2008
AR	Benton County Sheriff's Office	JEO/TFO	9/26/2007
AR	City of Springdale Police Department	TFO	9/26/2007
AR	Rogers Police Department	TFO	9/25/2007
AR	Washington County Sheriff's Office AR	JEO/TFO	9/26/2007
AZ	AZ Department of Corrections	JEO	9/16/2005
AZ	AZ Department of Public Safety	TFO	4/15/2007
AZ	City of Phoenix Police Department	TFO	3/10/2008
AZ	Maricopa County Sheriff's Office	JEO/TFO	2/7/2007
AZ	Pima County Sheriff's Office	JEO/TFO	3/10/2008
AZ	Pinal County Sheriff's Office	JEO/TFO	3/10/2008
AZ	Yavapai County Sheriff's Office	JEO/TFO	3/10/2008
CA	Los Angeles County Sheriff's Office	JEO	2/1/2005
CA	Orange County Sheriff's Office	JEO	11/2/2006
CA	Riverside County Sheriff's Office	JEO	4/28/2006
CA	San Bernardino County Sheriff's Office	JEO	10/19/2005
CO	CO Department of Public Safety	TFO	3/29/2007
CO	El Paso County Sheriff's Office	JEO	5/17/2007
FL	Bay County Sheriff's Office	TFO	6/15/2008
FL	Brevard County Sheriff's Office	JEO	8/13/2008
FL	Collier County Sheriff's Office	JEO/TFO	8/6/2007
FL	FL Department of Law Enforcement	TFO	7/2/2002
FL	Jacksonville Sheriff's Office	JEO	7/8/2008
FL	Manatee County Sheriff's Office	JEO	7/8/2008
GA	Cobb County Sheriff's Office	JEO	2/13/2007
GA	GA Department of Public Safety	TFO	7/27/2007

GA	Hall County Sheriff's Office	JEO/TFO	2/29/2008
GA	Whitfield County Sheriff's Office	JEO	2/4/2008
MA	Barnstable County Sheriff's Office	JEO	8/25/2007
MA	Framingham Police Department	TFO	8/14/2007
MA	MA Department of Corrections	JEO	3/26/2007
MD	Frederick County Sheriff's Office	JEO/TFO	2/6/2008
MO	MO State Highway Patrol	TFO	6/25/2008
NC	Alamance County Sheriff's Office	JEO	1/10/2007
NC	Cabarrus County Sheriff's Office	JEO	8/2/2007
NC	Cumberland County Sheriff's Office	JEO	6/25/2008
NC	Durham Police Department	TFO	2/1/2008
NC	Gaston County Sheriff's Office	JEO	2/22/2007
NC	Henderson County Sheriff's Office	JEO	6/25/2008
NC	Mecklenburg County Sheriff's Office	JEO	2/27/2006
NC	Wake County Sheriff's Office	JEO	6/25/2008
NH	Hudson City Police Department	TFO	5/5/2007
NM	NM Department of Corrections	JEO	9/17/2007
NV	Las Vegas Metropolitan Police Department	JEO	9/8/2008
OH	Butler County Sheriff's Office	JEO/TFO	2/5/2008
OK	Tulsa County Sheriff's Office	JEO/TFO	8/6/2007
SC	Beaufort County Sheriff's Office	TFO	6/25/2008
SC	York County Sheriff's Office	JEO	10/16/2007
TN	Davidson County Sheriff's Office	JEO	2/21/2007
TN	TN Department of Safety	TFO	6/25/2008
TX	Carrollton Police Department	JEO	8/12/2008
TX	Farmers Branch Police Dept.	TFO	7/8/2008
TX	Harris County Sheriff's Office	JEO	7/20/2008
VA	City of Manassas Police Department	TFO	3/5/2008
VA	Herndon Police Department	TFO	3/21/2007
VA	Loudoun County Sheriff's Office	TFO	6/25/2008
VA	Manassas Park Police Department	TFO	3/10/2008
VA	Prince William County Police Department	TFO	2/26/2008
VA	Prince William County Sheriff's Office	TFO	2/26/2008
VA	Prince William-Manassas Adult Detention Center	JEO	7/9/2007
VA	Rockingham County Sheriff's Office	JEO/TFO	4/25/2007
VA	Shenandoah County Sheriff's Office	TFO	5/10/2007

JEO = Jail Enforcement Officers
TFO = Task Force Officers