

Elyria husband, caregiver fights federal deportation case that could break up family

By John Caniglia, The Plain Dealer
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ELYRIA, Ohio -- Pedro Hernandez-Ramirez has spent 10 years caring for his adopted family in Elyria. That could end soon, as the government seeks to deport him, pulling him away from his home here.

In an immigration fight that began a dozen years ago, federal officials are pushing to send Hernandez-Ramirez, 42, back to Mexico based on a deportation order from 2001.

His attorneys and family say that would cause incredible hardship: Hernandez-Ramirez cares for his wife's 24-year-old son, Juan, who suffers from cerebral palsy, as well as the family's three other children.

Hernandez-Ramirez, like so many, is caught in the middle as the debate in America over immigration reform rages. U.S. senators Sherrod Brown and Rob Portman agree that the system is broken, but they are divided in how to fix it. Brown voted for an reform bill in June, while Portman opposed it.

Hernandez-Ramirez's case is unique among immigration cases in Northeast Ohio: Last week, federal prosecutors in Cleveland dropped the criminal charges. He was charged with illegal re-entry into the United States. But the U.S. Immigration and Customs Enforcement continues to push his deportation, based on administrative violations that stemmed from 2001, when a judge first ordered him out of the country.

"Pedro is the backbone of our family," said his wife, Seleste. "It is emotionally killing us. There aren't words to describe how we would feel if he is taken from us."

Hernandez-Ramirez's attorney, David Leopold, filed a request with the federal agency seeking to put off the deportation, claiming Hernandez-Ramirez is hardly a national security threat. He also cited a 2011 memo by the director of Immigration and Custom Enforcement, John Morton, who wrote that the agency must prioritize whom it chooses to deport based on national security, border patrol issues and national safety.

"We're not talking about a man who is harmful," Leopold said. "We're talking about a man who is trying to keep his American family together."

Khaalid Walls, a spokesman for Immigration and Custom Enforcement, could not be reached for comment.

Federal court records and interviews say Hernandez-Ramirez's case unfolded like this:

Hernandez-Ramirez had worked in Mexico as a firefighter, though he made little money. In 2001, he left for California, where he worked odd jobs. Immigrations officials in San Diego learned of him after his arrest on misdemeanor counts of obstructing police and trespassing. He was deported for being an undocumented person.

Two years later, Hernandez-Ramirez returned to the United States and headed to Elyria because a friend had told him that there was work here. He met Seleste Wisniewski. They dated, and he began caring for her children, including Juan. He changes Juan's diapers and feeding tube, cleans him and lifts him into a wheelchair.

"He became the surrogate father," Leopold said.

They lived that way for 10 years. Then, in April, an Ohio State Highway Patrol trooper stopped Hernandez-Ramirez for a minor traffic offense. Immigration officials stepped in and put him on a flight back to Mexico. Seleste traveled to Mexico, where they got married.

She returned to Ohio, and Hernandez-Ramirez stayed behind. A month later, U.S. Border Patrol agents apprehended him trying to gain entrance into the United States near Rio Grande City, Texas. Within a few weeks, court records show, he re-entered the United States again and returned to Elyria.

On July 6, federal agents spotted him in the parking lot of an ice cream shop. He was taken into custody, where he acknowledged he was in the country illegally. Federal prosecutors took the case, but they told a judge last week they would not file charges. A spokesman for the U.S. Attorney's office declined to comment Thursday.

"I made a pitch for the family, based on what Pedro did for his stepson," said Debra Migdal, Hernandez-Ramirez's criminal lawyer. "It's a desperate, desperate situation."

To prevent the deportation, Leopold has taken his case to federal legislators across Ohio. He approached Brown and Portman's offices, as well as U.S. Rep. Marcy Kaptur. Brown's office could not be reached Thursday. Caitlin Dunn, a spokeswoman for Portman, said her office learned of the matter Wednesday. She said she cannot comment on ongoing casework.

Steve Fought, a spokesman for Kaptur, said his office plans to work with U.S. Rep. Jim Jordan to coordinate efforts. Jordan represents Elyria.

"It's a tough case," Fought said. "I'm not going to sugarcoat it. We're going to make the case that the human interest of this should be paramount."

For now, Hernandez-Ramirez sits in the Geauga County Jail, a facility where inmates waiting to be deported are held.

"This is a case that cries out for compassion," Leopold said. "Let's not compound an already tragic situation by splitting this family apart once again. ICE should spend its resources keeping America's families safe and together, not removing a father and critical caretaker from a home."

http://www.cleveland.com/metro/index.ssf/2013/08/elyria_husband_caregiver_fight.html