

Detained in ICE raid in 2010. Workers still seeking justice

Rafael is the only Tiscareno workers J & A Framers not yet been deported

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Raleigh.- "God never leaves you alone." The Mexican Rafael Tiscareno Garcia says convinced him sitting in his living room in front of a small altar in honor of St. Jude, the saint of impossible causes as seemed to be the case after he was arrested in an immigration raid ago four years and sentenced to six months in prison.

"If something bad happens to you, God gives you good people to help you, and I sent for me when no lawyer Marty wanted to take my case," says Tiscareno referring to attorney Marty

Rosenbluth, who took free his defense after his arrest in 2010, and now fight the case in the Fourth Circuit Court of Appeals US in Baltimore.

Tiscareno was one of 20 workers arrested in a raid by Immigration and Customs Enforcement (ICE) against the construction company J & A Framers held in Durham, Cary and Apex on November 15, 2010. And it is the only one still fighting to avoid be deported.



A string of injustices

Along with other workers, in March 2011

Tiscareno was sentenced to six months in prison in a federal criminal court for having entered the country illegally, something very unusual in that the offense is tried in the immigration courts.

"Almost all deportations, especially those that divide families, are unfair. But if Rafael was particularly unfair in my opinion. Not only raided his workplace and deported all workers, but also criminally accused, something that almost never happens here," Rosenbluth said. "That's

common border, but it's my first and last case in which this happens to one of my clients here," he added.

Upon completing his sentence, Tiscareno was apprehended by ICE for deportation but got out on bail along with seven other workers, through the efforts of Rosenbluth who then Derrick Hensley joined lawyer to work for free at the event.

In Charlotte Immigration Court lawyers asked that he be granted Tiscareno immigration relief, "cancellation of removal" or COR created by Congress to certain immigrants who entered the country illegally.

They argued that the Mexican has lived in the country for over ten years demonstrating good moral character and that his removal would cause suffering to their three American children, especially one who has special needs. However, in February 2012 a judge ruled in favor of ICE whose prosecutor argued that Mexico was disqualified for cancellation of removal because he spent 180 days in jail, which is among the exceptions established by Congress when it created the immigration benefit.

"They (ICE) use the fact that he was in prison for illegally entering the country to prevent you a form of relief that was created by Congress to remedy the illegal entry," Rosenbluth said.

For Hensley, is "absurd" ICE uses the barrier of 180 days or more in prison for blocking Tiscareno Cancellation of Removal to the offense for which he was imprisoned is the same for which the said immigration benefit was created.

"The absurd thing is that when Congress created relief COR, was primarily to make it available to people who had entered illegally," Hensley who says that many such cases have shown said.

"The government wants to ignore all that history and say that because they convinced a judge to put criminal 181 days in jail for illegal entry Rafael, then he should not be able to apply for the COR. That's ridiculous," added the lawyer.

The last resort

The failure of the Charlotte Immigration Court was confirmed in November 2013 by the Board of Immigration Appeals (BIA) of the Department of Justice, but attorneys decided to appeal to the Fourth Circuit Court of Appeals. The appeal was admitted this year and the last week of October the lawyers traveled to Baltimore to present their arguments before a panel of three judges. Both are confident that justice will finally with his client for whom they have worked for free for 4 years.

Tiscareno, meanwhile said she was blessed by the support received, Thank attorneys was reunited with his family and rebuild your life from scratch after leaving prison and even got a temporary work permit that allows you to work and drive legally.

"I have great faith that if you're good things have to end well," said Tiscareno.

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