

Old Crimes Return to Haunt Legal Immigrants; Number Deported for Minor Records Rising, Lawyers and Activists Say

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Body

It was a very stupid thing to do, Kathryn Ingleson says now. She was a teenage cashier, and she used customers' credit card numbers to buy \$339.07 worth of items, including a fake Christmas tree. She pleaded guilty, got probation and pretty much forgot about it.

Until, that is, she took a trip abroad six years later and federal authorities decided the crimes made her deportable. Now the British citizen, who has lived in Newport News as a lawful permanent resident since she was 7, has been ordered to leave the United States this month.

"It's just like a nightmare, really," said Ingleson, 31, who has worked at a packaging company for a decade and has two children, both U.S. citizens.

Lawyers and activists said Ingleson is one of a rising number of legal immigrants with relatively old and minor criminal records to be snagged in the federal government's stepped-up efforts to deport those whom authorities refer to as "criminal aliens." Unlike illegal immigrants captured in raids or while crossing the border, lawyers said, these legal immigrants are often people who believed they had paid their dues, only to be flagged while presenting green cards at customs checkpoints or applying for visa renewals or citizenship.

"The perception among the American public and even among lawmakers is that the people who are being deported are maniacal, homicidal and rapist criminals," said Alison Parker, deputy director of the U.S. program of Human Rights Watch, which published a report last year on deportations of legal immigrants. "In many cases, they're green card holders. They're the family down the street."

A 1996 federal immigration law facilitated such deportations by greatly expanding the categories of crimes that are deportable offenses, including some misdemeanors. The law also removed most legal immigrants' rights to fight expulsion by presenting evidence of community ties or hardship to U.S. citizen relatives, and it was retroactive, so that even those convicted before the law took effect in 1997 can be deported.

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A total of 272,389 people were deported in 2006, and 95,752 were deported on criminal grounds, federal statistics show. More than 68 percent of the convictions that triggered deportation were for nonviolent crimes, according to the statistics. The government does not publish figures indicating how many of those deported are lawful permanent residents.

Among the legal immigrants whose past crimes have come back to haunt them is a 62-year-old Salvadoran man who lived in Northern Virginia since the 1980s. After applying to renew his green card, he was detained last year for deportation because of two misdemeanor theft convictions in 2002 and 2003 -- one each for shoplifting a bottle of wine and packet of razors, said Jayesh Rathod, a law professor at American University, where students have taken on the man's case.

In early June, a Baltimore steamfitter was flagged for deportation while going through customs in Atlanta after a trip to his native country, Trinidad. The man, a permanent U.S. resident for 28 years, said he had never had trouble entering after previous travels abroad, but this time, records show, authorities' interest was piqued by a 1994 theft conviction. According to his attorney, Cynthia Rosenberg, the man had stolen the pen he used to sign a check at a Baltimore grocery store.

"I'm so tired and disgusted with this. Two-thirds of my life is here," said the man, 59, who has two U.S. citizen children, one of whom is 16. He spoke on condition of anonymity because he feared angering the immigration judge who will hear his case. "And they want to deport me for a 30-cent pen."

Immigration officials do not deny that they want to deport immigrants with criminal records, legal or illegal, so long as the law allows it.

"What somebody might judge to be minor, somebody else might judge as a threat to the community," said Pat Reilly, a spokeswoman for U.S. Immigration and Customs Enforcement. Regarding some permanent residents' deep roots in America, she said: "The time in place, you know, does not exonerate what you might have done to cause somebody else harm. . . . Lawful permanent residence is nevertheless a privilege granted to you by the United States, and if you abuse that privilege, you could lose it."

Ingleson said she would have considered that when she pleaded guilty had she had any clue what her immigration status was or that it might be jeopardized by a felony conviction. She was 19 and it never occurred to her, she said, and her public defender never mentioned it.

The Ingleson family -- Kathryn, her sisters and her parents -- came to the United States in the 1980s when her father's company transferred him. All still live in the Hampton Roads area. Kathryn has raised two children, Hakeem, 17, and Ali'yah, 9, bought a house and kept a clean record since the theft, court records show.

Returning from a 2003 visit to England, her first trip there since childhood, Ingleson was pulled aside by immigration authorities at Dulles International Airport. When she went to a follow-up appointment at a Norfolk immigration office a month later, she was arrested on the spot.

Although Ingleson provided her employer with a written confession to her crimes in late 1996, before the new immigration law took effect, she was not convicted until October 1997. That makes her ineligible to qualify for a waiver that previously allowed judges to use discretion in cases involving longtime permanent residents.

Ingleson's attorney, Joseph Peter Drennan of Alexandria, has argued that the timing of her confession should make her eligible. Courts have rejected that reasoning and have ordered Ingleson to leave by Aug. 14.

"I'm not saying that it's justifiable to commit a crime. But the fact of the matter is, let's take things in context. This woman made a mistake, and she's not re-offended," Drennan said. "A family is going to be broken up because of this."

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In June, Drennan asked Virginia Gov. Timothy M. Kaine (D) to pardon Ingleson. That tactic, Drennan said, recently stalled the deportation of rapper Ricky "Slick Rick" Walters, a British citizen whose 1991 attempted murder conviction was pardoned in May by New York Gov. David A. Paterson (D).

A Kaine spokesman said the governor is considering the request. But Bernard Henderson, deputy secretary of the commonwealth, said that under Virginia law, governors may grant absolute pardons only when convinced that a person should never have been convicted. Ingleson, Henderson said, has never denied her crime. Reilly, the ICE spokeswoman, said that a pardon would not necessarily guarantee Ingleson's right to stay and that a judge would need to review her case.

Ingleson said she is trying to stay hopeful while also thinking about what she calls the "devastating" possibility of being separated from her children.

One of her sisters just became a U.S. citizen to avoid the possibility of similar troubles, she said. Ingleson said she has been "begging" her parents to do the same.

"If this would go away, that would be the first thing I would do," Ingleson said. "I never really thought about it until this happened . . . for the most part in my every day life, it's been just like being an American."

Graphic

IMAGE; Family Photo; British citizen Kathryn Ingleson, 31, with her children, Ali'yah, 9, and Hakeem, 17, who are Americans, and her father, Ray Ingleson. Because of a theft as a teen, she faces deportation.

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