

JUSTICES TO HEAR SOMALI'S CASE

MINNESOTA MAN SAYS HUMAN RIGHTS FIGURE IN DEPORTATION LAW

Saint Paul Pioneer Press (Minnesota)

February 24, 2004 Tuesday CITY EDITION

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Section: MAIN; Pg. A1

Length: 664 words

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Body

A Minnesota man's fight to keep U.S. officials from sending him back to his war-torn Somalia is heading to the Supreme Court.

On Monday, the nation's highest court agreed to hear arguments in the case of Keyse G. Jama, who contends federal officials are ignoring a 50-year-old law that prohibits the deportation of an immigrant to his homeland without the approval of that country's government.

To send him back now, the 25-year-old Jama argues, would be equivalent to giving him a death sentence. For almost four years he has been locked up while fighting to avoid returning to his homeland.

But attorneys with the U.S. Department of Justice's Civil Division, Office of Immigration, have countered that the government has the authority to remove any foreign national the courts have ordered to leave because of criminal convictions or violations of immigration law.

Jama, who came here in 1996 as a 17-year-old refugee, is subject to removal because of a third-degree assault conviction stemming from a 1999 fight in Hennepin County. He completed his criminal sentence in June 2000 but has been in immigration custody since that time.

This case, which is being followed closely by Somalis locally and nationwide, has resulted in divergent opinions from two federal appeals courts -- one siding with Jama's argument, the other with the government.

"I am optimistic about this," said Saeed Fahia, executive director of the Minneapolis-based Confederation of Somali Community in Minnesota. "It is good that (the Supreme Court) wants to listen to the argument. They could have said no. They are taking this seriously."

The confederation provides Somali immigrants with youth programs and after-school recreation, as well as assistance with interpretation and translation of important paperwork.

Jama's case also has become the inspiration for a class-action lawsuit that led to a court-ordered ban on the deportation of nearly 3,000 Somalis from this country. The U.S. Supreme Court will decide, once and for all, how the deportation law should be interpreted.

Jeffrey Keyes and Kevin Magnuson, Jama's attorneys, say the case may be heard later this year or early next year, depending on the high court's caseload.

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"This has been a long hard fight," **said** Magnuson. "It's a major milestone and while we are pleased, we aren't really surprised. ... It's very necessary for the Supreme Court to look at this **case**."

Both **men**, who are working for free on Jama's lawsuit with **Minnesota** Advocates for **Human Rights**, **say** it is important to ensure that U.S. statutes are in line with **human rights** considerations.

Somali nationals **say** their country has been engulfed in civil war for years and there is no stable government to approve of a deportee's return to his homeland.

The U.S. government, before Jama's lawsuit, **deported** about 200 Somalis. Some were initially taken to Kenya and then driven to the Somali border where they walked into their country, officials **said**, while others were flown in and left without needed documentation.

"What the government has failed to **say** is what happened to those who have already been **deported**," Keyes **said**.

Keyes, who will argue on behalf of Jama before the Supreme Court, **said** it would be a mistake to believe that the **justices** will decide the **case** along liberal or conservative lines. Instead, Keyes **said**, he'll do well to study similar arguments that have already gone before the court.

"This will be a matter of anticipating the concerns of the different **justices**," Keyes **said**. "It would be a mistake to jump to any conclusions."

Despite the cautionary words from Keyes, Somali advocacy groups **say** they are encouraged.

"Any **deportation** ... back to Somalia with complete absence of a functioning government would endanger the deportees' lives," **said** Omar Jamal, executive director of the Somali **Justice** Advocacy Center, in Minneapolis.

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Graphic

Photo

Keyse Jama

Classification

Language: ENGLISH

Subject: IMMIGRATION (92%); **LAW** COURTS & TRIBUNALS (90%); SENTENCING (90%); CRIMINAL CONVICTIONS (90%); **DEPORTATION** (89%); SUPREME COURTS (89%); SUITS & CLAIMS (89%); IMMIGRATION **LAW** (89%); LITIGATION (89%); US FEDERAL GOVERNMENT (78%); CAPITAL PUNISHMENT (78%); CIVIL WAR (78%); REFUGEES (78%); **JUSTICE** DEPARTMENTS (78%); **LAW** ENFORCEMENT (76%); **HUMAN RIGHTS** ORGANIZATIONS (76%); APPEALS (73%); APPROVALS (73%); WAR & CONFLICT (73%); CRIMINAL OFFENSES (73%); APPEALS COURTS (73%); ILLEGAL IMMIGRANTS (71%); CRIMINAL ASSAULT & BATTERY (70%); YOUTH CLUBS & ACTIVITIES (62%); EDITORIALS & OPINIONS (50%)

Organization: US DEPARTMENT OF **JUSTICE** (56%); US DEPARTMENT OF **JUSTICE** (56%)

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DEPORTATION LAW

Geographic: MINNEAPOLIS, MN, USA (79%); **MINNESOTA**, USA (94%); SOMALIA (95%); UNITED STATES (93%)

Load-Date: August 22, 2005

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