

## **Raised in Queens, now 'deportable alien'**

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Kamal Essaheb has completed his second year at Fordham University Law School, speaks fluent Arabic and counsels South Asian victims of domestic violence under a paid fellowship.

But Essaheb, a native of Morocco and a resident of Queens since he was 11, also is a "deportable alien," with his childhood visa long since expired.

"The whole thing is kind of weird. I grew up here. My brothers and I were Mickey Mouse, Disneyland, Michael Jordan," said Essaheb, 23, whose classmates have generated more than a 1,100 letters from law school administrators and students around the New York region to the Department of Homeland Security, asking that his prosecution be discontinued.

As Essaheb's case reflects, the children of immigrants whose visas have expired are hardly immune from deportation proceedings, especially when it comes to those of Arab and Muslim ancestry since 9/11. Civil liberties activists contend that beefed-up enforcement of immigration laws needlessly rips families apart.

The young man came to the government's attention under the Special Registration Program of 2002 and 2003, which required primarily Muslim and South Asian males who are not U.S. citizens to check in with the nearest immigration office. Immigration officials were under orders to get a better handle on the whereabouts and doings of these groups.

Though the program has been halted, more than 13,000 men ages 16 and older in the United States were placed in deportation proceedings as a result of it. And many of them, like Essaheb, have yet to see their cases concluded.

In addition to pinpointing problems with Essaheb's immigration status, his family's compliance with the Special Registration directive after Sept. 11 revealed the unauthorized residency of his father, a car-service driver, and of his two brothers -- Hassan, a student at Columbia University's School of Engineering, and Housseine, who is studying to become a certified actuary. Father and three sons face a series of separate deportation hearings this summer and possibly into the fall.

Jamie Zuieback, a spokeswoman for U.S. Immigration and Customs Enforcement, said Essaheb, like any other adult immigrant charged with violating the immigration laws, will have a chance to make his case to an immigration judge who is independent of the enforcement agency.

"Part of our responsibility is to ensure that rules are applied fairly, without regard to a person's ability to gin up public support," she said.

Essaheb's mother and father left Morocco in the early 1990s in the service of their sons' education. Their stay in New York was sponsored by a Brooklyn social services organization for Islamic families, but the terms of their residency status ultimately had loose ends. Essaheb, who graduated from the prestigious Bronx High School of Science, is not precisely sure why.

For Essaheb, Morocco exists in the mists of childhood memory. In immigrant-suffused New

York, though, he has excelled. He went to Queens College and studied math and economics and was the editor of the student newspaper. He earned a master's degree in economics from Hunter College.

Because he was surprised and angered by his family's treatment under Special Registration, Essaheb changed course to pursue a career in public interest law. He entered Fordham Law School in September 2003.

He recently received a \$4,500 fellowship from the Women's Bar Association of New York to spend a year counseling Arabic-speaking victims of domestic violence for the nonprofit Sanctuary for Families, where he had worked as a summer intern.

Julie Dinnerstein, the nonprofit's director as well as his current immigration attorney, said the goal of the school's letter-writing campaign is to convince the Department of Homeland Security to invoke prosecutorial discretion and halt the case against Essaheb and his family before it lands in immigration court. Dinnerstein explained that immigration judges have little or no option to make concessions based on an individual defendant's good conduct in this country.

Dinnerstein also said Essaheb is a perfect candidate for a proposed law known as the Dream Act. But that bill, which would allow college-bound children of illegal immigrants to get a green card after growing up in America, has failed to gain traction in Congress.

Essaheb said that he is overwhelmed by the sheer volume of advocacy on his behalf, but he is also too careful a student of the law -- and too much of a realist -- to consider himself home free.

"We are just reduced to asking immigration to drop the case on sympathetic grounds," he said. "Until then, we basically have to live with one foot out the door and one foot in."