

Immigrants: 9;
11 probe violated rights

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Body

Everything had been set for Akhil Sachdeva's fresh start.

He had sold his gas station on Long Island to raise money for a sandwich-shop franchise in Toronto. His belongings were boxed up in the basement. He had even arranged to change the odometer on his BMW convertible from miles to kilometers.

Then Sachdeva, a middle-class Hindu about to put a failed marriage and the United States behind him, did one last errand. He returned a call to the FBI, which wanted information about one of his Muslim workers.

That call ultimately landed him in a room with blackened windows in a New Jersey jail, where he sat for four months, caught in a net widely cast by federal agents investigating the Sept. **11** attacks.

Now Sachdeva, 31, a legal resident of Canada since 1998, is suing the U.S. government, as are six other men detained after Sept. **11**. They contend they were treated like criminal suspects but denied the constitutional **rights** of defendants.

The lawsuit, which seeks class-action status on behalf of hundreds of similarly detained **immigrants**, alleges that the government held them longer than federal law allows on immigration charges, which are civil **violations**. Meanwhile, the suit says, agents hunted for evidence to tie them to terrorism.

"They were placed under suspicion and presumed guilty until the FBI investigation showed them to be innocent," said Nancy Chang, a lawyer with the Center for Constitutional **Rights**, the New York nonprofit group shepherding the lawsuit. "This turns the Constitution on its head."

The suit seeks damages, the return of seized property, and a declaration that the government **violated** the Constitution.

The Justice Department has asked that the suit in federal court in New York be dismissed, saying that detaining **immigrants**, even indefinitely, "may be permissible when motivated by concerns about terrorism or national security."

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The suit cites a June report by the Justice Department's internal watchdog, which criticized the agency for "the indiscriminate and haphazard manner" in which it labeled many foreign nationals in the terror investigation, with stark consequences for them.

Many were automatically denied bond and held for months before being released or, more often, deported. Some of the 762 detainees were physically abused and kept in maximum-security cells, under the 24-hour glare of lights and cameras, according to the Office of Inspector General.

Federal agents chasing down thousands of anonymous tips after Sept. 11 arrested all illegal immigrants encountered along the way, even if they were not the subject of the tip, the report concluded.

That's what happened to Sachdeva when he called the FBI about his employee in November 2001.

"I presented myself to the FBI," said Sachdeva, the son of a teacher and a retired banker from New Delhi. "I had done nothing wrong."

But he had broken an agreement he made as an illegal immigrant five years ago, when he was caught working on an expired business visa. He had promised federal authorities he would voluntarily leave the United States but ignored the deadline, a breach of immigration law that automatically carries a 10-year ban on returning.

Then, even as Sachdeva won residency in Canada, he continued crisscrossing the border by car, to be with his wife and care for two businesses in the United States.

None of Sachdeva's reentries piqued the interest of authorities until a few weeks after Sept. 11, when he returned to New York from Canada to make his divorce final.

On Dec. 31, 2001, 11 days after Sachdeva was arrested at his uncle's Long Island apartment, an immigration judge ordered him deported to Canada within 30 days. Nonetheless, he was held until mid-April.

"Still I don't understand why," Sachdeva said during a recent interview in Canada. "What was taking so long?"

Behind the scenes, according to the inspector general's report, immigration officials worried that they were violating the law by jailing the detainees even after their travel documents were ready and flights could be arranged. Federal law gives authorities 90 days to deport an immigrant, with few exceptions. The Justice Department was taking up to six months to clear them of links to terrorism.

Today, more than a year after his release, Sachdeva says his life "is completely shattered."

Before his arrest, Sachdeva owned three BMWs and the gas station and ran a pool hall in Queens. Now, the college graduate does odd jobs and pumps gas for \$5 an hour. He says that he cannot sleep without pills and that he has gained 80 pounds.

"People say you can build it up again, but how?" he asked.

He does not know what became of his furniture or his cars. He cannot access his bank account, initially frozen by the government, from abroad. And the stigma of his detention dogs him in his job hunt.

"Once they know you got arrested, nobody wants to give you a job," Sachdeva said. "Jail is a bad thing."

Passaic County Jail, which housed more Sept. 11 detainees than any other facility in the United States, was so overcrowded that he shared a cell with sentenced inmates, which is against INS regulations. Sachdeva bears a souvenir of a jailhouse fight, a broken tooth.

Two other plaintiffs in his lawsuit said they had contracted tuberculosis while held at the Metropolitan Detention Center in Brooklyn, where guards allegedly slammed immigrants into walls and taunted them with ethnic slurs. The inspector general concluded there was evidence to support a pattern of physical abuse there.

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Sachdeva does not expect to retrieve the tangible things he lost. But he does hope for an acknowledgment that what happened to him broke the laws of this country in ways far more serious than anything he did.

"Nothing can bring your time back," Sachdeva said. "What is gone is gone. But in the future, it shouldn't happen again."

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Graphic

PHOTO AND CHART;

Akhil Sachdeva is suing the U.S., as are six others detained after Sept. 11, 2001. They say they were held longer than the law allows. Justice officials want the suit dismissed, linking the detentions to security issues.

KEVIN VAN PAASSEN, For The Inquirer

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