

Federal Circuit Court Unconditionally Stays Pennsylvania Resident's Deportation

Philadelphia, PA – November 24, 2011 – The Third Circuit Court of Appeals ordered federal authorities to stop the deportation of Easton, Pennsylvania resident, Robert Bautista, a twenty-five year legal immigrant, announced his appellate and deportation attorney, Raymond Lahoud. Bautista, a father of three American Citizen children, has been fighting to remain in the United States for nearly two years.

Immigration authorities commenced deportation proceedings against Bautista in early-2010, due to his 2003 New York conviction of Third Degree Attempted Arson. The conviction resulted from Bautista's 2002 arrest in a Bronx, New York parking lot, where he was found carrying a gas canister near his own car.

"Years after his arrest, the Department of Homeland Security suddenly decided to arrest Mr. Bautista for this conviction, ignoring the fact that he had rebuilt his life, has been crime free with three children, a wife and was the owner and operator of a lucrative Allentown, Pennsylvania transmission business," said Lahoud. "When he was convicted, he had no idea that he could be deported and, when the issue arose years later, absent any reason, the government arrested Mr. Bautista and has since held him in immigration custody at the York, Pennsylvania Correctional Facility, without bail, which has caused a family to lose their father, husband, son, business, provider and home," said Lahoud, a deportation defense attorney for the Easton, Pennsylvania law firm Baurkot & Baurkot.

The federal stay will remain in effect pending the Third Circuit's review of an October 2011 Board of Immigration Appeals decision that upheld a lower immigration court's ruling that Bautista's New York conviction was an aggravated felony – a decision that was first of its kind in American Immigration history. The lower immigration court held that when the words making up a state statute are contained in a longer, federal aggravated felony statute, then the additional words in the federal law can be ignored, and the state statute can be deemed an aggravated felony. This ruling forecloses any possibility that the newly deemed aggravated felon could be saved from deportation. The lower court decision and the Board of Immigration Appeals affirmation of it is certain to impact immigrants across the United States.

"Thousands of immigrants will be forced to separate from their families because of the most petty of offenses, regardless of how long ago that conviction occurred," said Lahoud, "simply because two lower courts took it upon themselves to ignore words that are required elements of a federal statute. Instead of interpreting laws, the courts here assumed the role of legislators. Mr. Bautista will not give up this fight and we are confident that we will prevail at the Third Circuit – a Court that will realize that the lower courts crossed the line."

Baurkot & Baurkot (www.nationalimmigrationlawyers.com) is a Pennsylvania, New Jersey and New York immigration law and deportation defense firm.

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