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Extension Granted in Deportation of Mother and 13-year-old Child to Australia

*Family expresses tremendous gratitude for opportunity to stay together;
Joins community groups in calling for end to cruel SF policy*

San Francisco – On Wednesday, March 3rd, Immigration and Customs Enforcement (ICE) extended the deportation date for Ms. Tracey Washington and her 13-year-old son to May 4th. This extension will allow the family to try to get their pending green card application reviewed and approved, which if successful would allow the family to remain together permanently. The Washington family and the Asian Law Caucus express their gratitude for the outpouring of support from community members, family, and friends.

“Our family is elated. It feels like a heavy burden has been lifted off of our shoulders. When we were in our darkest hour and were praying for a miracle, this ray of light came. We are really grateful for all the support from our family and friends. We also want to thank the Asian Law Caucus for their great work and the many other community organizations that stood behind us. Sometimes you have to struggle, and through that struggle comes hope,” stated **Mr. Charles Washington and Ms. Tracey Washington**.

“The Washington family is grateful for the extension of the departure date. We will work hard to get their green card application processed as soon as possible. We are very appreciative that federal authorities have been responsive to the family’s situation in this case,” said Angela Chan, staff attorney at the Asian Law Caucus.

Despite the ordeal the Washington family has been through, Mayor Newsom and Juvenile Probation have yet to revise their approach toward immigrant youth. Rather, Juvenile Probation continues to operate according to the Mayor’s harsh and unreasonable reporting policy. Thus far, about 167 youth have been reported to ICE under Mayor’s Newsom’s policy, which was implemented in July 2008 and overridden in November 2009 by a new city law.

“What this case illustrates is that at the local level in San Francisco, the Mayor and Juvenile Probation need to immediately revisit their policy of reporting youth right after arrest regardless of their innocence or how minor their offense. These city officials must implement the law that was passed in November. Youth should not be referred to ICE until after they receive due process in juvenile court. Otherwise, we will see many more cases like the Washington family’s situation where 46 cents can result in an entire family being torn apart,” Chan continued.

Background on Washington Family’s Case: Days before the Board of Supervisors’ Rules Committee holds a hearing about Juvenile Probation Department’s failure to implement the new due process policy towards immigrant youth, a San Francisco family facing deportation on Friday shared their story with the press on Monday, March 1st.

The Washington family's nightmare began when their 13-year-old boy was reported by juvenile probation to ICE for a minor bullying incident where the youth took 46 cents from another youth and then gave it back. Pursuant to Mayor Newsom's draconian reporting policy, implemented in July 2008, the boy was reported to ICE right after arrest before he even had a chance to receive due process in juvenile court.

Despite the family's eligibility for Lawful Permanent Resident status (i.e., green cards), ICE ordered the mother and her 13-year-old son deported to Australia the same day they picked the boy up from juvenile detention. The mother's other child, a 5-year-old boy, also will be returning to Australia. The boys' U.S. citizen step-father expresses heartbreak over the destruction of his family. Mr. Washington decries, "My step-son is very sorry for what he did it. But his behavior merits an after-school detention, not a life altering deportation for my wife and two young step-sons. This is exceedingly cruel and unusual punishment."

The Washington case tragically illustrates how San Francisco's unreasonably harsh policy toward youth compounds the impact of failed immigration policies at the federal level.

Background on Immigrant Youth Policy: In July 2008, Mayor Newsom implemented a draconian policy *requiring* probation officers to report all suspected undocumented youth for deportation right after arrest - *before* the youth even receives an attorney or a hearing on the alleged charges. Since then, 167 children have been reported to ICE without regard to their innocence or how minor the offense.

In November 2009, a broad-based campaign led by hundreds of members of San Francisco's immigrant community resulted in the passage of a new policy that restores due process to immigrant youth. The new policy gives youth an opportunity to have a hearing and requires a finding that the youth committed a felony *before* any referral to ICE. If implemented, the new policy would boost public safety for all residents because it would put an end to the Mayor's policy, which has caused immigrant residents to be afraid to have contact with city employees.

Sparking community outrage, Mayor Newsom and Juvenile Probation Chief Siffermann have repeatedly refused to implement the new policy, even though a chorus of legal scholars has affirmed that the due process policy is completely valid under federal and state law. "Until Mayor Newsom restores due process to all youth in San Francisco, many more hard-working families like the Washingtons will be torn apart," said Angela Chan, staff attorney at the Asian Law Caucus who has provided assistance to the family.

On Thursday, March 4th at 10:30 a.m., the Board of Supervisors' Rules Committee will hold a hearing at City Hall regarding Juvenile Probation Department's refusal to implement the duly-enacted due process policy.

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