

Testimony of Kristin Etter

Director of Policy and Legal Services, Texas Immigration Law Council
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Thank you, Congressman Casar, Ranking Member Thompson, Ranking Member Jayapal, and members of the committee. My name is Kristin Etter, and I direct policy and legal services at the Texas Immigration Law Council. Through our Texas Pro Bono Habeas Project, we connect people held by ICE under unlawful mandatory detention policies with volunteer attorneys who challenge their detention in federal court and fight for their release. The right to challenge unlawful detention through habeas corpus predates our Constitution and is a fundamental safeguard against the government's exercise of unchecked power.

Every habeas case begins with a name. And every day, I receive more. I carry a yellow legal pad everywhere I go because after every talk, every hearing, every church gathering, people approach me with the names of loved ones who have disappeared into detention. Many have also suffered violence at the hands of ICE.

And these names come from across the political spectrum. I work with builders, employers, deeply conservative business owners, and faith leaders. They ask me the same question: What happened to my worker, my friend, my neighbor?

I have spent months explaining how immigration enforcement is decimating their workforces, disrupting entire industries, and threatening the businesses and communities they have spent years building. What I hear from them is disbelief, anger, and a profound sense of betrayal. They ask me how they can protect people. Can they hide their workers? No. Can they bring them all back? No.

They struggle to believe that our state and federal lawmakers have enacted laws and policies that routinely target, assault, and disappear their workers and loved ones — en masse — while they are going to and from work.

Let me tell you about four men whose cases came to our Pro Bono Habeas Project over five days in Austin, surrounding Wilber's shooting. I call this *Disappeared While Driving*.

Thursday, September 17. E.M. was driving to his job at a North Austin sushi restaurant with two coworkers when ICE pulled him over. He stopped, but after his coworkers ran, he reports that agents viciously assaulted him. His head was slammed into a hard surface, and he was thrown to the ground and repeatedly kicked. Eight days later, a person who visited him documented heavy bruising on his body, seven stitches in his right eyebrow, two black eyes, and three teeth that had been kicked out.

Friday, September 18 — the very next day. A.G. was also pulled over on his way to work. He reports that ICE agents rammed his vehicle, assaulted him, and then pointed a gun at him.

Sunday, September 20. Wilber Garcés-Pérez, 28 years old, who came here with permission through the government's own CBP One app, was delivering DoorDash orders in North Austin when an ICE officer shot him in the back. The bullet lodged near his neck. The government then sought to deport him — the key witness to its own agent's use of deadly force. I filed his habeas petition the very next morning asking a federal court to prevent that.

Monday, September 21. Lucas Santiago Martinez, a carpenter who runs his own business, was headed to a job site in South Austin with his brother and a friend when ICE detained all three. Lucas did not suffer physical violence, but he was taken into mandatory detention, where he remains. His wife, a U.S. citizen, is caring for their 14-month-old son and preparing to give birth within weeks. We have filed a habeas petition challenging his detention and seeking his release.

Four men. Five days. One city. Every one of them was on his way to work or already working. These are not simply workforce disruptions. These are people being torn from their families, their jobs, and their communities, some after encounters involving alleged violence, only to be locked away in detention without a meaningful opportunity to challenge the legality of their continued confinement.

And that brings me to the greatest danger of all: when injustice happens often enough, we begin to accept it as ordinary, and then to justify it. Masked officers pulling people from their cars. Families desperately searching for loved ones. Workers disappearing on their way to a job site. A man shot in the back by ICE. We risk becoming numb to things that should never be normal.

Bryan Stevenson has warned that the enduring evil of injustice lies not only in the machinery that carries it out, but in the narrative we create to justify it.

There is no justification for any of this. Not for the bloodied face. Not for the rammed vehicles. Not for the gunshot to the back.

This is not a partisan issue. In the United States, we are entitled to a government that follows the Constitution and the rule of law, not lawlessness on our streets carried out in the name of enforcing it.