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Supreme Court rules for government on immigrants' residence

James Vicini

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WASHINGTON (Reuters) - The Supreme Court ruled on Monday that the length of lawful residence in the United States by immigrant parents cannot be considered by the federal government in deciding whether their children should be deported.

The justices unanimously handed a victory to the Obama administration and overturned a ruling by a U.S. appeals court that immigrants who entered the United States as children may count their parents' years in this country to satisfy the residency requirements.

Under federal immigration law, people who have been lawful permanent residents in the United States for at least five years and have lived continuously in the country for seven years can seek leniency from the government when facing deportation.

The ruling was unrelated to a more controversial pending immigration case involving the Obama administration's challenge to Arizona's tough crackdown on illegal immigrants. A decision in that case is expected by the end of next month.

One case decided Monday involved Carlos Gutierrez, a Mexican citizen who became a lawful permanent residence in 2003 when he was 19. He was stopped at the U.S.-Mexico border in 2005 with three young illegal immigrants in his car and the U.S. government began procedures to deport him for immigrant smuggling.

He argued his father's immigration status and years of residence in the United States could be taken into consideration to meet the eligibility requirements to avoid deportation. The Supreme Court disagreed.

The other case involved Damien Sawyers, a Jamaican citizen who became a lawful permanent resident in 1995 at the age of 15. The government began deportation proceedings against him after his conviction for having a controlled substance in 2002 and for cocaine possession in 2005.

He argued the time he spent as a minor living with his legal resident mother should be considered, a position rejected by the justices.

The administration argued that the appeals court's ruling would hurt the government's high-

priority efforts to deport immigrants who are criminals.

Administration lawyers said the general preference for family unity does not trump the law's plain language that the immigrant personally must satisfy the eligibility requirements.

The Supreme Court's opinion, written by Justice Elena Kagan, accepted the government's position.

She concluded in the 13-page opinion that the view of the government's Board of Immigration Appeals was based on a permissible interpretation of the law, that it was consistent with the statute's text and was entitled to deference.

There were no precise statistics on the likely number of individuals affected by the ruling.

But the U.S. Court of Appeals for the Ninth Circuit, which is based in California, which also covers Arizona and which has a significant part of the nation's immigration cases, granted 11 such petitions for review last year, legal experts said.

The Supreme Court cases are Holder v. Gutsier, No. 10-1542, and Holder v. Sawyers, No. 10-1543.

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