

CIVIC INVOLVEMENT AND ITS AFFECT ON BILATERAL RELATIONS A CASE STUDY: DEPORTATIONS

KEY DATES

1996	NEW FEDERAL LAW ALLOWS FOR BROADER TYPES OF CRIMES THAT COULD RESULT IN DEPORTATION AND RETROACTIVE APPLICATION OF THESE REVISED CRITERIA.
1997	BRISTOL COUNTY, MASSACHUSETTS DISTRICT ATTORNEY IMPLEMENTS AN ACCELERATED DEPORTATION PROGRAM . DISTRICT ATTORNEY PROVIDES GRANT TO IMMIGRANTS' ASSISTANCE CENTER (IAC) TO COUNSEL INCARCERATED DEPORTEES AND THEIR FAMILIES.
2005	INDIVIDUALS BELIEVED TO BE IN VIOLATION OF THEIR IMMIGRATION STATUS NO LONGER RELEASED PENDING A HEARING BEFORE A JUDGE. LUSO AMERICAN FOUNDATION, IN CONCERT WITH THE J.B. FERNANDES FOUNDATION AND THE AZOREAN DIRECCAO REGIONAL DAS COMUNIDADES, APPROVES GRANT TO THE IAC AND THE AZOREAN CENTRO DO APOIO DOS REPATRIADOS.
2006 SEPTEMBER	MOUNT CARMEL PARISH AND THE IAC STAGE CANDIDATES' NIGHT FOR BRISTOL COUNTY, MASSACHUESTTS DISTRICT ATTORNEY POSITION.
2006 NOVEMBER	NEW DISTRICT ATTORNEY FOR BRISTOL COUNTY IS ELECTED.
2007 APRIL	THE IAC, THE DISTRICT ATTORNEY'S OFFICE, THE SHERIFF'S OFFICE THE PORTUGUESE CONSULATE IN NEW BEDFORD AND CENTRO DO APOIO DOS REPATRIADOS MEET IN NEW BEDFORD .
2007 JULY	DIRECCAO REGIONAL DAS COMUNIDADES SPONSOR CONFERENCE IN HORTA. ARRANGEMENTS ARE FINALIZED FOR AN EXCHANGE OF INFORMATION ON INDIVIDUALS SCHEDULED FOR DEPORTATION BETWEEN THE IAC AND THE CENTRO DO APOIO DOS REPATRIADOS,.
2008 APRIL	DIRECCAO REGIONAL DAS COMUNIDADES CONFERENCE IN PONTA DELGADA
2008 DECEMBER	THE PORTUGUESE EMBASSY IN WASHINGTON D.C., HOST CONFERENCE WITH CONGRESSMAN BARNEY FRANK AS THE KEYNOTE SPEAKER.
2009	THE BRISTOL COUNTRY DISTRICT ATTORNEY AND SHERIFF AGREE TO FUND IAC STAFF MEMBER DEDICATED TO SERVING AS LIAISON WITH AZOREAN AGENCIES, AND COUNSELING INCARCERATED DEPORTEES AND THEIR U.S. RESIDENT FAMILIES LEFT BEHIND.

The promotion of Portuguese-American civic participation has benefits for both the community here in the United States, and for the interests of Portugal, in general, and the Azores, in particular. Portuguese-Americans as a voting block do not swing political weight in any way comparable to more influential ethnic communities – Irish-Americans and Jewish-Americans immediately come to mind. Nonetheless, when the Portuguese American community does pursue a specific objective, it is surprisingly effective. A current example of how civic involvement by Portuguese-Americans in the political process redounds to the advantage of Portugal involves the hot button issue of illegal immigration.

Background - Immigration Laws and Enforcement

The *Reform and Immigrant Responsibility Act of 1996, inter alia*, provided a broader definition of laws which could result in the deportation of illegal immigrants and non-citizen legal residents. In 2005, the Federal government adopted even more stringent immigrant measures. New rules ended the policy whereby arrested individuals believed to be in violation of their immigration status were freed and given a date to appear before a judge – the so-called “Catch and Release” practice.

As a consequence of these regulations, suspected violators of their immigrant status were immediately jailed until they could have their cases heard before an immigration judge. In keeping with the hardened enforcement of immigration laws, the then Bristol County District Attorney introduced an “accelerated deportation program” with funding from the Federal government. The District Attorney’s apparent intention was to get out in front of the national outcry for tougher enforcement of immigration rules by deporting these targeted individuals as fast as possible.¹

Minimizing the Damage

Portuguese immigration to the United States originated primarily from the islands of the Azores and only a small percentage came from the mainland of Portugal. Consequently, when the issue of deportations of Portuguese migrants arose, the vast majority of individuals affected traced their roots to the Azores.

In the United States, the accelerated incarcerations and deportations disrupted not only the lives of the individuals arrested but also had a traumatic effect on their families who were suddenly without a parent and left adrift without the household’s primary wage earners.

In the Azores, resettlement of deported individuals often had a complex and disruptive effect on its towns and villages. The deportees encountered significant problems in adapting to their new surroundings. Many came to the U.S. as children and did not speak Portuguese, had no family connections in the Azores for support and were beset by medical problems. Few had the necessary skills to secure employment.

¹ Bristol County, Massachusetts is located in the southeast corner of the state and encompasses cities with large Portuguese populations: Fall River, New Bedford, and Taunton.

In partial mitigation of the effect of the accelerated deportations, the District Attorney's office in 1997 provided a grant to the Immigrants' Assistance Center in New Bedford for a staff person with responsibility for counseling and support services to the deportees and their families. That program was abolished in 2006.

In order to provide for a continuation of the Center's essential services, the Luso-American Foundation, the J.B. Fernandes Foundation and the Azorean *Direccão Regonal das Comunidades* provided a joint grant in 2005 to the Immigrants' Assistance Center in New Bedford, Massachusetts to provide for staff responsible for counseling and support services to the deportees and their families. In addition to these duties, the Center was also responsible for compiling personal data on the detainees to provide to the *Centro do Apoio dos Repatriados*, the Azorean social welfare organization responsible for the new arrivals and assisting their integration into Azorean society. The grants were for two years.

There was no argument that the work with the deportees and their families was critical nor was there any disagreement that these services would be required for the indefinite future. The problem was that the Center's efforts were largely supported by Portuguese entities far removed from the local community and this support was of limited duration. In order to ensure that the program of support to the community continued, a funding source with closer ties to the American community had to be secured.

Elections Have Consequences

In Bristol County, Massachusetts, the officials most involved in the implementation and enforcement of Federal immigration statutes are the District Attorney and the Sheriff. The District Attorney can mitigate some punishments by reducing penalties and spare an affected individual from becoming subject to deportation. The Sheriff manages the Bristol County jail where a majority of deportees awaiting their removal to Portugal are detained. Both the District Attorney and Sheriff positions are elected offices.

A 2006 election for the District Attorney's position pitted the incumbent of 16 years, Paul Walsh, against a local attorney, Sam Sutter. Both of the principle candidates were Democrats and the Primary Election result would essentially determine who would win the office in the General Election to follow. Because the Office of District Attorney was so important to the Portuguese American community, the Immigrants' Assistance Center and Our Lady of Mount Carmel Parish jointly staged a Candidates' Night for the election.

The organizers posed five questions to the candidates. The first three dealt with lax enforcement of the law in inner-city neighborhoods and campaign finance concerns. The last two questions, however, specifically addressed deportations and their effect on the Portuguese American community. The candidates were in a bind because some of the individuals subject to deportation were truly criminals and their removal from the local community was viewed by many to be a positive thing. On the other hand, there were some clear cases where the laws were unfairly applied and justice was not being served. In any case, the collateral damage inflicted on the families of the deportees was real and had to be addressed.

#4 Background: In late 1997, the Bristol County District Attorney’s Office was awarded a multiyear Federal grant to establish an accelerated deportation program. Although this program was stopped in 2000, it had a profound effect on the Portuguese community.

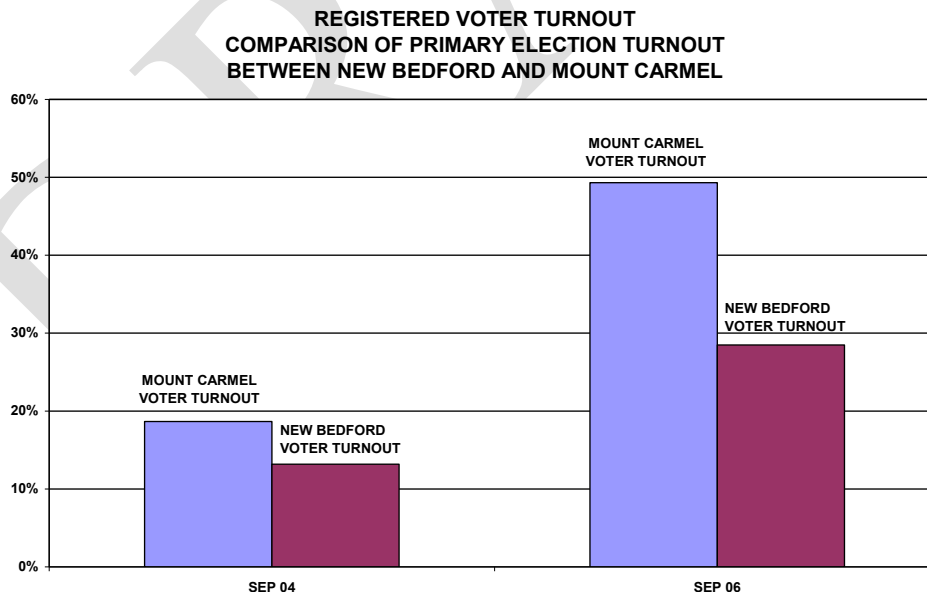
Question: Six years later how do you evaluate the successes and shortcomings of the accelerated deportation program?

#5 Background: In cases of domestic violence, the spouse is faced with the choice of losing the family breadwinner or facing continuing domestic violence.

Question: When people are brought before the court could there be an alternative choice such as mandatory counseling instead of the hard choices of automatic deportation or dropping all charges?

The candidates’ responses were carefully circumspect without making unrealistic promises about their policies regarding deportation. What the evening’s event did produce, however, was a heightened sense of awareness on the part of both participants as to the importance that the Portuguese American community attaches to the deportation issue and the relevance of this question to their political fortunes.²

In the ensuing Primary Election, the voter turnout for Mount Carmel parishioners jumped from 19 percent in a comparable election in September 2004 to almost 50 percent of registered parishioner voters in 2006. Overall, New Bedford with its preponderance of Portuguese-American residents went to the polls at almost double the turnout of September 2004.



The Portuguese-American vote was believed to be a major factor in the election result and political leaders took notice. The challenger, Sam Sutter, won the election upsetting

² See *Summary 2006/Community Accomplishments/Massachusetts/New Bedford*

not only the incumbent but also brought into question the District Attorney's historical relations with the Portuguese-American community.

The renewed attention to deportation had practical legal implications. The new District Attorney was challenged on the retroactive application of the criminal criteria of the 1996 Federal laws. He promised to examine each case under his jurisdiction to determine if it was possible to vacate past convictions given the legal restrictions and the nature of the crime involved.³

The Sheriff also had a central role in the deportation process. Because his office has custody of the detainees until they are placed on a plane bound for Portugal, the Sheriff's cooperation was a critical element in the Immigrants' Assistance Center's ability to interact with the prisoners prior to their removal. This accessibility to prisoners allowed for the Center to not only furnish complete information to the receiving agency in the Azores but also to resolve difficulties arising with the detainee and the family left behind.

Following the November 2006 General Election, both the new District Attorney and the Sheriff paid renewed and more careful attention to the deportation issue.

In April 2007, the Immigrants' Assistance Center and the Portuguese Consulate in New Bedford convened a meeting to review the impact of deportations on the individuals being removed and their families remaining in the United States. All sides agreed to an enhanced information exchange program whereby U.S.-based social organizations such as the Immigrants' Assistance Center would interview the individuals awaiting deportation to determine their personal status, medical history, and work qualifications in order to facilitate their integration into Portuguese society.

The meeting in New Bedford was followed by a July consultation in Horta, Azores to review the effectiveness of the information flow between the United States organizations and the receiving Portuguese social welfare organization, the *Centro do Apoio dos Repatriados*. Both the Bristol County Sheriff and the newly-elected District Attorney personally attended the conference.

These first meetings were then followed by another seminar on deportations in April 2008 in Ponta Delgada, Azores and was again attended by the Bristol County Sheriff and the District Attorney. Mr. Sutter followed with an official call in Lisbon to the Portuguese Ministry of Justice in order to explain the US deportation laws to the Portuguese authorities and to gain an understanding of the Portuguese concerns regarding these repatriations.

The final meeting in this series occurred in December 2008 in Washington D.C. at the Embassy of Portugal. All of the parties involved in the previous discussions were in attendance and came to a common understanding of the severity of the problem and discussed the possible measures to minimize the damage caused by the deportations. US Congressman Barney Frank gave the key note address and emphasized the

³ A reclassification of a previous felony conviction to a misdemeanor charge would potentially remove the deportation penalty.

importance of this issue and what he intended to do to address the inequities in the current law.

Sequel

The two-year grant from the Luso American Foundation and the J.B. Fernandes Foundation temporarily filled the gap in funding for the Center staff dedicated to the deportee question. This financial assistance, however, ended in 2008 but the demand for the Center's support services was as high as ever.

When the foundations' funding came to a halt, the District Attorney, Sam Sutter, and the Sheriff, Thomas Hodgson, committed their financial backing to the deportation-related work of the Immigrants' Assistance Center. This support has continued to the present day with steadfast backing by Sheriff Hodgson and the new District Attorney Thomas Quinn who took office in 2016.

While funding for this counseling program like any government-funded social service is not guaranteed, continued political involvement by Portuguese-Americans gives elected officials good reason to continue their attention to this issue.

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