

**Federal Court Asked to Intervene in Deportation of Dominican Citizen, Robert Bautista, a Lawful Permanent Resident of Twenty-Five Years, with three United States Citizen Children**

Raymond Lahoud, a deportation defense, appellate and immigration law attorney at the Pennsylvania, New York and New Jersey based immigration law and deportation defense law firm Baurkot & Baurkot, filed a Petition for Review, with a Motion for a Stay of Removal pending the resolution of the Petition for Review, with the Federal Third Circuit Court of Appeals in Philadelphia, Pennsylvania. The Petition asks the Federal Court to intervene in the removal proceedings commenced against Easton, Pennsylvania resident Robert Bautista, a citizen of the Dominican Republic, who has been a Lawful Permanent Resident of the United States for over twenty-five years.

Bautista, who is married with three United States Citizen children was ordered deported in October of 2010, following months of litigation before the York, Pennsylvania Immigration Court. At those hearings, the Immigration Judge, for the first time in American history incorrectly ruled that Mr. Bautista was an aggravated felon, given his ten-year old New York conviction for Attempted Arson in the Third Degree, which resulted from charges the New York Police Department brought against Mr. Bautista, after he was caught carrying a gas canister next to his own car. The Immigration Court's decision was appealed to the Board of Immigration Appeals, who, after ordering oral arguments, incorrectly agreed with the Immigration Judge's decision.

"The Board misinterpreted federal law and the Supreme Court's interpretation of it in holding Mr. Bautista's ten year old crime to be an aggravated felony under Immigration Law," said Raymond Lahoud, the lead attorney on the Bautista Matter. "The Immigration Judge and the BIA held that because the words that make up the New York statute are contained in a federal aggravated felony statute, then the New York statute is also an aggravated felony, even though the New York statute is missing an essential element that is in the Federal law," noted Lahoud, "these decision are contrary to common sense, the plain meaning of the statutes as well as Supreme Court and Third Circuit Court of Appeals cases that have interpreted these statutes. We are confident that we will prevail."

"The Board's decision has created a slippery slope. From this point forward, almost every local or state crime could be deemed an aggravated felony, given that nearly every federal aggravated felony statute has at least one word or phrase that is also in a respective local or state statute," said Lahoud, "just like the Board ignored in Mr. Bautista's case the extra words in the federal statute, what is to stop the Board or the Department of Homeland Security from ignoring words in other aggravated felony statutes, just to make any local or state crime an aggravated felony, which essentially forecloses any real immigration relief for hundreds of thousands of immigrants facing removal."

Mr. Bautista was the owner of a profitable Allentown, Pennsylvania business, but has been in immigration custody for nearly two years as this litigation progresses. In the meantime, his family has lost the business, their home and Mr. Bautista has been forced to be separated from his wife and three young children, for a conviction that nearly a decade old.