



Written by [R. Cort Kirkwood](#) on February 20, 2012

## Illegals Squeeze Amnesty, \$350,000 out of Taxpayers for Immigration Raid

The federal government will pay \$350,000 to a group of illegal immigrants and permit them to stay in the country pursuant to a settlement reached in a lawsuit they filed after they were arrested.

The immigrants claimed the government violated their constitutional rights when federal agents raided a “Latino” neighborhood in New Haven, Conn., in 2007. Their reward for refusing to obey American laws is the largest settlement ever in a case involving an immigration raid.

The leftist legal team is celebrating their success in frustrating the enforcement of immigration law, but the settlement is no surprise given the Obama administration’s decision in August to consider amnesty for 300,000 illegals awaiting deportation.



### The Case

The case began when agents from [Immigration and Customs Enforcement](#) swept into the Fair Haven section of New Haven, which is predominantly “Latino,” news reports say. The agents arrested between 29 and 32 illegals, according to various accounts, on June 6, 2007, two days after New Haven approved its [Elm City Resident Card](#). Any resident may obtain the card, which is used to help those without ID open bank accounts and conduct other business. Supposedly, they also help protect illegals from robbery and murder because they are afraid to cooperate with police for fear of deportation. For practical purposes, the card declares — with no federal authority — that illegal aliens are legal residents of the United States. The card cemented [New Haven’s status](#) as a sanctuary city for illegals.

After the arrests, the leftist legal team of lawyers and law students from Yale Law School’s [Worker and Immigrant Rights Advocacy Clinic](#) immediately filed a retaliatory lawsuit against the federal government.

[According to](#) the *Yale Daily News*, the non-citizens claimed ICE violated their rights under the Constitution. “In a 64-page complaint, three Yale Law School faculty members and four law students representing the immigrants allege that local, state and federal ICE officials violated the Fourth, Fifth and 10th Amendments by planning and executing the raids,” the [newspaper reported](#) at the time.

The lawsuit names about 30 ICE officials and agents as defendants in total, from former Assistant Secretary of Homeland Security for ICE Julie Myers to the about two dozen ICE agents who participated in the raids. The lawsuit seeks a jury trial, compensation from ICE officials for court expenses and damages, and an acknowledgment from the court that the raids were illegal.



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The complaint, the [News reported](#), said “[w]ithout cause or reasonable suspicion, ICE agents interrogated and arrested residents based on their skin color and physical appearance. In some cases, agents arrested people in front of their families and young children.”

The *News* and the *New York Times* told tales of terrified immigrants in chains and victimized by Gestapo-like tactics. “Out of the 29 detained, only five immigrants were the intended targets of the raid,” said the paper, adding,

The lawsuit describes agents forcefully entering four households without consent or search warrants, sometimes with guns drawn. According to the complaint, agents woke plaintiffs from their sleep and, in one case, would not allow Eduardo Diaz-Bernal to put on pants, shouting at him “not to move.”

[According to](#) the *Times*,

Florente Baranda, another man, said he is haunted by his detention: “They had us with chains on our feet in Hartford, 23 or 24 people in this tiny room.”

Mr. Baranda, 32, has lived in New Haven since 1998, packaging bread at a bakery from 5 p.m. to 2 a.m. for \$11 an hour. He and his wife have two children and, like many of those arrested, attend St. Rose of Lima Catholic Church, which played a major role in raising bail.

“I’m nervous taking my kids to the park,” Mr. Baranda said at Junta, an immigrant organization that helped feed families when the raid left them without breadwinners.

[ICE claimed](#) it was merely enforcing federal immigration law, and agents arrested the other illegals because they the law required it.

In addition to claiming that ICE trespassed the alleged rights of the illegals, the [lawsuit said](#) the agency raided the homes to retaliate against New Haven for the resident card program.

### **Settlement**

ICE settled the lawsuit, [it said](#), to avoid further costs, but that ““this settlement is in no way intended to be, and should not be construed as, an admission of liability or fault on the part of the U.S. government,” the [News reported](#) in its story about the settlement.

Only 11 of the illegals arrested were plaintiffs in the lawsuit, but the *News*, quoting [Muneer Ahmad](#), who codirects the law school’s immigrant rights clinic, [said the facts](#) of the case apply to all of the illegals. Four cases are still pending.

“The facts of those cases are identical to the cases of the individuals here today with whom the government has settled,” Ahmad told the newspaper. “They were in the same homes that were broken into in the same manner by the same agents.”

Another of the law school’s [lawyers](#) said it might take years to settle the remaining cases and that he hopes the government will settle those cases too, particularly because a few of the illegals have since received Green Cards from the government. A [Green Card permits](#) foreigners to live permanently in the United States.

The decision to settle the case is no surprise, given the Obama administration’s [unilateral declaration](#) that the DREAM Act — an amnesty bill that has not passed Congress — is now the law.

As *The New American* reported in August, the President halted the deportation of 300,000 illegals,



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pursuant to his administration's oft-stated policy of not deporting those who would qualify to stay in the United States if the DREAM Act were law. The DREAM Act would, in essence, grant amnesty to the nearly 12 million illegals in the United States. Known as a "path to citizenship," [it failed](#) to pass the Senate in 2010.

In April, Homeland Security Secretary [Janet Napolitano said](#) that ICE had stopped deporting illegals who met the criteria of the DREAM Act. Shortly thereafter, ICE chieftain John Morton [published a memorandum](#) ordering ICE agents to exercise "prosecutorial discretion" in deportation proceedings. The order included a long list of criteria that ICE could use to permit an illegal to stay in the country, including age, health (including pregnancy or mental illness), educational endeavors, length of residence and how the person arrived in the country, "ties" to the community," military service, including that of relatives, and whether an illegal poses a national security threat.

Chris Crane, president of [the union](#) representing ICE employees, declared that [the policy](#) was a veritable "law enforcement nightmare." "Any American concerned about immigration needs to brace themselves for what's coming," [he warned](#). "This is just one of many new ICE policies in queue aimed at stopping the enforcement of U.S. immigration laws in the United States. Unable to pass its immigration agenda through legislation, the Administration is now implementing it through agency policy."

Appearing before the Senate Judiciary Committee in August, Napolitano said ICE's priority is removing criminal aliens and those who entered the country within the last five years.

New Haven Mayor John DeStefano, Jr., (pictured above) [who wants](#) the city's 12-15,000 illegal aliens to vote, [declared](#), "The settlement is bigger than a lawsuit. It is about who we are as a nation. Today's settlement is a victory of law."



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