

I Used to Believe in Justice

Juan Carlos Guevara, Angela Stuesse, and Mathew Coleman

Juan Carlos Guevara grew up in Michoacán, Mexico, surrounded by family and close relatives. Following in the footsteps of millions, in 2000 his parents made the difficult decision to leave their home in search of a better future in the United States. Over time they brought their children, one by one, to join them. Because he was the oldest, Juan Carlos was the last to migrate to Atlanta, where he became a high schooler, quickly learned English, and excelled in school. As a result of the story detailed in this volume, today Juan Carlos holds a licenciatura degree in business administration from the Universidad Fray Luca Paccioli, Campus Iguala, in Guerrero, Mexico. In his free time, he enjoys cooking, martial arts, and poetry.

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On August 15, 2012, Deferred Action for Childhood Arrivals (DACA) went into effect across the United States, enabling millions of undocumented young people to legalize their status. Juan Carlos Guevara, whose parents had brought him and his siblings to the United States nearly a decade prior in search of better opportunities, was not among them. As other DREAMers celebrated new beginnings, Juan Carlos, 22, huddled uncomfortably on a couch at his aunt's home in Acapulco, Mexico, wondering what his future might hold. Two days earlier he had been forced to "voluntarily" depart the United States for Mexico, his second removal that year.

Co-authors Angela Stuesse and Mat Coleman learned of Juan Carlos's story shortly before his departure to Mexico, when they were in Atlanta studying the genesis, logics, and effects of immigrant policing on local communities. His predicament was getting national attention as DREAMer organizations built public support in a call for prosecutorial discretion that would allow Juan Carlos to stay in the United States with his family. Confounded by his misfortune, Stuesse met with Juan Carlos and offered to help him share his story.¹ Told here in his own words with editing and limited legal background added by his coauthors for context, this chapter shares Juan Carlos's trials with US immigration enforcement leading up to and following the day of DACA's implementation, including his navigation of detention and deportation in Georgia, negotiation of reentry following an "illegal" deportation to Mexico, and the unfortunate timing that, rather than rendering him DACA-eligible, led to his life as one of *los otros Dreamers*.

It's been a nightmare I'll never forget. It all started close to midnight on Monday, June 4, 2011. I had just graduated from high school and was driving home after dinner at my girlfriend's house in Cobb County, Georgia, when my car was struck by a drunk driver. My "top ten" scholarly achievements and my blissful young relationship could do nothing to shield me from what was to come.

At the time, Cobb County was one of the country's earliest and most fervent partners in the 287(g) program, in which local sheriff's departments voluntarily agreed to collaborate with federal immigration officials in the enforcement of federal immigration laws.² Making this program even more dangerous for Georgia's half a million undocumented residents, we were ineligible for state driver's licenses, and the state had passed a law making driving without a license an arrestable offense.³

When the police arrived that night, I couldn't produce a license, so I was arrested along with the driver of the other car despite having no fault in the accident. My girlfriend and her mother came to the scene and spoke to the police officer there. "Well, it's not his fault," the officer explained to her. "He should be free to go, but because of these laws we have in Georgia, I'm supposed to take him." I spent the night in the Cobb County jail.

The next morning my family paid a bond of \$400 for my release, but by then I had an "immigration hold"—my arrest had put me on the radar of

federal immigration authorities—so the sheriff wouldn't let me go. Instead, I was transferred to another cell where I was held until immigration came for me on Wednesday. After spending the day in processing at the Department of Homeland Security's (DHS) Immigration and Customs Enforcement (ICE) office in Atlanta, that evening they dropped me at the Atlanta City Detention Center, more commonly referred to by its acronym, ACDC.

On Thursday my family paid a \$7,500 bond for my release, but ACDC continued to hold me over the weekend. By Monday a friend of mine came and asked why I hadn't been released yet. They told him, "Oh, sorry, it was our mistake, we forgot to send the fax." So my problems with ICE began almost immediately.

Ten days after my arrest I was released and went home to my parents' house on bond. I was told a court date would be assigned in the future, and I was given a phone number to call to confirm the date. I knew it was very important to attend my court hearing, so I called regularly. Every time I was told a date had not yet been set. The new year came and went. By February I was very concerned, so I met with an attorney. She called immigration and confirmed there was no court date in the system.

Three days later, on February 24, 2012, immigration agents appeared at my doorstep. "Why didn't you attend your court hearing?" they asked. "Due to your failure to appear, the judge signed your deportation order." After a day at the Atlanta ICE office, they took me to my third jail, the Irwin County Detention Center.

Several days passed before I was able to speak with my family—for some reason their cell phones would not accept my collect calls. When we finally talked, I learned my family had hired an immigration lawyer. The lawyer explained that he had appealed the deportation order and that we would have to wait for the judge to consider the appeal and make a new judgment. In the meantime, he said, ICE was prohibited from transferring me to another facility or deporting me. I would have to wait at Irwin.

This gave me some hope, and I was relieved to know that at least for a little while longer I would be allowed to stay. But a few weeks later I was taken back to the Atlanta ICE office along with a bunch of other people, and the agents there told us we would be on a plane to Mexico the next day. We were left at ACDC to spend the night.

Panicked, I called my lawyer. He happened to be on vacation that week and was unreachable. His secretary tried to help. She called the Atlanta ICE office and was told, "According to our records he is not supposed to be deported. He's not on our list." She communicated this to me.

Meanwhile, at ACDC—which shares the same building as the Atlanta ICE office—I explained what my attorney had communicated to me, that I couldn't be deported until my appeal was heard. I told them that the ICE office had just confirmed that I was not scheduled for deportation, but the officers only replied, "Yeah, right. We checked your file and you have a final deportation order. You're leaving tomorrow." I couldn't believe it! ACDC and ICE were on two different floors of *the same building* and there

was nothing I could do to get them to communicate with one another. And I was set to be on a flight to Mexico in a matter of hours.

So the next morning we were taken to the airport and put on a plane. We flew to Michigan, where we picked up more detainees. Then we flew to Texas. They loaded us into buses and drove us to the United States–Mexico border. We walked across the bridge and, just like that, I had been deported to Mexico.

The Mexican government's *Grupo Beta*, which aids migrants south of the border, offered to help. They explained, "Okay, guys, right now things are really dangerous here. The crime is so bad that there are no police officers in service. Only the army is in town. The best thing for you to do is to leave as soon as you can." And they took us to a bus terminal. That was the extent of their help.

What should I do? Where should I go? I had just left all my immediate family back in Atlanta. With a few dollars hidden in my shoe I purchased a phone card and called them. They wired me some money. To get back to my family's hometown in Michoacán, I would have to travel thirty hours by bus. But no one was left there. With whom would I stay? Instead, I opted to make the twenty-four-hour journey to Acapulco, where I had an aunt and a few cousins.

I was scared, angry, depressed. My family in Acapulco was kind and let me sleep on their couch even though I hadn't seen them in nearly eighteen years. On my second day there, I received a phone call from my lawyer in Atlanta.

He was back from vacation and shocked at the events that had taken place in his absence. He had been in touch with ICE and had news for me. "ICE made a mistake, Juan Carlos. You were illegally deported," he explained. "You shouldn't have been removed, and no one can explain to me why it happened, but they want to fix their mistake. At this point they are giving you two options. You can sign a form that will change your deportation into a voluntary departure; if you do this there will be no deportation on your record and your case will be closed. Or they will bring you back to Atlanta where you can wait to see if a judge will reopen your case. But if the judge doesn't agree to reopen, you will be deported again."

The choice was clear to me. This experience had already been far too wrenching. I would much rather accept voluntary departure than be put through the painful process anew. I told the lawyer of my decision, and he agreed to communicate it to ICE and have my case closed. But the next day, before he was able to take action, ICE called him and said, "We have decided to reopen the case." With this news, I decided to take the risk and go back.

That was around March. They told me that in order to return to the United States I would need to get a Mexican passport. I knew this would be a challenge, even more complicated since I had no documents in my name except one ID, but with the news that I might get a second chance in the United States, I was determined. So I traveled to my hometown in Michoacán to begin the process. I learned I would need my official birth

certificate. Then I learned I needed both my parents' birth certificates. These were held at a different government office in Acapulco, so after a week or two of waiting I secured mine and went in search of theirs.

Acapulco was hard. Imposing on my aunt and her family was bad enough, but maneuvering in the city was even worse. People say the *narcos* on the border are bad, but in Acapulco it's on another level. It took me about a week to get my parents' birth certificates, and in the process I got robbed. My wallet was stolen, and with it, my only photo identification.

I returned to the government office in Michoacán and explained the whole thing. "I have everything you told me to get—my birth certificate, my parents' birth certificates—only now I'm missing the ID." They insisted they could not issue the passport without my photo identification. I was distraught. "I've been coming here for two weeks now, and every time I've shown you my ID. Why do you insist on seeing it again, now that it has been stolen?" They wouldn't budge.

So I sought out the offices of the Mexican election team and inquired about getting a voter registration card, which in Mexico serves as people's primary photo ID. There I was told that, because Mexico was in election season—national general elections would take place in July—they were not issuing voter registrations at that time. "You'll have to wait until August," the agent advised me. What more could I do? Did I really have no choice but to wait three months before getting a passport to return to Atlanta?

I shared all that had transpired with my lawyer. After communicating with ICE, he conveyed that they had instructed me to appear at the US embassy in Mexico City. We didn't know what was going to happen there, but I followed their instructions and took a bus to Mexico City. I showed up at the gates of the embassy and explained my case. The people there knew nothing about me, who I was, or why I was there. They refused me entry.

I spoke to my lawyer again, who inquired further and relayed, "Well, I talked to the ICE office and the embassy is supposed to give you a package with the documentation to travel back." Now here's a funny fact—the US Department of Homeland Security has an ICE officer at the embassy in Mexico City, and that office is only open on Mondays and Thursdays from 9:00 to 11:00, four hours a week. So by the time I had this additional information, the office was closed. I would have to return another day. Only the next Monday was a US holiday, so I was looking at an additional week's delay. I had nowhere to stay in the city, so I opted to travel the six hours back to Acapulco, wait a week, and return to try my luck.

The following Thursday I was back at the embassy. Again they knew nothing about my case. I said, "What's going on between all of you? Because ICE is telling me to come here to pick up something I need to travel back, and you have no idea who I am?!" The office hours ended and I embarked on another excruciating six-hour ride back to Acapulco. I was growing impatient and beginning to lose hope. The officers at the embassy probably thought I was crazy, insisting that I had been illegally deported and that ICE was sending documentation for my return to the United States!

When I showed up at the embassy for the third time, they miraculously welcomed me inside and gave me my documents to travel back. They explained that as soon as I signed the document I would have a maximum of seven days to board a flight. But upon examining the contents of the package more carefully, I noticed there was no plane ticket. They assured me that I should go to the Delta counter at the airport, where I would find a ticket waiting for me. I didn't think I could stomach much more of this roller coaster ride. Little did I know, it was only beginning.

At the airport in Mexico City, Delta confirmed that there was a reservation in my name to travel. But there was a small problem. Because I didn't have a passport, they said I needed to get a signed document from the Mexican immigration team in a different section of the airport permitting me to travel internationally. The immigration team was perplexed. "You're a Mexican. You don't need any kind of documentation to leave the country," they insisted. They sent me back to Delta. I crisscrossed the airport three times on my quest to get that piece of paper. Finally, exasperated, a Delta official accompanied me and we managed to secure the coveted immigration document.

My flight was scheduled for the morning of June 6, 2012. I left Acapulco the day before, arrived in Mexico City at 3:00 in the morning, waited through the night, and we departed for Atlanta at 10:00 am. Three hours later we landed. Still on the plane, taxiing toward the gate, I called my family to let them know I was back. I felt relief.

Reprieve quickly turned to humiliation when—before we had even arrived at the jetway—an ICE officer boarded the plane and, in front of all the passengers, escorted me down the rolling stairs and to a DHS van. The next twenty-four hours remain the most degrading day of my life.

They said they had to take my biometrics—my fingerprints, my picture, and everything—even though all this information was already in their system and they knew who I was. But their computers were down. It took at least five tries for the fingerprinting machine to finally work. Finally, around 11:00 pm, after more than twenty-four hours of travel, they took me to the Irwin County Detention Center. But I didn't sleep that night either.

They made me trade my clothes for inmate attire, and by midnight DHS came back for me. They insisted that I was required to check in with immigration officers at the airport and had bypassed this step in error, so they took me back to the airport in my orange jumpsuit. I was horrified and ashamed to appear in public like that. Like a criminal. As I imagined all the awful things people must have been thinking about me while they watched me pass by, it was the most distressing, disgraceful moment I've ever lived.

Then, to make matters even worse, when I was presented before the immigration authorities at the airport I overheard them say, "Didn't you guys know you could have done this at your office? Next time there is no need for you to come all the way here." My interactions with ICE were a story of incompetence and consternation at every single turn.

Back at Irwin, I awaited my court hearing. While I sat impatiently behind bars, my friends and thousands of other immigrant rights allies were marching on the Obama reelection campaign offices in Atlanta and across the country. “Education, Not Deportation!” they chanted, many of them cloaked in graduation caps and gowns. The president’s advisors weighed how to respond to these DREAMers who demanded the “Deporter in Chief” provide them a path to legalization. Within twenty-four hours they announced Deferred Action for Childhood Arrivals (DACA), an administrative procedure that would legalize the presence of millions of undocumented young people like me who qualified for the program. My spirits lifted. I was proud of my friends and brave undocumented people everywhere, and I felt optimistic that my situation would soon improve.

I had hoped to be out on bond by now, but it was set unusually high at \$40,000. My attorney requested a hearing to lower the amount. The day we walked into the hearing expecting to negotiate a more reasonable bond—and it was reduced to \$20,000—to our surprise the immigration judge decided he wanted to decide my entire case that day too. He showed no mercy. My options were voluntary departure, which would allow me to get out on bond and leave the country on my own before a set date, or deportation. DACA was not yet an option, as its implementation wouldn’t go into effect until August 15. So, with the help of a bond company, I opted for voluntary departure, put up \$8,000, and was released. My final due date for leaving the country was set for August 13.

My friend Celia immediately involved me in Georgia DreamActivist. That organization had recently found success getting people’s removal canceled by putting public pressure on ICE to live up to its 2011 “Morton Memo,” which claimed it would focus its resources on deporting individuals with serious criminal backgrounds. In cases like mine, in which respectable members of the community with clear ties to the United States and no criminal convictions made public calls for leniency, ICE had been exercising prosecutorial discretion and allowing people to stay. It was my last, best hope.

I went to Washington, DC, and I told my story to every politician and news outlet that would listen. When I returned to Georgia, we held meetings all over Atlanta educating people and asking for their help. A public petition was created to raise awareness and implore ICE to use discretion in my case. My entire family was in Atlanta, including my twin brother, my younger US-citizen siblings, and my parents. Like many of my friends, I had dreams of attending college and making a difference in my community. I asked my attorney to file another appeal in my case that would allow me to stay until DACA’s effective date. Perhaps then there would be some way for me to qualify and we could put this nightmare behind us. I didn’t give up until my clock ran out.

But on August 13, 2012, two days before DACA took effect, my time was up. I had exhausted all options. I bade my family and friends farewell and returned to Mexico.

I used to believe in justice. Now, I’m not so sure it exists.

I have lived four long and difficult years since that day. I lament not being present for my younger siblings as they grow older. My grandmother's diabetes resulted in an amputation, and I was unable to be there to care for her. I also regret the tragic end of a genuine relationship with my girlfriend and her family. Like Ezequiel (see Silver, this volume) and Sergio (see Gonzalez, this volume) I have often felt lonely as I've worked to reestablish ties with family in Mexico and build new friendships while struggling to maintain ever-weakening relationships with my loved ones in the United States.

I moved to Iguala, Guerrero, and I enrolled in college. Not long after, forty-three students disappeared in Iguala at the hands of local politicians in what has become known as the Ayotzinapa massacre. People and businesses left in fear. The local economy tanked. Walking alone at night became impossible, and when I traveled beyond the area I felt stigmatized. It was a terrible time.

But things are getting better. I found liberation in poetry, culinary arts, and martial arts. I got a puppy. And I am graduating from college next week with a degree in business administration. As in Georgia, I became one of the top students in my class, receiving high marks and tutoring others along the way. I have collaborated with local government officials to help bring tourism back to Iguala. I am now planning my next moves for my career, my health, and my future. My greatest hope is that one day I will see my family again.

Yes, it's been a nightmare I'll never forget. The story of how I became one of *los otros Dreamers* is so fantastical it's hard to believe it happened. But it did.

It's true what they say. Life is full of highs and lows. But I have persevered. Today I feel there's no obstacle I cannot overcome. And in time, I have no doubt, I will thrive.

Notes

1. Stuesse was accompanied during this visit by research assistant Nolan Kline, who participated in the joint interview with Juan Carlos.
2. (Shahshahani 2009, Coleman and Stuesse 2014, 2016). For more in this volume on 287(g) and the collaboration between local and federal law enforcement agencies in immigrant policing, see the chapters by Garcia, Kline, and Silver.
3. (Stuesse and Coleman 2014).

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