Sanctuary in Portland: An immigrant and the church where he lives

by Gregg Brekke in the December 24, 2014 issue

SANCTUARY SEEKER: Francisco Aguirre and one of his daughters reunited at Augustana Lutheran Church following a support rally at the U.S. Customs and Immigration Services office. PHOTO BY GREGG BREKKE

Removing jackets soaked by the relentless October rains of the Pacific Northwest, supporters of Francisco Aguirre assemble in the sanctuary of Augustana Lutheran Church in Portland, Oregon, warmly greet one another, and take seats on metal folding chairs at the front of the church.

It's October 17, four weeks since Aguirre arrived at Augustana seeking sanctuary and protection from the threat of arrest and deportation by Immigration and Customs Enforcement officers. Aside from quick smoke breaks just outside the door—accompanied by escorts—Aguirre hasn't left the building. Some good-natured badgering by one of these escorts leads Aguirre to say solemnly he's tried quitting many times. But at 35, the habit he picked up as a young orphan, captured by soldiers and forced into servitude during the Salvadoran civil war, is a hard one to break.

Aguirre was deported from the United States once before. Yet he continues his struggle to obtain legal residency—instead of returning to a homeland where he has no connections and continues to fear for his safety.

Aguirre was six years old, playing in the dirt behind his family's home in El Salvador, he says, when a group of government soldiers arrived. They asked where his parents were, and Aguirre said they were in the house. Already searching inside, the soldiers

found no trace of his parents. Aguirre says his parents fled when the soldiers arrived, unable to retrieve him in their haste to escape. They haven’t been seen since and are assumed dead.

The soldiers took Aguirre back to their base and held him there, where he says they forced him to run errands, shine boots, and clean for the privilege of meals and a cot. For at least a year—Aguirre doesn’t know the exact time frame—he rose before dawn with the soldiers and went to bed only when his chores were done. An orphanage group eventually took him and provided for his housing and education.

In 1995, Aguirre was 17 and working at a rice and bean packaging plant when soldiers arrived looking for him. Although the war was over, the government was arresting those considered a threat. Aguirre says he hid among the storage silos. He finally came out when one of the soldiers, who had known Aguirre as a boy, addressed him with a childhood nickname. His friend had disobeyed orders in order to alert him: leave now, or the next time we come we’ll have to arrest you.

With very little money and only the clothes on his back, Aguirre got permission to drive the plant’s pickup truck to the Guatemalan border. He abandoned the truck there and began his first journey toward the United States.

He made it. In 1996, Aguirre began working as a day laborer in Portland. Eventually he found meaning in advising other migrant laborers—nearly all of them undocumented—on their rights as workers. He joined the Workers’ Organizing Committee and began advocating for workers and educating them on legal protections in regard to employers, police, and ICE.

It was in this capacity that Aguirre says he offered two newly arrived migrants a place to stay one night in 1999. He said they could spend the night in his apartment and then look for more permanent accommodations in the morning.

Aguirre and his guests awoke to the sound of police at his door. They had been given a tip about the two migrants and came to make an arrest. In their search of the two migrants, the police say they found drugs. The two were taken away, and Aguirre was taken into custody, too. “After 15 days without seeing a judge, without charges, they set me free,” he recalls. “I thought it would end right there, but it didn’t.”

Aguirre’s houseguests were released at the same time he was, but he didn’t know that. A month later, Aguirre says two plainclothes officers met him outside the school where he was learning English. They walked with him, asking if he knew where his houseguests were, suggesting that they would “make it easy” on Aguirre if he cooperated with them. Aguirre didn’t know where they were; he didn’t know them and explained that they had only spent one night at his apartment. Unsatisfied, the officers took Aguirre into custody again.

Aguirre’s legal nightmare was beginning. He was held for three months and charged with 20 counts of drug trafficking and possession (later reduced to two counts of trafficking). His public defender said she would begin processing Aguirre’s asylum application and advised him to plead no contest to the drug charges. In court, Aguirre entered his plea and asked about the status of his asylum request. The judge knew nothing of an asylum application, saying his lawyer wasn’t qualified to make such a request. Aguirre’s plea of no contest, the judge explained, did not exonerate him as he had been advised. It merely meant that he was not protesting the charges.

Aguirre recalls being in shock as the judge ordered him detained pending deportation. Why would his lawyer not defend him? Where was the evidence to support the drug trafficking and possession charges? What option did he have to stay in the United States?

For the next 15 months, Aguirre tried getting answers to these questions. But lawyers wouldn’t return his calls from the immigration hold center, and requests for information on his case went unanswered.

On the deportation flight, Aguirre and the other detainees were restrained with handcuffs and leg shackles. As they neared El Salvador, he recalls wondering why the others were released and given sack lunches while he remained restrained. Then everyone else deplaned and met their waiting friends and family—while U.S. marshals continued to detain Aguirre.

With no living relatives and scarce memories of friends in his homeland, Aguirre hadn’t anticipated a homecoming party. But neither had he imagined the Salvadoran federal police waiting to receive him. Upon exiting the plane, Aguirre was met by a sizable armed force. “They looked like a SWAT team,” he says. Still shackled, Aguirre was escorted into a room inside the airport where he was interrogated for hours

while a secretary recorded his statement on a manual typewriter. Its click-clack sound is seared into his memory.

“Did you serve [in the Salvadoran civil war] as FMLN or as military?” he was asked repeatedly, an attempt to discern if he’d been allied with the coalition of guerrilla groups known as Frente Farabundo Martí para la Liberación Nacional or with the government forces. “Are you a drug trafficker?” they asked. “No,” Aguirre replied, he’d never been involved in the drug trade.

Finally, Aguirre’s shackles were removed, and he was released in the airport’s ground transportation area. He had $20 a friend in the States had given him, and he wasted no time in hiring a cab to take him back to the Guatemalan border. There was nothing for him in El Salvador—no relatives, no friends, no place to call home.

It took Aguirre just a month to get back to Arizona. He knew the route from his original migration to the United States. He posed as a priest to cross into the Mexican state of Chiapas before riding the dangerous gang-controlled northbound freight trains known as “The Beast.” He wasn’t ashamed to ask for handouts, and he knew how to earn a few pesos by helping others. Returning to the United States was a matter of life and death.

Back at Augustana Lutheran this past October, Mark Knutson, the church’s pastor, made introductions and emphasized to everyone in the circle the dual meaning of the word *sanctuary*. “A sanctuary is a place where people come to encounter the divine,” he said. “Sanctuary is also a place of refuge, safe from all harm.” Then he led the group in prayer.

Aguirre’s sanctuary at Augustana began after a dozen ICE officers arrived at his home the morning of September 19 seeking his arrest. Local police had recently charged Aguirre with “probable cause DUI,” and he believes the arrest information was passed on to ICE, prompting its action. (The Clackamas County Sheriff’s Office denies this.) Aguirre was already in the process of contesting the earlier arrest, challenging aspects of due process in a police force with a history of racial bias. He says he was frightened but composed, calling upon his decade of experience advising migrant workers.

Aguirre asked the ICE agents, wearing uniforms with no name badges, if they had a warrant for his arrest. They did not. One officer promised to stay until a warrant arrived, but as friends of Aguirre’s came to the home and the day wore on, even this

officer left. It was a window of opportunity that Aguirre and his companions seized.

Knutson was out of town, but he says that when he received the call requesting sanctuary at Augustana, there was no question that Aguirre was welcome. “We had been preparing for this”—receiving a sanctuary seeker—“for nearly 20 years,” he says.

Supporters whisked Aguirre away to Augustana, the sole sanctuary-providing church in Portland. ICE has promised not to make arrests in what they call “sensitive areas,” especially schools and places of worship. Aguirre, Augustana, and supporting congregations in Portland are all committed to his sanctuary stay, to allowing due process to proceed on his civil conviction, to a stay in the deportation order, and to his request for a U visa (a visa for victims of serious crimes).

Aguirre’s time in sanctuary has been anything but glamorous. Many days he is alone, his only company the two escorts—out of dozens from area churches—who take shifts sitting vigilantly in Augustana’s basement or entrance 24 hours a day. Aguirre sleeps a lot during the day, haunted by worry-induced insomnia through the night. He worries about his court case and how he will provide for his family. He worries about colleagues at Voz Workers Education Program, an organization he cofounded, and how it will continue assisting day laborers at the Martin Luther King Jr. Workers Center.

Aguirre does what he can to help out around the church, and he serves as a deacon at Sunday services. He researches his case, talks with supporters, attends planning sessions, and stays in touch with other sanctuary seekers and organizers around the country. He dreams of being at home with his family.

His wife Dora and daughters Aranza (age four) and Aura Miranda (three) visit only on the weekends or during community rally events. It’s too far for the girls to travel back to their home in an east Portland suburb each day to attend preschool. In the midst of the chaos of meetings and frequent weekend visitors, the girls adore the attention from Aguirre, a doting father with a ready smile and hearty laugh.

Aguirre, however, makes no attempt to hide his despair at his situation. “I’m so thankful for all that Augustana and the others are doing for me and my family,” he says. “But it’s still a sort of prison, you know? All these people are doing so much, providing food and shelter and advocacy and safety, but I’m still not really free.”

The sanctuary movement began in the 1980s as civil wars raged throughout Central America, fueled by U.S. intervention. During and after these conflicts, hundreds of thousands of former fighters, politicians, educators, and civic organizers arrived in the States seeking political asylum. For those who opposed the U.S.-backed forces that ultimately won control of their governments, a return to their home countries meant imprisonment or death. Seeing the plight of these asylum seekers—and U.S. culpability for it—churches began opening their doors to offer sanctuary to these refugees.

John Fife, pastor of Southside Presbyterian Church in Tucson, Arizona, officially declared his congregation open for sanctuary on March 24, 1982, the second anniversary of Salvadoran archbishop Óscar Romero's assassination. More than 500 churches eventually participated in the movement, providing safe places for immigrants to avoid detention and deportation while their asylum requests were processed and adjudicated.

In the last 15 years, instances of refugees seeking sanctuary in churches have been more sporadic. When they do come up, the name "New Sanctuary" is often used to differentiate the movement from the many cases that resulted from the Central American civil wars. At present, 25 congregations in 18 U.S. cities identify themselves as prepared to offer sanctuary; they are joined by more than 70 supporting congregations.

Southside Presbyterian is once again hosting sanctuary seekers. Daniel Neyoy Ruiz and his family arrived at the church's doors on May 13, almost 30 years after Southside welcomed its previous sanctuary seeker. After 28 days, Ruiz received a stay of deportation; he remains in Tucson. A second sanctuary seeker arrived August 7. Southside pastor Alison Harrington characterizes Rosa Robles-Loreto and her family as "a Little League family. They are as American as you can get." In contrast with Ruiz's relatively speedy release, requests for a stay of deportation for Robles-Loreto have been repeatedly denied.

"We have been witnesses to seeing families torn apart over and over," says Harrington. "Offering sanctuary helps us to live out our faith, to follow the promises of our faith." Noting the ten churches that are assisting Southside in accompanying sanctuary seekers, she adds that "sanctuary isn't confined to the context of the four walls of our church. It involves the whole community."

Noel Anderson, grassroots coordinator for immigrants' rights at Church World Service, believes that the actual number of congregations offering sanctuary and support is higher than reported. Anderson is in contact with movement organizers and with the six individuals currently finding sanctuary in churches—in Chicago, Denver, Portland, Tempe, and two in Tucson.

Anderson acknowledges some resistance within the faith community to those seeking sanctuary and political asylum. Because of the variety of reasons people enter sanctuary—from wrongful convictions to domestic violence to fear of returning to a home country—he challenges the notion of offering support based on ideas of "good migrant vs. bad migrant."

"Just because someone makes a mistake it doesn't mean we should separate them from their family and livelihood," he says. With more than 1,000 deportations processed each day in the United States, Anderson views the faith community's actions as a response to the government's unwillingness to provide solutions for incorporating migrants into society.

Anderson says there is an urgent need for public debate on immigration and the impact of current policies. "Church World Service serves a lot of people who are trying to adjust their documentation status," he says. "Along with others, we're trying to structure communities to take a strong prophetic stand for those who are most impacted by current policies."

LOCAL SUPPORT: Area clergy pray with Francisco Aguirre at the "This Is Where I Belong" community rally held at Augustana Lutheran Church. PHOTO BY GREGG BREKKE.

In Portland, support for Aguirre has poured in. An August 30 rally and prayer service attracted more than 300 people. Among these were at least 50 local clergy and community leaders, a representative from the Portland mayor's office, and city council member Nick Fish, all of whom expressed their support for Aguirre and a stay of deportation. Salvadoran congresswoman Emma Julia Fabian Hernández visited Aguirre October 20 to hear details of his sanctuary process and explore a political resolution to his visa request. A canceled October 22 U visa application appointment with the Portland office of U.S. Customs and Immigration Services turned into a rain-soaked rally and press conference with an estimated 100 in attendance.

On November 6, 45 days into his stay at Augustana, Aguirre reluctantly left sanctuary. Unable to obtain an appearance waiver, he was forced to attend a court hearing regarding his probable DUI charge or face additional charges for failure to appear. On arriving at the Clackamas County Courthouse, he was promptly arrested by ICE agents at the direction of the District of Oregon U.S. attorney. Charged with illegal reentry following his 2000 deportation, Aguirre was released two days later, his deportation order temporarily lifted pending a January 13 federal hearing.

Shortly after his release, Aguirre received news that the Obama administration was planning an executive order on immigration. But after the president's November 20 announcement of the details, Aguirre and his supporters are still left wondering how the order will affect his family. It's likely that his wife Dora qualifies for the new protections, since they have two U.S.-born children. But Francisco is being prosecuted on reentry charges, and he says that Obama's executive order "can benefit me or not. If they deny my U visa I'm applying for, I don't know how my case will turn out." Aguirre expects to remain in sanctuary until his federal hearing.

"I'll stay here as much time as is needed," he says. "I won't leave my kids behind. They'll have to force me to walk out of the church. My kids belong here, you know? This is their country. Why can't all the rights they are born with—the opportunity to go to school, to be somebody when they grow up. . ." Aguirre trails off, overcome by emotion.

"There's no reason for them to go to a country where they don't belong," he continues. "They don't know anybody" in El Salvador. Neither does Aguirre: "I don't have anything."

This article was corrected on December 11, 2014 to correctly identity Aguirre's public defender as a woman, and to clarify that ICE officers came to Aguirre's house on the morning of September 19, not the evening.