

## High court eases deportation curbs

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**Byline:** Richard Carelli, Associated Press

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### **Body**

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A unanimous Supreme Court made it easier Monday for U.S. officials to deport some illegal immigrants whose lives or freedom might be threatened in their home countries. A U.N. lawyer said the ruling could have international repercussions.

The high court also agreed to decide whether people who run away after seeing a police officer can be chased, stopped and questioned. The justices will use a case from a high-crime neighborhood in Chicago to clarify on-the-street police powers and individual rights.

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In the first case, the justices limited federal courts' power to overrule immigration officials who decide an alien should be deported because of "serious nonpolitical crimes" outside the United States.

Even such a crime that is clearly linked to a political cause can result in a decision to deport someone, Justice Anthony Kennedy said for the court. "A lack of proportion between means and ends may still render a crime nonpolitical," he wrote.

The decision was a victory for the Clinton administration and a defeat for a Guatemala man who entered the United States illegally in 1993 at San Ysidro, Calif. More broadly, the ruling could affect the treatment accorded other refugees in this country and other nations as well.

Daniel Wolf, a lawyer for the U.N. High Commissioner for Refugees, called the decision disappointing.

U.S. law does not require the government to admit refugees. But people who are already here --- even illegally --- generally cannot be forced to leave if they have a reasonable fear of persecution. An exception allows the deportation of aliens who have committed serious nonpolitical crimes in another country.

When immigration officials sought to deport Juan Anibal Aguirre-Aguirre in 1994, he sought asylum and "withholding" of his deportation based on his fear of being persecuted in Guatemala for his protests as a student.

Aguirre said that from 1989 to 1992 he led a student organization that protested human rights violations and the high cost of bus fares. U.S. immigration officials said he was involved in burning 10 buses, hitting passengers with sticks if they did not cooperate by getting off, and destroying merchandise in stores.

At the heart of the Chicago police chase dispute is the Fourth Amendment protection against unreasonable searches and seizures. Courts long have interpreted that protection to mean police without court warrants cannot stop and question someone without a "reasonable suspicion" of wrongdoing.

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State **courts** in Alaska, California, Colorado, Maryland, Michigan, Nebraska, Nevada, New Jersey and Utah have said police generally cannot make investigative stops after pursuing someone who flees after seeing them.

But state **courts** in Connecticut, Indiana, Louisiana, Minnesota, North Carolina, Ohio and Wisconsin have ruled that fleeing from police can create a reasonable suspicion of criminal conduct and justify a police stop.

Federal **courts** also have disagreed on the issue.

The Illinois Supreme **Court** used the Chicago case to generally bar police from making such investigative stops.

In appealing that ruling, state prosecutors said a definitive ruling is needed.

"Every single day, law enforcement officers at all levels throughout our country are confronted with . . . whether to chase and temporarily stop a person in a **high**-crime area who runs away at the mere sight of the police," the appeal said.

The nation's **highest court** twice before had the opportunity to consider the issue in criminal cases, but left it undecided when in 1988 and 1991 it chose instead to focus on whether police seizures had occurred. A decision is expected next year.

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