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Lawsuit Alleges ICE, DHS, and Vermont DMV Targeting Immigrant Leaders in Retaliation for Activism

Migrant Justice Leaders at Risk of Deportation for Engaging in Protected First Amendment Activity

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Burlington, VT – Today, Vermont-based Migrant Justice filed a lawsuit in federal court alleging U.S. Immigration and Customs Enforcement (ICE) and the Department of Homeland Security (DHS)—with the assistance of the Vermont Department of Motor Vehicles (DMV)—conducted an unlawful, multi-year operation to surveil, harass, arrest, and detain the organization’s members and leaders. Those activities were undertaken in retaliation for plaintiffs’ First Amendment speech and assembly and in order to destabilize Migrant Justice and its [successful organizing of Vermont’s immigrant farmworkers](#).

The lawsuit claims federal immigration authorities targeted Migrant Justice leaders and members since at least 2014, as the organization was engaged in high profile human rights organizing across Vermont and nationally. As part of a larger pattern of suppressing immigrant activism

nationwide, federal immigration authorities infiltrated the meetings and private associations of Migrant Justice through the use of a civilian informant, invasively surveilled its members and mined their social media pages for information, and targeted, arrested, and detained no fewer than nine Migrant Justice members in direct retaliation for their activism.

“We come to the U.S. from countries with histories of political repression and we thought that here our freedom of speech would be protected as we stood up to defend our rights,” said **Enrique Balcazar**, a Migrant Justice leader and plaintiff in the case, “It is clear that ICE is trying to silence the voices of immigrants in Vermont.”

The lawsuit alleges that the Vermont DMV assisted ICE and DHS in targeting Migrant Justice leaders after the organization worked to pass Vermont’s Driver Privilege Card (DPC) law in 2013, allowing state residents to obtain driving privileges regardless of immigration status. Documents obtained through public record requests show that when the plaintiffs submitted their DPC applications, the DMV sent their personal information directly to ICE, which compiled dossiers on Migrant Justice leaders, including their social media pages and media appearances. The records show DMV workers shared the plaintiffs’ information with ICE for discriminatory purposes, out of racial and anti-immigrant animus.

“Time and again, we’ve seen that when Vermont officials get entangled in federal immigration matters, civil rights violations are the inevitable result,” said ACLU of Vermont staff attorney **Lia Ernst**. “The fact is, DMV and other local officials have no legal authority to do immigration enforcement or to discriminate against Vermont residents—but clearly that message still hasn’t gotten through.”

A [2016 investigation by the Vermont Human Rights Commission](#) found that the DMV misused the DPC program to engage in a number of discriminatory practices, including falsifying information on applications. Even after the DMV implemented policy reforms, however, officials continued to share extensive information about DPC applicants of color with ICE. [DMV officials repeatedly sent what they referred to as “South of the Border” names to ICE](#) for potential investigation, while referring to immigrants in racist and derogatory terms, and scheduled appointments to facilitate immigration arrests.

"Migrant Justice leaders have worked for years to thwart discriminatory policing by local and federal officials," said **Trudy Rebert**, a staff attorney at the National Immigration Law Center. "ICE and willing enablers with a history of anti-Latinx bias at the local DMV have resorted to weaponizing systems essential to community safety to target and suppress our plaintiffs."

ICE has detained four prominent Migrant Justice leaders who are named plaintiffs in the lawsuit. During the course of the arrests, ICE agents harassed and intimidated plaintiffs, referring to one as a “famous person” because of his activism, and named an additional member who would be “next.” In detention, plaintiffs were forbidden from contacting a lawyer or anyone associated with Migrant Justice. Two plaintiffs were detained soon after leaving the Migrant Justice office. As part of its campaign to undermine Migrant Justice, ICE spread false information about the organization, including that staff were collaborating with the agency to locate and detain immigrant community members.

The lawsuit alleges that the arrests and detention are part of an alarming national trend of retaliation against immigrant rights activists. Since 2016, ICE has arrested no fewer than twenty high-profile leaders around the country.

“The federal government crackdown on political speech in Vermont is part of a national campaign to silence immigrants who criticize government officials and their policies.” said National Center for Law and Economic Justice Senior Attorney **Leah Lotto**. “Using their power to physically arrest and detain outspoken leaders is a shocking violation of our constitution.”

Plaintiffs are seeking an injunction to prevent Defendants from targeting, surveilling, infiltrating, spreading disinformation, arresting, and detaining Migrant Justice members, and to prohibit DMV employees from racially motivated sharing of information with federal immigration enforcement agencies.

“The federal government targeted Migrant Justice because of its historic and unrelenting advocacy on behalf of a vulnerable immigrant community,” said Center for Constitutional Rights Staff Attorney [Angelo Guisado](#). “In so doing, ICE has weaved its way into the tortured counterpane of U.S. policy used to suffocate grassroots activism and to exert control over communities of color.”

On Wednesday, Migrant Justice members and supporters marched from the organization’s Burlington office to the federal courthouse, hand-delivering the lawsuit while rallying outside. Migrant Justice leaders and attorneys addressed the crowd. In recent years, the federal building has been a frequent site of such rallies; [at times, hundreds have filled the streets to denounce immigration arrests and call for the release of detained community members.](#)

“The rule of law applies to everyone, regardless of one’s particular political position,” said [Joel Cohen](#), a partner at Gibson, Dunn & Crutcher LLP. “An arm of the government should never be used to stifle the rights of speech and assembly or to discriminate against individuals based on their race or perceived immigration status.”

Plaintiffs are represented by the ACLU of Vermont, the Center for Constitutional Rights, the National Center for Law and Economic Justice, the National Immigration Law Center, and Gibson, Dunn & Crutcher LLP.

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