

Anti-Deportation CAMPAIGN TOOLS

- Favorable Factors
Prove that you are neither a flight risk nor a threat to society.

- Letters of Support
Get help from family and friends.

- Petitions
Educate your community and win support.

- Media
Expose how your detention or deportation is UNJUST.

- Congress
Make elected officials work for you.

- Executive Discretion
Pressure the Department of Homeland Security to drop the case against you.

How to Document Your Favorable Factors

FAVORABLE FACTORS	PROOF
<input type="checkbox"/> Family Ties in the United States	- copies of family members' naturalization certificates and/or resident alien cards - letters of support from family members
<input type="checkbox"/> Long-term residence in the United States, especially if residence began at a young age	- US school diplomas - letters of support from long-term friends in US, former teachers, neighbors, landlords
<input type="checkbox"/> Hardship to yourself and/or to family members if deportation occurs	- medical reports showing material dependence of family member on you (the person in proceedings) - medical reports documenting your own health problems and need for family support here - written proof that elderly parents, young children, pregnant spouse, etc. will suffer if you are deported - written household budget that highlights family's dependence on you for: payment of rent/mortgage; children's educational expenses; child support; medical expenses; utilities and food
<input type="checkbox"/> Service in U.S. Armed Forces	- enlistment and discharge papers (DD 214) - certificates for all service given and honors received - letters of support from fellow enlistees, officers and superiors in Armed Forces
<input type="checkbox"/> History of Employment	- letters of support from former employer(s) discussing your merits as a worker - tax returns, W2 Forms
<input type="checkbox"/> Property or Business Ties	- Deed/mortgage/lease of home - letters of support from employees - ownership documents of Business (especially if business supports family expenses and/or provides jobs to other people)
<input type="checkbox"/> Service to community	- letters of support from religious groups, PTAs, and other local organizations with which your family is involved - awards for or documentation of community service
<input type="checkbox"/> Genuine Rehabilitation	- proof of programs and work in prison/jail - proof of attendance for rehabilitation program, or support groups like Alcoholics Anonymous (including letters from counselors/group leaders documenting your progress) - certificates for (or proof of enrollment in) continuing education (e.g. GED, college courses, business and/or trade skills)
<input type="checkbox"/> Good Character	- tax returns documenting consistent payment and good tax history - letters of support from Correction/Parole/Probation Officers, judges, lawyers, community leaders, local elected officials, clergy

LETTERS OF SUPPORT

- Address it "To Whom It May Concern."
- Length: the letter can be as long or short as you'd like, but if possible no more than a page.
- Describe yourself: explain who you are (for example, your age, job, or community role), and how you know the person in proceedings.
- Be specific: write about some experience or conversation you have had with the person in proceedings, or how this person has been special to your life. Avoid general statements. Don't just say "He is a very good man." Explain why you think so.
- Discuss the family and community life of the person in proceedings: is this person an active community member? Has this person worked hard to raise a family and create a home here? How do you admire his/her family? Why do you believe the person in proceedings should be allowed to live in this country?
- Give an original copy of the signed letter as soon as possible to _____.

NOTE: All letters of support should be in English or, if in another language, you should provide the court with an accurate English translation.

Families for Freedom

2 Washington Street, 766 North • New York NY 10004 • (212) 898-4121 fax (212) 363-8533

URGENT! Letters of support needed for Howard Facey

The Immigration Service deported Howard Facey in August 2003. His family, community groups and attorneys are working to bring him back.

Our success depends on your help! We need you to write a one-page letter of support **IN YOUR OWN WORDS**. Please neatly write or type the letter. If possible, put it on **organizational** letterhead. You may begin the letter:

September ____, 2003

To Whom It May Concern:

I am writing in regard to Howard Clive Facey. He was deported to Jamaica in August 2003. His wife Georgiana and four children are American citizens. They need him to return home immediately.

Continue the letter including these points:

- Background: who are you (profession, place you live, etc), how long you have known Howard (use his first name) and what your relationship is (friend, family, attended same church....)
- Community support: describe the good things he has done in the community or for you personally. BE SPECIFIC.
- Family: talk about his wife Barbara and four kids. If you know them well, describe them and how they got along with Howard.
- Mention that he must be brought back so he can financially & emotionally support his family
- Explain *briefly* why he is not a threat to society
- Sign it with your full name.
- Include your work title and put letter on company letterhead if possible.

Please return your letter of support to Georgiana Facey (“Barbara”) or Pastor Terry Lee by October 30, 2003. We cannot bring him back without your letters. Thank you!

(Juan's cousin Mariana got over 200 people to sign this petition on street corners, at school and other places. She also handed out an immigration flyer to educate the community.)

September 28, 2003

To Whom It May Concern:

As a community member and supporter of Juan Diego Jimenez Rijo, I urge you to do all you can in your power to bring Juan Diego back to United States so that he can be with his community and family who love him.

On September 3rd, 2003, two days after Juan turned 19, he went to New York Federal Plaza thinking he was getting his naturalization certificate. Instead he was put in shackles. The next day at sunrise, he called home from JFK to say, "They're deporting me to the Dominican Republic."

Juan came to the US when he was 13. He loved this community and loved New York. Throughout Washington Heights, neighbors and community members only say good things about him. Juan worked for UPS, planned to join the Armed Forces within months, and wanted to go to college. He was excited that he was becoming a US citizen. Now in the Dominican Republic – far from New York and far from his loved ones – his dreams are crumbling.

What happened to Juan is a disgrace. Juan deserves to have his case reopened and given a chance to get his legal status and citizenship in the United States. This is what he thought he was doing when he went to Federal Plaza on September 3rd before he was taken away from us. We urge you to do all within your power to bring Juan Diego back now.

Yours truly,

Families for Freedom

2 Washington Street, 766 North • New York NY 10004 • (212) 898-4121 fax (212) 363-8533

Re: ANSAR MAHMOOD (A# A47 264 599)

Background

Ansar Mahmood is from Moinud-Din-Pur (a village close to Gujrat, Pakistan). He was born on August 4, 1977. He has five brothers and three sisters. The family is a low-income family—they have a small two to three room house. His father used to be in the military, a non-commissioned officer and also used to do some agricultural work. His father is in fragile health having suffered a stroke. Because his family highly values education, Mr. Mahmood did attend college and one of his central goals in helping his family financially is to make it possible for his sisters to get a decent education.

Mr. Mahmood entered the US on April 22, 2000, when he was admitted as an LPR as a DV-1 diversity immigrant. He settled first in Salisbury, MD and then moved to Hudson, NY. In Hudson, he got a job working for a pizza parlor. He worked overtime in order to send \$400 to \$500 monthly to support his parents and younger sisters in Pakistan. He loved Hudson for its beauty and friendliness and because he felt he was treated as an equal whatever his economic background.

Conditions of Arrest

On October 9, 2001, Mr. Mahmood stopped in his pizza delivery rounds at the water treatment facility center in Hudson, NY. He asked the guard to take his picture in front of the facility because there was a beautiful view of the Catskill Mountains behind him. He wanted to send home a picture to his family in Pakistan. But the guards - suspecting that this young Pakistani man may be planning to poison the Hudson water system - called the police. At one of his next deliveries, he was called back to the pizza parlor where a policeman questioned him and he was put in the Hudson jail overnight.

On October 10, 2001 10-12 law enforcement officials from the FBI, the New York State Police and other agencies interrogated him without benefit of an interpreter or an attorney.

From Oct 10 to 16 he was locked up in the county jail. For his last forty hours in jail he received no food. His apartment was searched and papers were found showing he had helped Hafiz Mohammad Tauseef and Aisha Younes get a job and a car, and co-signed on a lease for them. Aisha Younes was his college roommate's sister. She and Mr. Tauseef had come into the US with legal visas but had overstayed the terms of their visas. They were picked up by the Immigration and Naturalization Service (INS) on October 10 2001 and subsequently deported.

Case Development

On October 16 the INS cleared Mr. Mahmood of any terrorism charges.

On October 18 Mr. Mahmood was released on a \$10,000 bond and required to appear in Albany court once a week.

On January 25, 2002 Mr. Mahmood's court appointed public defender advised him to plead guilty to "Illegal Harboring of Aliens" 8 USC 1324(a)(1)(A)(iii). He was sentenced to 5 years probation. He was not advised of the immigration consequences of this plea.

Immediately after his conviction Mr. Mahmood was kept in the Albany jail for twelve days, and then shipped to Buffalo Federal Detention Center (Batavia, NY). INS charged the Mr. Mahmood as being removable from the United States in violation of Section 237(a)(2)(A)(iii) of the Immigration and

Nationality Act, “in that, at any time after admission, you have been convicted of an aggravated felony as defined in Section 101(a)(43)(N) of the Act, an offense described in paragraph (1)(A) or (2) of section 274(a)[1324](relating to alien smuggling)...”

On July 17, 2002 the Immigration Judge ordered him deported. His *pro bono* immigration lawyer Rolando Velasquez appealed the decision. The Board of Immigration Appeals denied his appeal. In April 2003 Judge David Hurd of the Northern District of New York dismissed Mr. Mahmood’s move to vacate the underlying conviction. Mr. Mahmood has a habeas pending in the 2nd Circuit, which his legal advisors suspect will be denied.

Community Support

Since the summer of 2002 the Hudson Peace Vigil has been advocating for the release of Ansar Mahmood. In late April 2003 citizens from across Columbia County began to form a committee to work to stop the deportation of Ansar Mahmood. By the end of June 2003 a Committee of 30 people had formed to support Mr. Mahmood. Their work has included a petition drive, community meetings, talking to politicians, talking to the media and networking with other organizations and individuals across the country.

Mr. Mahmood’s case has received extensive national and local press attention. Coverage includes:

- Hanna Rosin. “Snapshot of an Immigrant’s Dream Fading.” *Washington Post*. March 24, 2002
- “Free Ansar Mahmood.” *Washington Post* editorial. March 27, 2002
- “Time to Free Ansar Mahmood.” *Hudson Register Star* editorial. June 26, 2002 (They have since published five more editorials and five news articles supporting Mr. Mahmood.)
- Recent media coverage has included a profile on NPR’s *All Things Considered* and articles in the *Los Angeles Times*, Rochester’s *Democrat and Chronicle*, *The Guardian* (UK), *The Journal News*, *The Hudson Register-Star* and *The Chatham Courier*. CNN and WHEC (Rochester, NY) also filmed pieces on Mr. Mahmood (forthcoming) and Hanna Rosin is writing another feature for *The Washington Post*.

The second *Washington Post* editorial on Mr. Mahmood, published on January 17, 2003, states: “Maybe it’s no big deal: one immigrant, or 100 immigrants, who ran into bad luck. All may have violated an INS regulation. But a message is sent by keeping Mr. Mahmood in jail, and by continuing more than a year later to scrutinize growing lists of Muslim immigrants – Pakistanis, Egyptians, Kuwaitis, students. If the INS looks hard enough, it can find a technical violation by many if not most immigrants, particularly through the ever-shifting prism of the immigration bureaucracy. When these rules are enforced with exceptional zeal for a selected group, the message becomes: Terrorist or not, even legal or not, we’re better off without you. And that’s not true of people such as Mr. Mahmood.”

Over the past two years Mr. Mahmood's parents and sisters have suffered financially because he has not been able to provide for them. His parents, who are elderly, work hard raising poultry to make ends meet and are not able to retire despite serious ill health on his father's part.

The Solution

As of September 2003 Mr. Mahmood is still in the Buffalo Federal Detention Center and is now the longest held Pakistani detainee in the facility. Mr. Mahmood has exhausted all legal remedies within the courts. His supporters will petition Acting Field Director Bill Cleary, Buffalo Department of Homeland Security, to: (1) release Mr. Mahmood under an order of supervision pursuant to INA § 241(a)(3); and (2) grant him deferred action. Congressional support would greatly strengthen this effort to persuade DHS to exercise its discretion favorably.

This summary was prepared with the help of
Ansar Mahmood Defense Committee, c/o Chatham Peace Initiative, P.O. Box 34, Chatham, NY 12037
Rolando Rex Velasquez, Serotte, Reich & Seipp, LLP, 300 Delaware Ave, Buffalo, NY 14202

January 24, 2003

Honorable F. James Sensenbrenner, Jr.
Chairman
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Honorable John Conyers
Ranking Member
House Committee on the Judiciary
2142 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Sensenbrenner and Rep. Conyers

The purpose of this letter is to request that your Committee hold hearings on the secondary ramifications of legislation which requires persons committing a crime while holding Legal Permanent Resident (LPR) status to be deported without consideration of the circumstances or seriousness of that crime. There appear to be certain cases where undeserving individuals have been swept up into this net unfairly and in opposition to the principles on which this nation was founded.

In 1995 and 1996, when Congress debated changes to the Immigration and Nationality Act of 1952, changes were made to the law which expanded the definition of "aggravated felony." That new definition includes certain offenses that automatically trigger deportation even if the convicting court has recognized it as a minor transgression, sometimes so minor as to merit virtually no punishment. While I personally disagreed with those provisions when they were debated, I do believe the persons supporting the changes did so because they thought they would remove dangerous alien criminals from this country. I do not believe those supporters were aware the provisions would result in productive members of our society being required to leave this country and return to a land where they have no roots and may not even speak the language.

This disconnect is compounded by the fact that some of the offenses rated as being an "aggravated felony" are considered simple misdemeanors for persons with citizenship status.

An example of the kind of unconscionably excessive punishment that I speak of involves the case of a 20-year old woman who came to this country at age six-months and is a LPR. She has two older LPR siblings and her three younger siblings are United States Citizens by birth. Her father is a naturalized United States Citizen and her mother is naturalizing. With that as background, she was convicted of "aiding and abetting" an illegal entry because she was in a car at a border checkpoint with someone who had false documents and she did not tell the inspector that the papers were invalid. Her younger brother, who was also in the vehicle and a friend of the young man carrying the false documents, was convicted as well. Both brother and sister received sentences of four days time served--less time than the level of punishment established in many states for a first offense of reckless driving. Because he was convicted of the more serious offense of "Illegal Entry" and was driving the involved car, her brother

received a fine of \$240. Yet, because he was a citizen, her brother was allowed to put the experience behind him as a lesson learned and went on with his life, while his sister, because she had only LPR status, was placed in a deportation detention center where she faces exile to a country she has never known.

While I am confident that we are all in agreement that we ought to rid our country of persons convicted of egregious crimes such as terrorism, drug trafficking, brutal assault, or child abduction, I cannot believe that Congress intended such an onerous punishment be extended to first-time offenders of crimes so minor that a judge sentences them to *four days time served*. Therefore, I respectfully urge you to hold hearings in the near future which address the full array of ramifications imposed under law so that Congress might ascertain if, with *appropriate* restrictions in place, immigration judges/the Attorney General should be allowed to grant relief to LPRs facing criminal deportation in special circumstances. If it is determined that we cannot trust our own Department of Justice and its immigration judges, perhaps we should take steps to revamp that system rather than continue to unreasonably punish LPRs who have sought to become a part of this country through proper legal channels

There is one final point that I would raise before closing. Few are likely to oppose instances where an adult alien enters this country and immediately establishes an aggressive criminal record. However, we ought not simply close our eyes to our own responsibility when an individual has been in this country their entire life cycle, from infancy to adulthood. Such persons are just as much a product of our system as are the children who are born in this country.

While well intended, current law has resulted in situations where deportation is order despite being beyond even the wildest rationalization. Holding hearings that examine such cases would be a valuable step in securing an avenue of relief from imposition of a punishment grossly out of portion to the so-called "crime."

Thank you for your time and attention to this matter.

Sincerely,

A black rectangular box containing a white, handwritten signature that reads "Ed Pastor".

Ed Pastor
Member of Congress

EP/ey

.....
(Original Signature of Member)

108TH CONGRESS
1ST SESSION

H. R. _____

For the relief of Alejandra Arias Garcia.

IN THE HOUSE OF REPRESENTATIVES

Mr. PASTOR introduced the following bill; which was referred to the
Committee on _____

A BILL

For the relief of Alejandra Arias Garcia.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. WAIVER OF GROUNDS FOR REMOVAL OF, OR**
4 **DENIAL OF ADMISSION TO, ALEJANDRA**
5 **ARIAS GARCIA.**

6 (a) IN GENERAL.—Notwithstanding sections 212(a)
7 and 237(a) of the Immigration and Nationality Act,
8 Alejandra Arias Garcia may not be removed from the



1 United States, denied admission to the United States, or
2 considered ineligible for lawful permanent residence in the
3 United States, by reason of any ground for removal or
4 denial of admission that is reflected in the records of the
5 Department of Homeland Security, the Immigration and
6 Naturalization Service of the Department of Justice, or
7 the Visa Office of the Department of State, on the date
8 of the enactment of this Act.

9 (b) RESCISSION OF OUTSTANDING ORDER OF RE-
10 MOVAL.—The Secretary of Homeland Security, or the At-
11 torney General, as appropriate, shall rescind any out-
12 standing order of removal or deportation, or any finding
13 of deportability, that has been entered against Alejandra
14 Arias Garcia by reason of any ground described in sub-
15 section (a).

