

## **MINNEAPOLIS: Judge bars Somali man's deportation**

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### **Body**

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A federal **judge** in **Minneapolis** has ordered immigration officials not to **deport** a **Somali** refugee convicted of assault, ruling that sending Somalis back to a country with no functioning government is illegal.

While the ruling from U.S. District **Judge** John Tunheim **bars** the **deportation** of Keyse G. Jama, a **Somali** native convicted of assault in Hennepin County, immigrant advocates in the Twin Cities hoped the order also would keep the U.S. Immigration and Naturalization Service from **deporting** other Somalis facing removal to their civil war-torn homeland.

"It's clear that the implication is that if it's not legal in this case, it should not be legal in any case," said Michele Garnett McKenzie, acting director of refugee and immigrant programs for Minnesota Advocates for Human Rights. "We hope this will encourage the INS to stop this illegal practice and put on hold any plans for removals they may have."

U.S. Attorney Thomas Heffelfinger, in a statement released by his office, said he was disappointed in the ruling and said his staff was consulting Justice Department officials over whether to appeal it. "Until we complete our analysis of this case it would be premature as to whether this case would have any impact on the **deportation** of Somalis or other deportees," Heffelfinger said.

Tim Counts, spokesman for the INS district that covers Minnesota and the Dakotas, said the agency has 12 Somalis in custody awaiting **deportation** for criminal convictions and violations of immigration law.

Tunheim found that federal law requires the INS to have acceptance from a viable central government before it can **deport** Jama to Somalia, which has only a transitional national government that controls part of the capital of Mogadishu and does not have recognition from the United States. The government conceded that it did not have such acceptance, but argued that it was not mandatory.

"It is difficult for the court to see how the INS' apparent current practice of dropping off an alien in a territory with no functioning government complies with the statute," Tunheim wrote. "In essence, 'acceptance' occurs under this policy when no one returns the **deported** alien. The silence of a nonfunctioning government in a lawless territory -- with grave risks to the **deported** alien -- simply cannot constitute 'acceptance' under (the law)."

The ruling comes less than two months after the **deportation** of 10 Somalis from Minnesota and 20 more from Canada and the rest of the United States. The wave of removals stirred fears among Somalis in the Twin Cities, believed to have the country's largest concentration of refugees who fled from their homeland's 1991 civil war and clan fighting that has raged since in much of Somalia.

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Heffelfinger and INS officials sought to reassure Somalis, saying that law-abiding immigrants had nothing to fear. All of those who were **deported** had felony convictions for offenses that included drug dealing, sexual assault and armed robbery. None were citizens and each had long faced a **deportation** order.

Jama's case is separate from those of the 30 **deported** Somalis. But refugee advocates cited an earlier ruling in his case in questioning whether immigration officials had violated federal law by sending the **deported** Somalis to a country without a viable central government.

In a Feb. 1 report on the case, U.S. Magistrate Arthur Boylan recommended **barring** Jama's removal "until the government of the country to which he is to be removed has agreed to accept him." Jeffrey Keyes, one of Jama's lawyers, said the ruling also would benefit a **Somali** refugee involved in a companion case, Haji Abukar. Keyes said he would seek to have both released from detention under a Supreme Court decision that last year said the INS cannot keep a deportee in custody for more than six months without a foreseeable chance of **deportation**. Both still would face **deportation** when the INS could remove them legally.

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