

CHANGE.ORG

50-Year Permanent Resident Faces Deportation Over a Stolen Tape Deck 30 Years Ago

by Gabriela Garcia

December 08, 2010

Every day when Mike Burrows wakes up, he fears it will be the day Immigration and Customs Enforcement (ICE) marches through the door to take the 52-year-old legal permanent resident to Canada, a country he left when he was two years old. It would mean leaving behind his two American citizen children, one of whom is under 18. It would mean likely never again seeing his mother, who has Alzheimers and is too sick to travel. It would mean a lifetime ban on re-entry with a penalty of up to 20 years in federal prison if he crossed the border.

Why is the federal government relentlessly pursuing the deportation of a 50-year permanent resident who grew up playing baseball and worked his way up from a car salesman to general manager? Because of an 8-track tape deck.

When Mike was a teenager in 1978, he made a stupid-teenager decision and accepted the stolen deck from a friend, worth \$50 at the time. It resulted in a misdemeanor charge. But it was expunged in 1983, and over 30 years later Burrows is a tax-paying, law-abiding guitarist and singer with a life he worked hard to build in the only country he's ever known.

But thanks to the Illegal Immigration and Immigrant Responsibility Act of 1996 (IIRIRA), a law that was applied retroactively, even minor infractions like shoplifting can trigger deportation. In 2001, Mike found out that he was deportable. The law also removed power of discretion from immigration judges, meaning that even if they realize a case for deportation like this is ridiculous, they have no ability to exercise rational judgment. As The Journal of Legislation outlines, "the IIRIRA force judges to recharacterize misdemeanors and non-aggravated felonies as aggravated felonies solely for immigration purposes."

Mike has spent nearly a decade fighting deportation. He writes on his blog, Posterboy for Immigration Persecution, "The immigration system isn't broken; The Machine operates as designed. Once you get on the deportation merry-go-round, you will only get off if a Circuit court orders it so (and then pray it holds up when the Government appeals any immigrant's favorable ruling). This will be a daunting all-consuming endeavor which anyone is likely to lose. You will certainly be ruined in the process if you survive it. I often question whether I will."

Mike's deportation is imminent – the mandate is only a few days away. At the end of his rope, he is desperately seeking pro-bono help to fight his case, something he's been doing alone for so many years and that has depleted all of his finances. His girlfriend, Lea Reiter, is desperately petitioning the courts to keep the case open. "Mike is a real human being, a private person, a father, friend, son, etc, not a criminal and certainly not an attention seeker. He has more than paid the price for any infraction he may have ever been guilty of in the distant past," she says. "If Mike's a martyr, he's a reluctant one. In short,

he's mortified by the attention, but concedes that it's a necessary evil at this juncture. He also feels it's his last hope." She adds, "While neither of us is Catholic, St. Jude is popular in our home."

This week, New York Governor Patterson issued pardons for six legal permanent residents who were facing deportation over old crimes, several of them misdemeanors, saying that he was addressing "shortcomings in our federal immigration laws relating to deportation." Right now, an urgent pardon from California Governor Schwarzenegger could be the only thing that keeps Mike Burrows home. Sign this petition telling the governor to do what's right and not allow a 50-year resident to be deported over a teenage mistake that our own courts decided wasn't relevant to his character.