

# Center for Constitutional Rights

## Discrimination, Detention, and Deportation: Immigration & Refugees

<https://ccrjustice.org/home/blog/2017/08/10/5-things-know-about-being-black-border>

### Public Facing Advocacy Writing

The CCR blog

BAJI Black at the Border 2017 Delegation. Photo credit: BAJI

Two weeks ago, on the 102nd anniversary of the Haitian Revolution, I attended the [Black Alliance for Just Immigrations](#) (BAJI) Black-centered delegation to the U.S. Southern border in San Diego, California. This historic convening brought together Black people from all over the U.S. representing a variety of occupations, including activists, organizers, lawyers, cultural workers, politicians, and more. The goal of the convening was to strategize along with Black immigrants who had recently crossed into the United States about ways to defend and affirm the lives of Black immigrants along the Southern border.

On the second day of the delegation, Black migrants from Haiti shared their survival stories. Tears fell as people talked about the family and friends they lost along the way, the racism they experienced, the pain, the hunger, the fear, the desperation. While I am unable to go into detail about their stories because of confidentiality, common threads emerged from our discussions that grounded our reflections, strategy, and plans for action. The following are five points to keep in mind about being Black at the border.

#### 1. Anti-Blackness is Global

Notably, each and every one of the Haitian migrants stories included detailed descriptions of anti-Black racism they faced throughout South and Central America. Despite the fact that [ten times as many enslaved people were brought into Latin America](#) compared to the United States, racial stratification is rarely a central focus in our conversations about the region even in social justice circles that are otherwise focused on the topic. Anti-blackness pervades the region and has been exacerbated by recent [economic crises](#), which are blamed on the influx of Black migrants. In particular, Haitian migrants seemed to experience especially devastating treatment on the already dangerous route (either on bus or on foot) to the United States..

Black immigrants throughout Latin America are [racially profiled](#), victims of various theft crimes, and thrown in [human trafficking \(either for slave labor, sexual slavery and other ends\)](#). Haitian immigrants find themselves having to [erase their identity](#) and say they are Congolese because Latin American countries are less likely to spend funds to deport people back to Africa. In short, while Black immigrants don't just face anti-Black violence upon arrival in the U.S., they also experience it throughout the (approximately) 7,000 miles through eight countries they cross before getting to the Southern border.

#### 2. People Think Black Immigrants Dont Exist

Black immigrants are often left out of national discourse and public consciousness. Many people, when thinking of an immigrant at the Southern border, would likely think of a light-skinned Latinx.<sup>[1]</sup> Or, given the recent attention on the Muslim Ban, many might also think of light-skinned Muslims and would probably have to make an effort to associate Black and immigrant. In part, this is a result of the medias focus on predominantly highlighting the stories of light-skinned Latinxs. This gap in awareness, or willingness to *see*, makes the situation even more dangerous for Black immigrants. As BAJIs report, [The State of Black Immigrants](#) highlights, while Black immigrants make up only 5.4% of the undocumented population in the U.S., they account for 10.6% of all immigrants in removal proceedings between 2003 and 2015. It further notes that one out of every five noncitizens facing deportation on criminal grounds is Black. The Trump administrations championing of the proposed [RAISE Act](#) to curtail the distribution of green cards stands only to exacerbate these figures. [Carl Lipscombe](#), BAJIs deputy director, explains how the proposal targets [the few paths that Black immigrants have to get to the U.S. and obtain documents](#), yet little media attention has focused on this. One could argue the RAISE Act is the administrations Black Immigrant Ban.

#### 3. Black Immigrants Cannot Afford Bond

The Black organizers on the ground in San Diego and the Haitian immigrants all expressed how difficult it is to pay the wildly high bonds slapped onto Black immigrants (or not being connected to networks and immigrants rights organizations that allow them to raise the money), forcing many of them to stay in detention. While there isnt exhaustive research that shows Black immigrants are given higher bond amounts than non-Black immigrants in what is already an oppressive bail system across the board, it would not be a leap to assume that the same racial disparities that plague the non-immigration court system in the U.S. would find their way into the immigration setting. For example, numerous [studies show](#) that in the domestic, non-immigration context, Black people are assigned higher bail amounts than white people accused of similar offenses. Bail amounts for Black men average [35% higher](#) than those for white men.

Immigrations and Customs Enforcement (ICE) has full discretion to set the bond amount based on factors such as a persons [flight risk](#).

[community ties, and criminal history](#). If the person detained would like to challenge the bond amount, an immigration judge may hear the case and decide whether to maintain, lower, or increase the bond. The judge makes a [discretionary decision](#) based on whether the person detained is likely to show up to future immigration court hearings, and whether they would be a danger to the community if released from the detention facility, among other things. There is no requirement that the judge take a person's financial circumstances into account. Of course, if a person detained cannot pay their bond, they could spend [years](#) locked away in detention, under dehumanizing ([and even deadly](#)) conditions, waiting for their case to be decided.

#### 4. If You Are Black at the Border, Chances Are Nobody Speaks Your Language

Lack of interpreters for non-Spanish speaking Black immigrants was one of the main issues that came up at the border delegation. Specifically, there is a lack of Creole translators throughout all phases of the immigration process (e.g., at Ports of Entry along the Southern border, in detention centers, in court, etc.). A lack of interpreters can mean a whole host of life-altering problems: folks cannot communicate their fear of persecution upon arrival and therefore lodge asylum claims, are not able to understand different immigration processes or ask for certain hearings as a result, miss court dates because they cannot read English, and more.

#### 5. Black-centered Immigrants Rights Organizations Need Support

All non-profits are not equal nor are the ways in which they are funded. The organizers at the delegation all expressed the dire need for resources to continue to help Black immigrants. Representatives from one of the organizations explained how they all work one to two times a week on a volunteer basis and pay the office rent out of their own pockets (most of the people at this particular organization are women who are all at different stages in their own immigration proceedings). Black-led immigrant rights organizations are not only responding immediately to the dire crisis on the ground, but are doing transformative organizing work to advance justice for Black immigrants at the border and beyond. Three Black-centered immigrants rights organizations that you can support are the [Haitian Bridge Alliance](#), the [Partnership for the Advancement of New Americans](#), and the [Black Alliance for Just Immigration](#).

To sum up, as we (continue to) fight for the rights, dignity, and lives of immigrants, it is important that we not forget that everyone is not experiencing [\(forced\) migration](#) and the U.S. immigration system the same way.

[1] I use light-skinned Latinx instead of non-Black Latinx because there are Black Latinx people and immigrants who often are erased from this discussion. The use of Latinx instead of Latino or Latina is to be more gender inclusive.

[View the discussion thread.](#)

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