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ACLU Indiana Defends U.S. Citizen Illegally Detained in Anticipation of Possible Deportation

Indianapolis – The ACLU of Indiana today filed a complaint on behalf of a United States citizen who was erroneously and unconstitutionally detained at the direction of federal agents in anticipation of possible deportation.

Victor Jimenez is a naturalized United States citizen. After being arrested late in the evening on August 28, 2010, for a violation of Indiana law, Jimenez was taken into custody in Indianapolis. He was eligible for bail almost immediately, but he could not be released, because on Aug. 29, federal immigration agents from Immigration and Customs Enforcement (ICE) issued an immigration detainer, which had the effect of requiring that Jimenez be held pending possible immigration proceedings and deportation.

The detainer was issued without probable cause or reasonable suspicion that Jimenez was in the U.S. illegally. Of course, a U.S. citizen cannot be deported. Jimenez, a U.S. citizen since 2000 residing in Marion County, had provided arresting officers with his Indiana driver's license, but found himself held for three days without bail at the Marion County Jail because of the ICE detainer. He was never given the opportunity to prove his U.S. citizenship to the ICE agents who were responsible for his continued detention.

As a result of his unlawful imprisonment, Jimenez, a married father of four, missed two days of work for which he was not paid, and was unable to accompany his wife, who was six months pregnant, to her medical appointment.

“The current political climate regarding immigration issues has created an environment where these situations occur all too often,” said Gilbert Holmes, Executive Director of the ACLU of Indiana. “We don’t want a repeat in Indiana of what’s happening in some states, where they’ve passed laws allowing people to be stopped on the basis of looks, and where you’re considered guilty until proven innocent.”

“We are concerned about the lack of any procedures here to safeguard against what appears to be the clear deprivation of Mr. Jimenez’s basic constitutional rights. No citizen, naturalized or otherwise, should have to worry about being deported.” said Ken Falk, the ACLU of Indiana’s Legal Director.

ICE is part of the U.S. Department of Homeland Security. Illegal detention violates a U.S. citizen’s rights under the Fourth Amendment of the Constitution of the United States. The ACLU of Indiana is requesting a jury trial on behalf of Jimenez. The case was filed in the United States District Court for the Southern District of Indiana under cause number 1:11-cv-1582, and is captioned *Jimenez v. United States*.

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