

Mentally ill San Jose man faces deportation to Israel this week

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Body

Hank Nijmeh, the **mentally ill San Jose man** whose family owns the iconic Falafel's Drive-In, has lost his decade-long battle with U.S. immigration authorities and will be **deported** this **week** to his native **Israel**, his attorney said Monday.

Nijmeh was brought Monday from the Yuba County Jail which has a contract with U.S. Immigration and Customs Enforcement to hold immigration detainees to an ICE holding facility in **San** Francisco. There, his family said goodbye to him through a glass window and a telephone hookup, said Angela Bean, whose Oakland law firm has represented Nijmeh since 2002.

The 52-year-old Nijmeh's case is unusual because he has lived in the United States for nearly 43 years. The former Boy Scout, who graduated from Del Mar High School, is one of five children in a Palestinian Catholic family whose father in the late 1960s bought the old Snow White Drive-In on Stevens Creek Boulevard and introduced falafels to thousands of Santa Clara Valley residents. Nijmeh and his dad ran the place for years.

ICE wouldn't tell Bean exactly when her client was being flown to **Israel**, but she said immigration officials have indicated he will be **deported** in the next day or so.

"For security reasons, we don't confirm when someone is being **deported**," said ICE spokeswoman Lori Haley.

Nijmeh's mother and brother-in-law left for **Israel** on Monday so they can take care of him when he arrives, Bean said. "The family is obviously really upset," she said.

His family says Nijmeh has no relatives left in **Israel** and that he speaks no Hebrew and understands little Arabic.

Bean said she had talked to Nijmeh about a **week** ago after he was notified by ICE that it had obtained the necessary travel documents from **Israel** to **deport** him.

Nijmeh has been diagnosed with "chronic psychotic paranoid disorder" and is tormented by severe hallucinations. Bean said he has been prescribed anti-psychotic medications but hasn't been taking them in recent days because, he says, they hurt his chest.

"He's so afraid of being dumped in **Israel** and being interrogated and incarcerated" because of his odd behavior, Bean said.

ICE officials say Nijmeh is just one of more than 100,000 "criminal aliens" **deported** each year. Many are legal permanent residents whose criminal histories make them candidates for **deportation**.

Nijmeh was first detained by immigration authorities in the late 1990s because of two marijuana convictions.

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He continued to have run-ins with the law during the past decade. Among other things, he was convicted of striking his girlfriend during an altercation. His family and his attorneys, however, say his mental illness was the root cause of all the crimes.

In lengthy legal briefs, Nijmeh's attorneys have argued that if he were **deported** he would, because of his mental illness, appear to be a suspicious-looking Palestinian and be picked up by Israeli security police.

"Basically he's being punished for his mental illness and that is ethically wrong," said John Mitchem of **San Jose**, president of the local chapter of the National Alliance on Mental Illness.

"To me the real issue is that so many people get into trouble with the law because of their illness," he said. "We need a better way of dealing with such people than simply throwing them in jail or **deporting** them."

ICE, however, says that "deportable aliens" with mental health problems are not exempt from the consequences of immigration law.

Nijmeh didn't become a citizen automatically when both his parents naturalized in the 1970s because he had already turned 18. And his family says he never got around to applying for citizenship as an adult, in part because of his marijuana smoking and mental illness.

Over the years, Nijmeh has lost a series of motions, orders and appeals. He has been in ICE custody for more than three years.

His lawyers are appealing his **deportation** order to the 9th U.S. Circuit Court of Appeals, but the court in late April denied a stay that would have allowed him to remain in the country during the appeal, clearing the way for his **deportation**.

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Graphic

Hank Nijmeh in his Boy Scout uniform shortly after he arrived in the United States from **Israel** at age 10.

Hank Nijmeh in happier days at his brother William's wedding.

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