



OPINION

Jill Martin Diaz: Gov. Scott's silence fuels immigration chaos — and harms Vermonters

Trump knows many of these policies won't survive judicial review. That's not error — it's strategy.

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This commentary is by Jill Martin Diaz, executive director of Vermont Asylum Assistance Project, director of Legal Services for Connecting Cultures/New England Survivors of Torture and Trauma and a lecturer in the University of Vermont's social work department.

This Thanksgiving, President Trump had us primed to panic when news broke of a Winooski second grader's violent detention by ICE.

**Commentaries**

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Vermont Asylum Assistance Project (**VAAP**) advocates were already being inundated with new calls for legal help when tragedy struck, following Trump's latest half-baked and blatantly illegal policy pronouncements suspending asylum, threatening extrajudicial residency revocations, and promising retraumatizing re-processing for already highly vetted refugees.

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December 1, 2025, 8:44 pm

Governor Scott could have coordinated Vermont's first response. Instead, state silence and community chaos ensued. Unsure of who to call, neighbors inundated VAAP and partners until corrective coordination precluded meaningful legal intervention. Media requests jammed channels to a halt. Attorneys scrambled. ICE benefited.

This is a pattern. Misleading United States Citizenship and Immigration Services notices pushed two students to announce their self-deportation before consulting counsel. Scott's silence invited manufactured chaos and, again, civil society gridlock ensued.

This year brought baseless threats to birthright citizenship; status revocations threatening work permits overnight; skyrocketing filing fees pricing working people out of status renewals; and lightspeed procedural shifts obscuring process due.

Trump knows many policies won't survive judicial review. That's not careless error — it's strategy: sow chaos that states worsen into legal access gridlock and lasting fear.

In a rare written statement, Scott called it “reasonable and prudent” for Trump to investigate immigration “security concerns or vulnerabilities” after a lone Afghan national's gun violence. In doing so, he validated Trump's spurious premise that one person's actions can implicate entire classes of people. Settled law rejects collective suspicion based on race, religion or nationality. Trump's policymaking isn't reasonable or prudent — it's enforcement theater and unlawful discrimination that Scott just affirmed.

Scott further described gun violence as “inexplicable.” But it is also well-settled social science, recognized by Vermont law, that what drives violence is trauma. Hurt people hurt people. A federal trauma campaign does not ameliorate security concerns. It compounds community harm.

Scott's acquiescence — and more often, his silence — worsened legal access for the roughly 850 noncitizens held in Department of Corrections (DOC) custody on ICE detainees this year.

The DOC has a documented pattern of repeatedly disrupting pro bono legal access; protracted, ultimately fruitless operations negotiations; withheld practice policies, contradictory guidance, and rule changes mid-clinic; inconsistent meeting space for confidential client interviews; excluded interpreter and paralegal volunteers; and barred language access devices.

Most recently, DOC filed a bad-faith professional responsibility complaint against an attorney who hired a paid interpreter related to their detained client, diverting her time and attention away from client-focused deportation defense.

Vermont rejected Trump by the widest margin but went on to exacerbate lawyer scarcity and hand ICE senseless victories in the vain hope of limiting fiscal fallout. But look at Vermont's Congressional Delegation, many of our agency leaders, our history: no amount of SNAP data

divulgence, “sanctuary” wordsmithing, or civil society obstruction will hide the bluest state from Trump’s violence.

Scott’s silence and acquiescence are also violence. For 2026, it’s time for a new, proactive strategy.

In the first eight weeks of our first Vermont Immigration Legal Defense Fund (**VILDF**) grant, VAAP screened 43 detained people over six legal visits to Northwest State and Chittenden Regional facilities. Timely legal interventions secured decisive judicial orders checking ICE overreach and securing client safety. We restored access to basic health and safety for medically vulnerable detainees. We secured virtual hearing access and prevented “failure to appear” removal orders when DOC could not or would not bring detainees to court. We helped people walk free to fight their removal cases from home.

VAAP was ready to ramp up detention defense back in May, buoyed by **donations**, **state House success** and the **Vermont Lawyers’ March**. But Scott’s DOC obstructed efforts, delayed implementation and perpetuated ICE transfer churn, needlessly increasing self-deportation pressure for hundreds of detained people.

Vermont is not acting in **“the best interest of those detained”** by undermining legal access, nor by selectively condemning policies targeting “vetted” Afghan “friends and neighbors” while staying silent as **Haitian and Venezuelan Vermonters lose Temporary Protected Status**, **Somali Vermonters face racist attacks**, and a **Latine second grader disappears to Texas**.

Vermont must stop treating human rights and due process as anything other than constitutional guarantees. **Legal access to enforce those guarantees** do more than mitigate irreparable harm to individuals; they hold the line on rule of law and secure decisive checks on Executive overreach.

The **Mahdawi** and **Öztürk** cases exposed how Trump’s ICE can circumvent courts and undermine state sovereignty. Public scrutiny cultivated VAAP-supported wins for **Nacho and Heidi**, **Mohammed**, **Esther**, **Nafiou**, **Vilma**, **Alexi**, **Jose**, **Max**, and others, detained people who asserted their rights in court and preserved the rule of law for all.

We celebrate these victories and mourn what we lost. Vermont could have done more, sooner, if Scott had delivered the Vermont Constitution's **Art. 7 promise** of instituting state government for the “common benefit,” rather than for the “advantage of any single person” or “sets of persons.”

In 2026, Vermont needs systemic solutions for systemic problems.

Governor Scott can lead proactive myth-busting, coordinated legal referral pathways, operational DOC legal access agreements and protocols to ensure effective—not chaotic—first response. Lawmakers can advance VAAP's **legislative recommendations**. Agencies can document barriers through the **Act 29 Study—rather than relying on media coverage alone**.

We, the people, can **demand accountability from state leaders**. There are **no rights without remedies**, and no remedies in gridlock.

We can and will take care of ourselves and each other, Vermont. Remember: **there is no justice. There is just us.**