

# **DEPORTATION OVERTURNED FOR MODERN-DAY JEAN VALJEAN NATIVE OF MEXICO HAS LIVED IN U.S. 25 YEARS, OWNS BUSINESS**

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## **Body**

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Federal authorities wanted to deport Salvador Castrejon-Garcia because he once left the United States for eight days to try to get a visa.

That was too much for a federal appeals court, which overturned Castrejon's deportation order Friday. The court compared immigration officials to the fictional policeman whose obsessive chase of a petty thief was chronicled in Victor Hugo's "Les Miserables."

The effort to deport Castrejon has been a "pursuit worthy of Inspector Javert," said the 9th U.S. Circuit Court of Appeals.

Castrejon, a native of Mexico, entered the United States without documentation in 1970 at age 17 and has never had legal status. However, as a longtime resident with "good moral character," and with a family that would suffer hardship with his deportation, he would be eligible to stay except for the dispute over his eight-day trip, the court said.

An immigration judge made the finding of good character last year despite Castrejon's 1975 conviction for illegally transporting illegal immigrants within the United States. He served six months in jail, and later was jailed for 18 months for violating probation by reentering the country.

He remained in the United States after his release, raised a family and started a business. He now lives in Modesto with his wife and three U.S.-born children and owns a construction company that employs 10 people.

He first went to Mexico in 1983 to seek a visa, which would allow his legal entry into the United States, but was turned down by the U.S. consulate in the mistaken belief that his conviction disqualified him, the court said. He tried again in 1988 but left after eight days when his wife gave birth earlier than expected.

He was caught re-entering the country, jailed for 30 days and ordered deported by the Immigration and Naturalization Service. But an immigration judge suspended his deportation under a law that allows illegal immigrants to become legal residents if they have been in the U.S. continuously for seven years and have good character, and if their deportation would cause extreme hardship to themselves or their family.

However, the law does not protect those who have left the U.S. during the seven-year period, except for a departure that was "brief, casual and innocent." The Board of Immigration Appeals ruled in 1993 that Castrejon's eight-day trip in 1988 was deliberate, not "casual," and ordered him deported.

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The appeals court disagreed, saying the board's s interpretation "penalizes a good-faith effort to comply with the immigration laws." The court said Castrejon's s one-time departure was "casual" in the ordinary sense.

"The case is characterized by the remarkable determination of the (INS) and the board to rid this country of a resident of 25 years standing whose principal fault has been his desire to regularize a residence acquired as a youth of 17," said Judge John Noonan in the 3-0 decision.

The ruling should entitle Castrejon to stay in the country, said his lawyer, Ralph Leardo.

"If they're trying to rid the country of undesirable aliens, this is the wrong place to start," Leardo said. "This fellow is a model resident . . . the kind of person we want in this country."

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