

Lawsuit Challenges Immigration Raids in New Jersey

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Body

Immigration agents systematically entered homes and made arrests without proper warrants during raids to round up immigration fugitives in New Jersey, according to a federal lawsuit filed Thursday.

The lawsuit, brought by lawyers at the Center for Social Justice at Seton Hall Law School in Newark, will provide a constitutional test of law enforcement methods often used by immigration agents since May 2006 when they began operations across the country to track down and deport immigrants who had been ordered to leave by the courts.

The suit, against officials of Immigration and Customs Enforcement, or ICE, on behalf of 10 plaintiffs, including two United States citizens, contends that teams of ICE agents used "deceit or, in some cases, raw force" to gain "unlawful entry."

The lawsuit claims that agents, sometimes misrepresenting themselves as local police officers hunting for criminals, entered homes where no fugitives being sought were present and detained residents without showing any legal cause. Immigration agents have broad authority to question foreigners about their immigration status, but they may not enter a home without either a warrant or consent.

A spokesman for the immigration agency, Michael Gilhooly, said he could not comment on pending litigation. The suit was filed in Federal District Court in New Jersey.

Speaking generally, Mr. Gilhooly said all fugitives who were targets of ICE searches had been ordered deported by immigration judges.

"They became fugitives when they chose to ignore the judge's order," Mr. Gilhooly said, adding that operations to arrest fugitives "are planned after meticulous investigation and surveillance."

In the last two years, immigration authorities have faced intense political pressure to track down fugitive illegal immigrants. In most cases, the immigrants overstayed visas or were caught when they tried to sneak into the country over a land border, then failed to appear at hearings, leading judges to order them to be deported.

Last year, ICE agents arrested 30,408 immigration fugitives, according to official figures, about double the number for 2006.

One plaintiff in the lawsuit, Maria Argueta, has been a legal immigrant since 2001. During a predawn operation in January at her home in North Bergen, N.J., the lawsuit claims, ICE agents persuaded Ms. Argueta to open her door by telling her they were police officers searching for a wanted criminal. Ms. Argueta was detained and held for 36 hours.

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Another plaintiff, Arturo Flores, a United States citizen, said ICE agents showed no warrant when they forced their way into his house in Clifton, N.J., in November 2006 and conducted a search. A third plaintiff, Veronica Covias, a legal immigrant in Paterson, N.J., said agents pushed open her door in March 2007 even though she demanded that they show her a warrant.

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