

# Nigerian immigrant faces deportation after seeking political asylum

**West Rogers Park man is married to an American, but immigration officials say he's a fugitive**

By [Dawn Rhodes](#), Chicago Tribune reporter

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An attorney for a 28-year-old Nigerian man facing deportation will try to persuade immigration officials Monday to release his client from a Wisconsin detention center after his arrest last week. The lawyer and the man's American wife contend the arrest was unnecessary.

Eugene Peba, who has been seeking political asylum in the U.S. since 2005, was picked up Thursday while working as a nursing assistant at a North Side nursing home and transported to a detention center in Kenosha, his lawyer said. Peba's latest attempt to obtain a green card recently was denied by U.S. Citizenship and [Immigration](#) Services, but his attorney said his client should not have been arrested because they still had two weeks to appeal that decision.

"As long as you have a pending appeal, or the time to appeal, you should not be picked up," said Akin Ogunlola, a Chicago-based immigration attorney. "He's never committed a crime, he's married to an American. Why did they pick him up?"

"It's heartbreaking," Peba's wife, Nicole, said. "He's very tired. He probably hasn't slept, but I'm trying to keep him encouraged."

Gail Montenegro, spokeswoman for the Chicago office of [Immigration](#) and Customs Enforcement, did not specifically address Ogunlola's contention that Peba should not have been detained, but said that Peba was subject to a final deportation order.

"Mr. Peba had an outstanding deportation order against him and was considered an immigration fugitive until his arrest," Montenegro said in a statement.

Eugene Peba is part of the Ogoni tribe, indigenous people of southern Nigeria who famously protested decades of petroleum drilling on their oil-rich land in the Niger Delta by the Shell company. It is alleged that in response, Shell officials enlisted Nigerian soldiers to violently crack down on the unrest in the early and mid-1990s.

Peba first journeyed to neighboring Benin, then to Malaysia, eventually arriving in Los Angeles in 2005 seeking political asylum. Nicole Peba, 33, said her husband was among the Ogoni protesters and fears for his safety if he were returned to Nigeria.

"People wanted to kill him," she said.

But court documents show that immigration officials doubted Peba's claims as to why he fled his home country.

Records state that Peba told officials that both of his parents had disappeared in 2000 and were presumed dead, ostensibly at the hands of Nigerian security forces. But two letters Peba wrote in 2005 referred to the location, employment and contact information of his father. The immigration judge determined that the inconsistency undermined Peba's credibility and denied him asylum in November 2006. Peba appealed the decision.

Meanwhile, Peba was detained at Los Angeles' San Pedro Processing Center for two years for providing a fake British passport upon arriving in the U.S. He was released in 2007 after he filed for habeas corpus and was granted a \$5,000 bond.

He made a brief stop in Memphis, Tenn., then came to Chicago in November 2007. At some point, he married an American woman, but they had a falling-out and soon divorced, Ogunlola said. He later met Nicole, a Chicago native, and they made plans to marry Feb. 13, 2010, she said.

But just three days before their nuptials, Eugene Peba learned that his asylum petition had been denied by the Board of [Immigration](#) Appeals. The couple married at City Hall and had their reception at a West African restaurant in Uptown.

They then applied for an I-130, known as a Petition for Alien Relative, a document in which an American citizen or permanent resident can establish a relationship to foreign relatives who want to immigrate to the United States.

[www.chicagotribune.com/news/local/ct-met-peba-deportation-20120507,0,3836865.story](http://www.chicagotribune.com/news/local/ct-met-peba-deportation-20120507,0,3836865.story)