

Pregnant women facing deportation can stay for now

The U.S. immigration agency released rules that will keep nursing mothers and pregnant women out of detention -- but still in proceedings to be deported.

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South Florida immigrant rights activists gave a lukewarm reception Tuesday to federal guidelines under which women who are breast-feeding infants or who are pregnant may avoid detention even if they are about to be deported.

Activists said the newly published rules are a good first step but do not go far enough.

"What we need is a moratorium on deportations," said Rothenel Marc of WeCount! in Homestead. The group spearheaded the fight to win the recent release of a nursing Haitian mother who remains under orders to leave the country.

Advocates of tighter immigration controls warned that the new rules should be applied on a case-by-case basis.

"It's a judgement call for Immigration and Customs Enforcement to make," said Mark Krikorian of the Center for Immigration Studies in Washington. "There are going to be cases where that's a good idea and cases where that's not justified. To make a general rule would be to open the door to immigration lawyers to challenge every detention."

Under guidelines published last week, pregnant women or mothers nursing babies can be released under supervised conditions. The rules also apply to immigrants who are sole caregivers of minor children, seriously ill or disabled relatives or are needed to support spouses to care for sick or "special-needs" children or relatives.

The new rules mark the first official softening of stepped-up immigration enforcement after the Sept. 11, 2001, terrorist attacks -- a crackdown that has become more systematic in the past year.

As released, guidelines apply to "worksite enforcement" raids, but immigration officials said they apply to any operation involving undocumented immigrants facing detention and deportation.

Barbara Gonzalez, a Miami spokeswoman for U.S. Immigration and Customs Enforcement, said these policies have been in effect since 2003 but that they were made public last week after Sen. Edward Kennedy, D-Mass., and Rep. Bill Delahunt, D-Mass., asked for clarification.

'The worksite enforcement guidelines formalize ICE best practices and help to reaffirm Assistant Secretary Julie Myers' resolve to address humanitarian concerns," said Gonzalez. Myers is the head of U.S. Immigration and Customs Enforcement in Washington.

The rules come in the wake of two dramatic cases, one in Miami and the other in Conneaut, Ohio.

In the Ohio case, the mother, Sayda Umanzor of Honduras, was literally torn from her baby -- Brittney Bejarano -- as she nursed her when immigration officers showed up at her home looking for someone else but then discovered that she had an outstanding deportation order.

In the Miami case, Haitian immigrant Francieuse Fortune of Florida City was detained at an immigration agency office where she was reporting under a prior supervision order. She told officials she was breast-feeding Dyanna, her five-month-old daughter, but she was not nursing her at that moment.

She told The Miami Herald Tuesday that she developed a fever after she was forced to immediately stop nursing instead of tapering off gradually, as doctors recommend.

The baby's father, Leganier Gaspard, said Dyanna cried more than usual after her mother was detained at the Broward Transitional Center. Fortune was released Oct. 26 after advocates protested her two weeks in custody.

Fortune now reports to immigration authorities every week and is under orders to make arrangements to leave the country as soon as possible.

Hermán Martínez of American Friends Service Committee and Steve Forester of Haitian Women of Miami said only a deportation moratorium will avert wrenching family separations.

"Taking mothers away from their children violates an American tradition," said Forester.

"It looks like they are beginning to feel shame over the cruel way they have been treating immigrants," Martínez said.