Family Re-United Four Years After Deportation

Boston College Law School
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9/19/06--Mr. M’s story could have been like any of the hundreds of thousands of immigrants deported from America. Instead, his has the happiest of endings, thanks to the Boston College Immigration and Asylum Project (BCIAP) and its new Post-Deportation Human Rights Project (“The Ruby Slippers Project”).

“He deserved to return to the U.S. where his family is,” said BCIAP attorney Mary Holper. “This is the first of successes for our Post-Deportation Human Rights Project, and we are trying to bring others back as well.”

Mr. M, a citizen of Mexico, married a U.S. citizen in Massachusetts in 1995 and became the de facto father of his wife’s four children. They later had two more children. Although his wife filed the proper immigration paperwork to sponsor her husband and Mr. M received a temporary green card, when the couple later attempted to inquire about when he would get his permanent green card, Mr. M was suddenly arrested and taken away in handcuffs by government agents.

The couple had attempted to notify the government of a change of their address several times but it was never recorded in the immigration system. Upon his arrest, Mr. M learned that he had missed a court date, at which time an immigration judge ordered him deported. Now, he was subject to immediate arrest and deportation. Former BCIAP staff attorney, Abira Ashfaq, met Mr. M when he was first detained and she rushed to re-open his case before the immigration judge. Unfortunately, these attempts were unsuccessful, and Mr. M was deported to Mexico in 2002. As Mr. M’s wife gave birth to their youngest child shortly after his deportation, BCIAP students researched possible ways to re-unite the family. The process was long, the law complicated, and the paperwork plentiful. Attorney Ashfaq’s successor, Alexandra Dufresne, continued to work on his case for two years, with many students assisting. Eventually current staff attorney Mary Holper took over the fight.

During four unimaginably hard years of separation, the family had maintained strong ties with each other. Mr. M’s wife, despite her poverty, was able to make regular road trips to Mexico to see her husband. She sometimes managed to bring their children to see him, so Mr. M was able to meet his new baby daughter. Mr. M continued to work long days in a factory in Mexico to support his family in the U.S.

Holper made final preparations for Mr. M’s interview at the U.S. consulate in Mexico, with significant assistance from Jill Dalfior (BCLS ’06). The consulate at first denied him the visa. But BCIAP had prepared a packet of support letters, photographs, etc., requesting a waiver based on the hardship that the family would suffer if Mr. M were not permitted to return to the U.S. Several months later, Mr. M was called back to the consulate, where he was finally granted the right to re-enter the U.S. He has now returned to live permanently with his family.

Thanks to the hard work of three BCIAP staff attorneys and many students, the family can now live together permanently in the United States. However, as BCIAP Director, Professor Daniel Kanstroom notes, “This was a great victory for this family and for our program. But the tragedy is that there are thousands of other families in this situation who go unrepresented...
and who may never re-unite."

The Boston College Immigration and Asylum Project provides legal representation for low-income and indigent immigration detainees, including refugees, asylum seekers, and torture survivors, who are placed in immigration detention in Massachusetts during removal proceedings. Deportation of detainees creates heartache for children and other family members, and can result in hardship and even impoverishment for remaining family. Although deportation can result in permanent banishment and separation from U.S. family members, the federal government does not provide counsel for immigrants in deportation proceedings. BCIAP also seeks to empower detainees and their families to help themselves in the process of deportation when limited resources do not permit direct representation by the BCIAP staff attorney.

The Post-Deportation Human Rights Project ("The Ruby Slippers Project") is a new, innovative initiative of the Center for Human Rights and International Justice at Boston College. It is a pilot project, designed to be a model that can be expanded to include other professional schools, law school clinics, and community-based organizations both in the U.S. and abroad. Its main purpose is to advise, counsel, support, and represent those who have been deported from the U.S., as well as the families they have been compelled to leave behind. The Project also undertakes legal research projects and empirical study of the effects of deportation on individuals, families, and communities.