

From: (b)(6),(b)(7)(C)
To: (b)(6),(b)(7)(C)
Cc:
Subject: RE: OPA: Chicago Driver's License case
Date: Monday, November 17, 2014, 2:01:18 PM

(b)(5)

“ICE does not use Department of Motor Vehicles (DMV) data to generate immigration enforcement targets. However, the agency may use DMV data in support of ongoing criminal investigations or in order to help locate priority targets such as national security threats or public safety risks.”

(b)(6),(b)(7)(C)

Western Regional Communications Director/Spokesperson
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From: (b)(6),(b)(7)(C)
Sent: Monday, November 17, 2014, 11:00 AM
To: (b)(6),(b)(7)(C)
Cc:
Subject: FW: OPA: Chicago Driver's License case

(b)(6),(b)(7)(C)

(b)(5)

(b)(6),(b)(7)(C) Public Affairs Officer
Department of Homeland Security
U.S. Immigration and Customs Enforcement (ICE)
312.446 (b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)
Sent: Wednesday, September 10, 2014 1:23 PM
To: Homan, Thomas; (b)(6),(b)(7)(C) Miller, Philip T; (b)(6),(b)(7)(C) Davis, Mike P; (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)
Cc: Christensen, Gillian M; (b)(6),(b)(7)(C) Wong, Ricardo (b)(6),(b)(7)(C)
Subject: OPA: Chicago Driver's License case

ISSUE: Telemundo Chicago is requesting any releasable information on an individual featured on the front page of the *Chicago Tribune* yesterday. Undocumented Chicago resident (b)(6),(b)(7)(C)

INTERNAL BACKGROUND:

(b)(6),(b)(7)(C) filed a stay of removal and a motion to reopen his immigration case and was subsequently released from ICE custody O/R. His next report date to the non-detained unit is November 20, 2014. He was convicted of DUI in Cook County. At the time of his arrest at the driver's license facility he was a final order of removal with a criminal conviction and considered an ICE fugitive. An official from Illinois Secretary of State contacted the ICE LESC based on an active ICE warrant.

I-213 Narrative

- On Sept. 15, 2000, (b)(6),(b)(7)(C) was ordered removed in absentia by an immigration judge in Detroit, Michigan pursuant INA Section 212(a)(6)(A)(i) - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs). There were no records found in the Board of Immigration Appeals (BIA) or PACER website indicating any filings on behalf of (b)(6),(b)(7)(C) failed to depart the United States and was classified as an ICE fugitive.
- On March (b)(6) 2005, (b)(6),(b)(7)(C) was convicted in Cook County Circuit Court in Chicago for DUI and received 12 months supervision.
- On Feb. 4, 2014, an Illinois Secretary of State (ILSOS) official contacted the Law Enforcement Service Center (LESC) based on an active ICE warrant in regards to Immigration and Customs Enforcement (ICE) fugitive (b)(6),(b)(7)(C) (b)(6),(C) official stated that (b)(6),(b)(7)(C) was not in their custody, but that (b)(6),(b)(7)(C) has a scheduled appointment with them on Feb. 5, 2014. The LESC official forwarded the information to the Secure Communities (SC) Unit located in Chicago, Illinois.
- On Feb. (b)(6) 2014, ICE apprehended (b)(6),(b)(7)(C) at the ILSOS office located in Villa Park, Illinois. (b)(6),(b)(7)(C) was transported to the Broadview Staging Service Area (BSSA) for processing.
- On Feb. 21, 2014, (b)(6),(b)(7)(C) filed a motion to re-open his case.
- On March 4, 2014 (b)(6),(b)(7)(C) was released O/S.
- On March 20, 2014 the motion to re-open was denied and there is no pending appeal of that decision
- On May 2, 2014, (b)(6),(b)(7)(C) filed a stay of removal with ICE.
- On Sept. 10, 2014, the stay of removal request was denied.
- His next O/S reporting date is Nov. 20, 2014.

Chicago Tribune article 9/9/14:

When Illinois enacted a program to issue driver's licenses to qualified residents who entered the U.S. illegally, state officials assured the applicants they need not fear becoming targets for deportation.

But immigration agents were waiting for Felipe de Jesus Diosdado when he entered a Villa Park state office for a February meeting on his license application. Now the 35-year-old resident of Chicago's Gage Park neighborhood and his family are waiting to see if he will be sent back to Mexico.

At the same time, officials at the secretary of state's office, which administers the program and whose agents contacted immigration officials, are re-examining how it handles background information from a population that is typically wary of authorities.

"This particular program was designed specifically for people like Felipe," said Diosdado's lawyer, Mony Ruiz-Velasco. "It was really asking a lot of the community to come forward to apply for a document to identify themselves."

Illinois secretary of state officials insist Diosdado's predicament is an isolated case in the nearly year-old Temporary Visitor Driver's License program, which encourages immigrants in the country illegally to apply for driving privileges.

The program has extended driving privileges to nearly 58,000 people -- and officials estimate it could add hundreds of thousands of others in the coming years. California and Colorado, states with robust migrant populations, are starting similar programs.

Lisa Grau, the secretary of state official who directs the license program, said that among the changes to the TVDL program, Illinois in most cases now only responds to requests for certain applicants' immigration status from authorities, instead of independently alerting them.

"Obviously it is never our intention to have anyone's immigration status impacted by this program," Grau said. "Not only have we learned from this instance on how we can best protect the community that we're trying to really engage, but other states will learn from this as well."

Diosdado came to the United States in 1997 and settled in Chicago. Nearly two years later, during a bus ride to visit relatives in Michigan, an immigration agent detained him briefly and began deportation proceedings.

Diosdado said he never received a court date or any further notice about his case. He found a job as a maintenance worker in a downtown residential tower, started a family and bought a house. He said his deportation order never came up when he was convicted in 2005 of driving under the influence.

Diosdado obtained a learner's permit in 1999, Ruiz-Velasco said, which didn't require a Social Security number. In 2000 he successfully applied for an Indiana driver's license by presenting a document falsely stating he was a lawful permanent resident.

He obtained an Illinois license later that year by presenting his out-of-state license and proof of residency. When the TVDL program was approved, Diosdado saw an opportunity to obtain a license not tainted by fraud.

"They never said anything about immigration," he said. "So when I went to get my license, I didn't think this was going to happen because I'd been with police before and nothing ever happened."

That was when Diosdado's earlier run-in with immigration authorities surfaced.

Applicants who voluntarily tell authorities they have fraudulently obtained a previous driver's license, as Diosdado did, are entered into the state's Law Enforcement Agencies Data System, then are required to meet with authorities to submit information to prove their identities.

The secretary of state's office spotted the warrant for Diosdado's deportation during that background check and alerted immigration authorities that he was scheduled to attend a

meeting at a state office in February.

Diosdado said he was cuffed and sped from the Villa Park office to two detention centers. Authorities released him in March and told him to report regularly to immigration officers while his case was under review.

"I felt sort of betrayed, because I didn't think that was going to happen," Diosdado said in an interview. "And I've never been hiding because I didn't know I had this warrant. I do everything the best way that I can do it."

Diosdado's case is now part of the latest advocacy effort to pressure the White House into relieving millions of people in the country illegally from the threat of deportation. Led by Jose Antonio Vargas, a journalist, activist and resident without legal status, the #1of11Million campaign highlights 11 people around the country with complex immigration cases who could be eligible for relief from deportation under action President Barack Obama has said he would delay until after the midterm elections.

"I think all eyes are watching how Illinois is enacting this law," Vargas said of the program. "Having heard Felipe's story, I wonder how many other Felipes are out there, and how do we prevent that from happening?"

Supporters of the TVDL program say it makes roads safer by requiring immigrants to undergo driver's tests and obtain insurance. Critics argue that the licenses can lead to fraud or abuse, prompting some state lawmakers to propose that immigrants living here illegally be fingerprinted to qualify. Immigrant rights groups pushed against that idea, saying it would deter participation.

While the state says only Diosdado risks being deported because of background checks related to the license program, close to 2,400 other applicants in the license program have been investigated -- and had their information entered into a law enforcement database -- as part of the verification efforts for applicants who admit to fraudulently obtaining a license. That database is shared with a variety of state and federal agencies, including U.S.

Immigration and Customs Enforcement.

About 700 applicants have been denied admission to the TVDL program, according to the secretary of state's office. Of those rejections, the office said nearly 500 were suspected of fraud -- meaning an applicant could have included fraudulent documents or didn't report a previous license.

Applicants who have acknowledged they fraudulently got a license but are cleared of serious criminal activity by investigators are issued a one-year suspension, pay a \$70 fee and then qualify for a driver's license.

Mark Fleming, litigation coordinator for the Chicago-based National Immigrant Justice Center, worries that because state authorities can see immigration warrants in federal databases, some immigrants are at risk.

"Most of those individuals -- the vast majority -- have no criminal record and certainly no criminal record that would make them removable," Fleming said.

When Diosdado met with his immigration case officer late last month, he wasn't certain he would be able to leave the meeting until authorities said he could remain in the country for at least three more months while his case is reviewed.

That evening, he returned to the home he shares with his longtime girlfriend and their two sons, both of whom are in grade school, and spent part of the evening preparing supplies for the new school year.

"I'm the only one that supports my family," Diosdado said. "I have no other place to go. I have nothing in Mexico. It's really bad over there right now. ... I don't know anything about life over there. This is my home."

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