

On Being an Undocumented Observant in Operation Streamline Court

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The judge asked, "Ms. Martinez, do you plead guilty to illegal entry?" "Sí." The judge was not talking to me, although the woman facing the judge could have been me. We were both Mexican, we shared the same last name, and we were both undocumented in this country. Nonetheless, at that moment during streamline court proceedings, she was being prosecuted, while I was conducting research. I would walk out free and she would remain in border patrol custody. Approximately 80 immigrants were prosecuted in an hour and a half that day, including Ms. Martinez.

I was undercover. As a court observer, I did not disclose my undocumented status to anyone in the court, including the federal defender who accompanied me. I sat two benches behind the immigrants. They were shackled at their waist, wrist and feet, wore dirty clothes, and had tired and desperate looks on their faces. Many looked at the floor for the duration of the court.

My emotions were in shock and I felt paralyzed. Only my hand moved to write the notes. I felt shame and guilt for not being among them. I could not look at them in the eyes. I would look at the ceiling to avoid crying, to avoid their helpless eyes, and asked God to protect them and get me out of court safely as I sat only a couple of steps away from border patrol agents.

The only difference between them and I was that they were caught by border patrol, while I have been living unexposed to the systems that aim to cage and deport me. That day, I continued to go unnoticed by the crimmigration system.

My observations informed the structure of interviews of 46 people who were processed through Operation Streamline and were deported or being held in detention centers as part of a research project spearheaded by my team at Ceres Policy Research. Our findings were groundbreaking and will be used in a legal case that will be argued in the United States Court of Appeals for the Ninth Circuit by an Appellate Attorney to defy the constitutionality of Operation Streamline.

As an undocumented person, it was meaningful to partake in work that could directly impact my community by decriminalizing our journeys to the U.S. My existence in this country is constantly politicized by politicians and presidential candidates to advance their own political goals while continuing to demonize and terrorize me and my community. It is important for people to advocate for all immigrants, including those with criminal records, including those who were apprehended at the border, those with deportation orders, and those without DACA. This work and the report we wrote aims at centering narratives of the undocumented community that are often left out of the immigrant rights movement and to emphasize that immigration is a criminal justice issue as well as a human rights issue.

For more information on current legal challenges being waged against the criminalization of immigration, register for our September 5 webinar [here](#). You can also download our report on how Operation Streamline courts fail to provide due process protections for immigrants [here](#). For any questions contact Mitzia Martinez at mmartinez@cerespolicyresearch.com.