

FEDS ARE SET TO DEPORT CABBIE ON OLD GUN RAP

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Body

A MANHATTAN **cabbie** who's had a green card for nearly 30 years is suddenly facing **deportation** - for a **gun** arrest in 1982.

Dominican immigrant Eligio Valerio, 52, didn't get any jail time for the ancient offense, but it could get him kicked out of the country he's called home for decades.

After digging up the **old** conviction, Immigration and Customs Enforcement agents knocked on his door in Washington Heights last week.

Now he's in **federal** custody, awaiting a bond hearing, while his daughter is **set** to give birth to his first grandchild.

"I'm confused," said daughter Elibany Valerio, 30, a paralegal. "I don't know what's going on.

"He doesn't get in trouble. He didn't have anything to hide."

Valerio's family said that years ago, he bought an illegal **gun** for protection at his Washington Heights bodega.

After he was busted for it in 1982, he was sentenced to five years probation and ended up serving only three because of good behavior.

He's had no other brushes with the law, pays taxes every year and has traveled back and forth to the Dominican Republic with no problem, his relatives said.

Now it seems his American dream has become a casualty of a **federal** push to ship immigrants with criminal records back to their homeland.

Deportations hit a record high of 392,862 in the 12-month period that ended Oct. 1. Homeland Security officials boasted about half of those were ex-cons.

ICE declined to comment on Valerio's case or how his **old** conviction came to the agency's attention.

Councilman Ydanis Rodriguez (D-Manhattan) is calling on Gov. Paterson to intervene on Valerio's behalf.

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"He's an active person in the community . . . I don't know how the agency picked him," Rodriguez said. "That's the big question - what did he do?"

Peter Markowitz, director of the Immigration Justice Clinic at Benjamin N. Cardozo School of Law, said the law has long allowed for the **deportation** of legal residents convicted of minor offenses, no matter how far in the past.

Lately, though, he said, he has noticed a "disturbing trend" of people like Valerio sent packing.

"The sad trend that I've seen is an increased focus on pumping up numbers of **deportations** of people that they can claim are 'criminal aliens' without any attempt to look at the particulars of the situation," Markowitz said.

He fears there could be even more **deportations** with the advent of Secure Communities, a program that shares police department fingerprints with the **feds**.

It hasn't been implemented in New York City yet, but the state signed on in the spring.

Meanwhile, Elibany Valerio is worried that her father will not be in New York for the arrival of her baby, due in the next few weeks.

"I want him to be there for my labor - that's what upsets me, that he might miss it," she said.

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