

MINNESOTA: Deportations are questioned

Saint Paul Pioneer Press (Minnesota)

March 9, 2002 Saturday

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Section: LOCAL; Pg. 1B; news

Length: 850 words

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Body

The **deportation** of 10 Somalis with criminal convictions from **Minnesota** last month has some refugee advocates **questioning** whether immigration officials violated federal law by sending them to a country without a functioning central government.

The lawyers cite a decision from U.S. Magistrate Judge Arthur Boylan in Minneapolis, who recommended barring the **deportation** of Keyse G. Jama, a Somali native convicted of assault in Hennepin County, "until the government of the country to which he is to be removed has agreed to accept him."

The decision came Feb. 1. The U.S. Immigration and Naturalization Service **deported** the 10 Somalis from **Minnesota**, and 20 others from across the United States and Canada, less than two weeks later.

One of those **deported** is married to Sara O'Keefe of Cannon Falls, Minn., a nursing student caring for their 22-month-old daughter.

She and her husband, 21-year-old Habib Ibrahim, knew **deportation** was a risk because of his 1998 burglary conviction in Steele County, but they figured it unlikely to happen until order had been restored in Somalia. Ibrahim was born there but fled the war-torn country when he was 11, has no friends or family there and barely speaks the language.

"We had never had an actual discussion about it because it was too hard of a topic," O'Keefe said of the prospects for her husband's **deportation**. "Obviously, I can't choose to go live where it's violence and poverty."

While the magistrate's recommendation is not binding, **deporting** the Somalis on the heels of the decision shows disrespect for a legal interpretation, said one of Jama's lawyers, Jeffrey Keyes of Minneapolis.

Other Somalis facing removal could cite the case in asking a federal court for an injunction to stop immigration officials from **deporting** them, too, Keyes said. Somalis living in this country are refugees from the country's decade-long civil war and fear returning to a homeland reduced nearly to anarchy, with warring clans and no civil institutions.

The government "has not cited a single case in which a federal court has sanctioned the removal of a legally admitted alien to a country that has not agreed to accept him," Boylan wrote, underlining his words for emphasis.

Now weighing the Jama case is U.S. District Judge John Tunheim. If he adopts Boylan's recommendation and issues an order barring Jama's **deportation**, Keyes said it would set a strong precedent that would be difficult for INS officials and the U.S. attorney's office to ignore.

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"I would suspect the INS in getting this decision from Magistrate Boylan on Feb. 1 saw it had a window of opportunity before Judge Tunheim accepted the report," Keyes said. "The timing is such that it would suggest they're trying to engage in what this (magistrate) found to be illegal activity before the judge accepted it."

U.S. Attorney Tom Heffelfinger, whose Minneapolis office filed objections to the magistrate's recommendation with Tunheim, said even if Jama's deportation is blocked, the order would apply only to his case. Last month's deportations are a separate matter.

"We believe that the actions in this particular deportation were unrelated to Magistrate Boylan's decision and are supported by the law and the facts," Heffelfinger said.

Curtis Aljets, director of the INS district office that covers Minnesota and the Dakotas, said he had not heard of the ruling in the Jama case. "I don't know of anything that would prohibit us from moving people to Somalia," Aljets said. "What we did was completely legal and authorized."

Bill Strassberger, an INS spokesman in Washington, scoffed at the suggestion that the INS had removed the 10 Somalis to beat a possible legal setback.

"I would say the only person that could make that sort of suggestion is someone who doesn't understand the logistics of moving a group of people like that," Strassberger said. "It's not something you can throw together in a matter of weeks. If it was that easy we could do it more often."

Heffelfinger and Strassberger both said the INS carried out the February deportations because of an agreement with Somalia's 2-year-old transitional national government.

Keyes said he has not seen the agreement and questioned the validity of an accord with the transitional government, which the United States does not recognize and which controls only part of the country's capital of Mogadishu.

Further, Keyes said, citing an agreement with the transitional government is a different stance from the argument the government made in seeking to deport Jama.

In effect, the government argued that because it had succeeded in deporting a certain number of Somalis to their homeland that must mean that the country had accepted them.

"Their position was they didn't have to get acceptance, and that as long as they could get these people into Somalia, that's all they had to do," Keyes said. "Judge Boylan dismissed that argument. The fact that they can physically accomplish it doesn't mean it's not illegal."

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Classification

Language: ENGLISH

Subject: DEPORTATION (93%); IMMIGRATION (90%); US FEDERAL GOVERNMENT (90%); CRIMINAL CONVICTIONS (90%); IMMIGRATION LAW (90%); JUDGES (89%); REFUGEES (89%); CITIZENSHIP (78%); CRIMINAL ASSAULT & BATTERY (78%); CRIMINAL OFFENSES (78%); LAW COURTS & TRIBUNALS (77%); LANGUAGE & LANGUAGES (76%); BURGLARY (73%); WAR & CONFLICT (72%); CIVIL WAR (71%)

Organization: IMMIGRATION & NATURALIZATION SERVICE (57%); IMMIGRATION & NATURALIZATION SERVICE (57%)

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Geographic: MINNEAPOLIS, MN, USA (92%); **MINNESOTA**, USA (94%); SOMALIA (95%); UNITED STATES (94%); CANADA (79%); NORTH AMERICA (79%)

Load-Date: March 11, 2002

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