

# **ST. LOUIS-AREA BUSINESSMAN WINS FREEDOM WHILE FIGHTING DEPORTATION;**

## **APPEALS COURT RULING ALLOWS INDIA NATIVE TO BE RELEASED ON BOND**

St. Louis Post-Dispatch (Missouri)

January 17, 2002 Thursday Five Star Lift Edition

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**Section:** NEWS; Pg. A8

**Length:** 637 words

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**Dateline:** YORK, PENN.

### **Body**

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At 4:19 p.m. Wednesday, more than a year after finishing a five-month sentence for hiring an illegal alien, Vinodbhai "Jim" Patel walked out the chain-link, razor-wire-trimmed gate of York County Prison - and into the embrace of his brother, cousins and wife.

"I got my freedom back!" the 55-year-old Creve Coeur businessman said as tears spilled from his eyes.

Freedom came at the price of a \$50,000 bond. It was set Monday by the U.S. Immigration and Naturalization Service - and posted Wednesday by Vinod Patel, 33, his brother and business partner in a chain of St. Louis-area doughnut shops, bagel shops and hotels. The bond is hefty for a "criminal alien," the INS term for Jim Patel, a native of India who has lived for 17 years in the United States.

That bond was set at all was unusual. A 1996 immigration law requires mandatory detention of most criminal aliens - without a chance for bond - while they await deportation, in some cases for years. In Patel's case, a federal appeals court in Philadelphia ruled last month that the law is unconstitutional for people like Patel because they are contesting their deportation.

It's an issue expected to spark an INS appeal to the Supreme Court. A source at the Justice Department, which oversees the INS, said "the matter is under review."

"God bless America!" Patel said, in between the trio of kisses he gave to the asphalt of the prison parking lot, where his family's Chevy Astrovan awaited the 14-hour drive home.

Patel is fighting his deportation to India, challenging a finding by immigration judges that the crime he pleaded guilty of - harboring an illegal alien - is an aggravated felony, automatic grounds for deportation.

Patel's lawyer, Jim Orlow of Philadelphia, won a stay of his deportation in the federal appeals court.

"We're going to work it out"

The challenges to the immigration laws and rulings come during the arrests of an unprecedented number of immigrants as part of the Justice Department's anti-terrorism sweep.

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But the rulings in Patel's and future cases aren't expected to have much of an effect on the hundreds detained in the arrests after - because most of them aren't charged with crimes, said University of Virginia law professor David A. Martin, a former general counsel of the INS.

"We're going to work it out," Jim Patel said as he took a cell phone call from his 21-year-old son, Milan, and hiked up the polyester pants that used to fit him - 25 pounds ago - when he reported to prison in August 2000. "Eventually, we're going to win the case."

Jim Patel, who pleaded guilty to the harboring charge after he and his brother were charged in multiple-count indictments, said he "gave one (illegal alien) a job." The federal government dropped the other charges against him, including document and visa fraud. "I did nothing else."

He and his brother, Vinod, served identical sentences. Each paid fines of \$37,400. Vinod served five months first for identification document fraud - allowed by the judge so that the brothers could continue running their businesses. Then Jim went to prison, and a month later, he found out that in the eyes of immigration law, his was a deportable offense while his brother's was not.

Vinod was released when his sentence ended. As he ran the family doughnut shops and hotels, he also made a monthly drive to York to visit Jim. But Wednesday's trip, they both hope, will be the last to York County Prison.

"People in there are crying, living the way they do," Jim Patel said as he and his wife, Sivata, looked at each other in the prison parking lot, their eyes brimming with a different kind of tears.

He said his first order of business will be to stay away from business - for one week: "I'm going to spend time with my family and give them the love I lost."

### Notes

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### Graphic

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PHOTO; Photo headshot - "Jim" Patel - Operates shops and hotels with brother;

### Classification

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Language: English

**Subject:** DEPORTATION (86%); APPEALS (86%); IMMIGRATION LAW (86%); IMMIGRATION (84%); CITIZENSHIP (72%); JAIL SENTENCING (69%); SENTENCING (69%); LAW ENFORCEMENT (68%); ILLEGAL IMMIGRANTS (68%); BAIL (67%); US FEDERAL GOVERNMENT (66%); CORRECTIONS (63%); FOREIGN LABOR (63%); APPELLATE DECISIONS (62%); APPEALS COURTS (62%); LAW COURTS & TRIBUNALS (62%); SUPREME COURTS (62%); JUSTICE DEPARTMENTS (60%)

**Company:** US DEPARTMENT OF JUSTICE (54%); US DEPARTMENT OF JUSTICE (54%)

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**Organization:** US DEPARTMENT OF JUSTICE (54%); US DEPARTMENT OF JUSTICE (54%)

**Industry:** RETAIL BAKERIES (68%); HOTELS & MOTELS (50%)

**Geographic:** PENNSYLVANIA, USA (78%); UNITED STATES (92%)

**Load-Date:** January 17, 2002

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