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Judge Keeps His Word to Immigrant Who Kept His

By Nina Bernstein

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The judge and the juvenile had grown up on the same mean streets, 40 years apart. And in fall 1996, they faced each other in a New York court where children are prosecuted as adults, but sentenced like candidates for redemption.

The teenager, a gifted student, was pleading guilty to a string of muggings committed at 15 with an eclectic crew in Manhattan's Chinatown. The judge, who remembered the pitfalls of Little Italy in the 1950s, urged him to use his sentence — three to nine years in a reformatory — as a chance to turn his life around.

“If you do that, I am here to stand behind you,” the judge, Michael A. Corriero, promised. The youth, Qing Hong Wu, vowed to change.

Mr. Wu kept his word. He was a model inmate, earning release after three years. He became the main support of his immigrant mother, studying and working his way up from data entry clerk to vice president for Internet technology at a national company.

But almost 15 years after his crimes, by applying for citizenship, Mr. Wu, 29, came to the attention of immigration authorities in a parallel law enforcement system that makes no allowances for rehabilitation. He was abruptly locked up in November as a “criminal alien,” subject to mandatory deportation to China — the nation he left at 5, when his family immigrated legally to the United States.

Now Judge Corriero, 67, retired from the bench, is trying to keep his side of the bargain.

“Mr. Wu earned his second chance,” the judge wrote in a letter supporting a petition to Gov. David A. Paterson for a pardon that would erase Mr. Wu's criminal record and stop the deportation proceedings. “He should have the opportunity to remain in this country.”

The letter is one of dozens of testimonials, including appeals from Mr. Wu's fiancée, mother and sisters, who are all citizens; from the Police Benevolent Association, where Mr. Wu used to work; and from his employers at the Centerline Capital Group, a real estate financial and management company, where his boss, Tom Pope, calls Mr. Wu "a shining star."

But under laws enacted in 1996, the same year Mr. Wu was sentenced, the immigration judge hearing the deportation case has no discretion to consider any of it. For Mr. Wu, who remains in a cell in the Monmouth County Correctional Institute in Freehold, N.J., the best hope may be that the Manhattan district attorney will retroactively allow him the "youthful offender" status that would scrub his record clean.

"The law is so inflexible," said Judge Corriero, now executive director of Big Brothers Big Sisters of New York City and the author of "Judging Children as Children: A Proposal for a Juvenile Justice System." The 2006 book calls for a justice system that reduces future crime rates by nurturing those who can learn from their mistakes, instead of turning them into career criminals.

That was his aim, he said, when he presided over the special court known as the Manhattan Youth Part, his views shaped by his own childhood. The son of a longshoreman and a factory seamstress, he grew up in a tenement across the street from the Tombs — the Manhattan House of Detention — and was schooled by both Roman Catholic missionaries in Chinatown and the Mulberry Street Boys. While he avoided serious trouble, he saw how easily a careless choice could lead to culpability instead of accomplishment.

The neighborhood pressures were not so different decades later, when Mr. Wu hung out at video arcades while his mother worked long hours in a garment factory and his father cooked at Chinese restaurants out of state. A friend from that period recalls seeing a shoe print on the teenager's back from a street beating. He looked to his pals for self-defense that turned predatory.

In December 1995, he and two other teenagers, one of them pretending to have a gun, took a jacket from a young boy. In two episodes in April 1996, he and others robbed elderly men of money, knocking one down and punching another; he took part in a fourth mugging that June, records show.

"I'm sorry and I really hope that you will forgive me for all the pain and trouble I made them go through," the teenager said when he was sentenced.

The judge called the case a tragedy, according to the court transcript. “But this is not the end,” he told the youth, who had scored in the 98th percentile in mathematics. “This is really the beginning of a new period for you. I want you to educate yourself. Continue to read, follow the rules.”

“You will want to get a job and become a meaningful, constructive member of society to help your family,” he added. “I will be there to make sure that you can.”

Long after Judge Corriero had forgotten the case, Mr. Wu remembered those words. In 2007, confident that he had redeemed himself, he applied for citizenship, disclosing his record. Later, learning he was not only ineligible but also deportable, he tried to withdraw his application. But immigration authorities summoned him to their headquarters at 26 Federal Plaza.

“He said, ‘If I don’t show up, I’m going to be labeled a fugitive,’ ” his sister Jenny Gong, 31, recalled.

So he went to the interview, and was led away in shackles.

“Being permanently banned from the U.S., that’s the biggest stress I’m under,” Mr. Wu said in a telephone interview from jail. “That’s the harshest penalty any person can ever receive.”

Under the 19th-century legal doctrine still at the heart of much of modern immigration law, however, neither detention nor deportation counts as punishment, just as administrative remedies for the failure to exclude an undesirable foreigner in the first place, experts say. The definition of undesirability has changed over time, but the 1996 laws eliminated most case-by-case judgment in favor of expanded categories of criminal convictions.

The shift was part of a national crackdown on crime, and the perception that immigration judges had been too lenient, allowing noncitizen felons to remain in the country and sometimes commit new offenses.

“This administration is committed to smart and effective immigration policies that place an emphasis on the deportation of criminal aliens,” Brian P. Hale, a spokesman for Immigration and Customs Enforcement, said Thursday. “While we are not able to discuss any individual cases, ICE will enforce the law, and if an individual has been convicted of a serious or dangerous crime, we will take the appropriate action, including deportation.”

But the policy is hard for Mr. Wu's supporters to understand. "We're losing a great guy — for nothing," said Mr. Pope, director of Centerline's Internet technology operations. "Qing Wu is somebody you'd interview two or three times in your entire career. Nobody works as hard and as well as Qing."

Mr. Wu's mother, Floren Wu-Li, 57, blames herself. Interviewed in the tiny sixth-floor walkup on Spring Street where Mr. Wu lived with his fiancée, she acknowledged that he would have derived citizenship if she had secured it for herself while he was still a minor. But she was naturalized only four years ago, when she was allowed to take the test in Chinese.

"We were very poor and worked very hard and had no time to look after Qing when he was a child," she said, weeping as her daughter translated. "I had no time to learn English back then."

Now widowed and ailing, she cleans at a casino in Connecticut but relies on her son's financial help. His fiancée, Anna Ng, 27, a compliance officer for a hedge fund, said they had been scrimping to save for a place large enough for her parents and his mother to move in. Those savings are now going to legal fees.

Ms. Ng said she would want to follow Mr. Wu to China if he were deported, but speaks no Mandarin. "What if we end up homeless?" she asked.

His sister spoke up: "New York City is his home."

To Judge Corriero, the case shows the long reach of laws that force judges to impose indelible convictions on adolescents — often, as in Mr. Wu's case, based on guilty pleas made without knowledge of the dire immigration consequences to follow.

Efforts to free Mr. Wu, championed by the New York chapter of OCA, an Asian-American civil rights organization, now include a motion to vacate his 1996 guilty plea as legally defective because his lawyer wrongly advised him that it would not affect his green card. The group's president, Elizabeth OuYang, also plans on Friday to meet with Peter Kiernan, counsel to the governor, to discuss the petition for a pardon, which Mr. Kiernan said was "being seriously considered."

The heart of the case lies in a letter Mr. Wu wrote to the judge when he was detained in November, recalling their pledges to each other years ago. When Judge Corriero checked the old court transcript, he said, he felt a mix of pride and anger.

“Here was a young man who did everything we expected of him,” he said. “It really cries out for some kind of justice.”