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Immigration lawyer predicts fast deportations

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A Colorado immigration lawyer said today that if the Swift raids parallel other recent raids, many of the detainees will likely be deported very quickly.

One consistent factor lawyers are seeing with the raids is that the number of arrests far exceeds the number of beds at the local detention facility so U.S. Immigration and Customs Enforcement officials ship detainees "all over the country," said Jeff Joseph, a Denver lawyer and member of the American Immigration Lawyers Association.

"The concern is that it impedes those people's access to counsel," he said.

Another typical scenario is that ICE officials try to convince detainees to sign a form agreeing to deportation, Joseph said.

He said the officials tell the detainees that they do not qualify for relief, and that they will spend the next few weeks in jail for weeks without seeing their families, so they might as well sign a stipulated order of removal.

"That's just not true because many of them may be entitled to stay here," he said.

Some detainees don't understand that by signing the deportation order, they are prohibited from returning to the United States for at least 10 years, he said.

After construction workers were arrested at a housing development on the old Buckley Air Force Base in Denver a few months ago, the majority signed deportation orders and were out of the country within a couple days, Joseph said.

And of the 250 or so Swift workers arrested in Colorado two days ago, only about 50 are still in Denver, Joseph said. Their whereabouts are unconfirmed, but some are in a detention facility in El Paso, Texas, he said.

"They're shipped to remote locations where they're far away from their families and they're scared and they don't want to sit in jail so they give up their rights," he said.

Any detainee has a right to a hearing before a federal immigration judge.

There are various avenues for relief, lawyers said.

Perhaps a family member has filed for a green card for them, but the case has never been adjudicated. Or maybe they have a child with a severe illness that can't be dealt with in the foreign country. Or they would be subject to torture upon return to their home country, such has been the case for some El Salvadorans.

Some Mexicans may qualify for a cancellation of removal if they've lived in the United States for 10 years and have a qualifying relative who is a lawful permanent resident who will be unusually harmed if they're deported. Or a single parent with a child who is a U.S. citizen children would have no support system in the foreign country, he or she could qualify for a green card.

Some parents of disabled children could also qualify for cancellation of removal.

If no other avenue of relief is available, voluntary departure may be a better choice than deportation – however this should be discussed with an immigration attorney.

"My advice to any detainee is to say nothing and sign nothing that ICE gives them," Joseph said.

"They should not even consult with any ICE officer until they've had a chance to talk with an attorney."