

INS IS TOLD TO REOPEN DEPORTATIONS

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Body

A federal judge has ordered the Immigration and Naturalization Service to reopen deportation proceedings affecting thousands of immigrants, including many who have already left the country.

In an Oct. 2 ruling made public yesterday, U.S. District Judge John Coughenour ordered the INS to drastically change forms and procedures it uses to enforce a 1990 immigration law on document fraud.

And he told the agency to restart deportation proceedings against thousands of people after ruling in a class-action lawsuit that the INS routinely used "confusing" and "legalistic" forms that effectively denied them fair hearings.

"Thousands of people already have lost their right to a hearing because of the INS's confusing and misleading procedures," said Lee Gelernt of the American Civil Liberties Union, lead attorney for the plaintiffs. "Had the court not stepped in, we would have seen thousands of more people potentially deported."

A spokesman for the Justice Department, which has 60 days to appeal, had no immediate comment.

The plaintiffs sued over a section of the 1990 Immigration and Naturalization Act that made document fraud a crime punishable by automatic and permanent deportation. The provision was intended to deter illegal immigrants from tampering with Social Security or residency green cards.

But Coughenour agreed with plaintiffs that INS procedures and forms written only in English were inadequate to sufficiently notify people suspected of breaking the law that they had a right to a hearing. Once nonresidents signed away their right to a hearing, they were subject to permanent deportation.

In issuing a permanent injunction, Coughenour ordered the INS to publicize the ruling widely in Central and South America and to allow people who had been permanently deported to return to the United States for document-fraud hearings.

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