

Judges: U.S. may deport boy, 13;

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Body

A federal appeals court **panel** yesterday affirmed that immigration officials **may deport** a **13**-year-old Ghanaian **boy** whose **father put** him unaccompanied on a flight to New York three years ago.

A divided three-**judge panel** of the **U.S.** Court of Appeals for the Third Circuit ruled that neither immigration officials nor a federal **judge** had acted unreasonably in not accepting Julian Yeboah's claim that he had been abused and abandoned.

Gerard A. Dever, a Philadelphia lawyer representing Yeboah, said he could not decide whether or not to appeal further until he had had a chance to analyze the opinion.

Dever said Yeboah was "doing well" and living in a group home under contract with federal immigration officials.

Yesterday's ruling is the latest round in a legal fight that began March 4, **2000**, when Yeboah, then 10, arrived alone on an international flight that landed at New York's John F. Kennedy International Airport. The **boy** had no papers and \$1.25 in his pocket.

Since then, Yeboah has been in custody while lawyers, two countries, and the federal court system try to figure out what to do with him.

Special status

Yeboah's lawyers have sought "special immigrant juvenile" status for him, a classification that lets an alien juvenile remain in the **United States** in long-term foster care if a state juvenile court **judge** declares the child a "juvenile dependent due to abuse, neglect, or abandonment."

U.S. immigration officials rejected Yeboah's appeal for the status, contending there was no evidence the **boy** had been abused or abandoned by his parents.

Instead, immigration officials said they believed there was evidence that Yeboah and his **father** were colluding in an unworkable scheme to gain entrance to the **United States** for the entire family.

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According to court documents, a letter from a Ghanaian official said Yeboah's **father** believed - wrongly - that when Yeboah turned 18, he could become a **U.S.** citizen and bring the entire family to America.

Significantly, immigration officials noted, when they set up a telephone call with Yeboah's **father**, the **father** expressed concern about his son's safety and schooling, and **father** and son continued regular telephone talks.

Decision affirmed

In June 2002, **U.S.** District **Judge** Franklin **S.** Van Antwerpen affirmed the **decision** of immigration officials, ruling that Congress' 1997 amendments to immigration law sharply limited any appeal, as well as the **judge's** authority to rehear the case.

In affirming Van Antwerpen, **U.S.** Circuit **Judge** Jane R. Roth wrote that the 1997 amendments give immigration officials "broad discretion."

"There is sufficient evidence in the record to support the [immigration] conclusion that Julian had suffered no abuse or abandonment by his **father**," Roth added, "and that the **father's decision** to send Julian to the **United States** was with the purpose of obtaining permanent resident status for Julian."

Immigration experts estimate that the Immigration and Naturalization Service annually detains about 5,000 unaccompanied and undocumented children arriving from other countries.

Although only a small portion of the total number of illegal immigrants detained, the plight of children such as Yeboah has increasingly troubled the **U.S.** legal community.

Last year, the president of the American Bar Association called for new legal protection for children in INS custody, who have no right to an attorney and who are often housed for long periods in local detention centers for juvenile offenders.

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