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FOR IMMEDIATE RELEASE

March 31, 2017

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GROUPS PUSH FOR RELEASE OF DETAINED AFGHAN SPECIAL IMMIGRANT VISA HOLDER

NEWARK, NJ – An Afghan man who received a Special Immigrant Visa for his service to the U.S. forces has cleared a critical hurdle in his fight to avoid deportation to Afghanistan, where he has been targeted by anti-American Taliban militants. On March 24, the U.S. government found that the man has a credible asylum claim because of his service to our Armed Forces. This ruling protects him from immediate removal, but he now faces the prospect of months in immigration detention while he continues his quest for protection in the United States.

“Reneging on our promises to allies on the ground reflects poorly on the United States and makes it more difficult for our troops to find local expertise necessary to their operations and our national security,” said Elizabeth Foydel, Policy Counsel of the International Refugee Assistance Project. “We should welcome those who have been persecuted in their home countries for serving alongside American armed forces. That two Afghan recipients have been detained in this way without explanation in the past month suggests a disturbing pattern, particularly in light of the widespread discrimination and disorder we’ve seen since the Executive Orders of January 27 and March 6.”

The man, whose first name is Abdul, arrived on March 13 at Newark-Liberty International Airport on a valid visa, only to find himself detained and his visa revoked without explanation. Abdul had worked at dining facilities for the U.S. military and as a result, became the target of violent attacks and intimidation by the Taliban. He arrived in the United States on a valid visa, sponsored by a retired Army Sergeant, after the U.S. government vetted him more than two years in Afghanistan. Customs and Border Protection (CBP) agents detained him at the airport for over 28 hours, refused to let his attorneys meet with him, and pressured and misled him into signing a paper that withdrew his request for legal admission to the country.



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“We are relieved that the Court of Appeals acted so quickly to halt the government’s arbitrary and unjust attempt to return Abdul to Afghanistan without due process,” said Farrin Anello, Visiting Assistant Clinical Professor at Seton Hall University School of Law Center for Social Justice. “But the case is not over: we urge the government to take responsibility for its mistake, restore his visa, and release him from detention.”

After the Administration revoked his visa, CBP attempted to send Abdul back to Afghanistan, where his life would be in immediate danger. Hours before he was to be removed, attorneys at the American Civil Liberties Union of New Jersey and Seton Hall University School of Law Center for Social Justice, representing the International Refugee Assistance Project (IRAP) as the client’s “next friend” and advocate, filed a *habeas* petition and sought a temporary restraining order to protect him from removal. After the District Court denied this motion, the team filed an emergency appeal and motion to stay his removal with the Third Circuit Court of Appeals, which then granted an emergency stay of removal to keep the client in the United States while his case is reviewed.

Abdul has since passed an initial asylum interview, represented by immigration attorney Jason Scott Camilo, and has been placed in removal proceedings, where a judge will hear his asylum claim. Nevertheless, he remains detained for the foreseeable future. An immigration court hearing date has been set for mid-April. The legal team is also seeking his immediate release from detention and the reissue of his Special Immigrant Visa.

“Abdul served our troops for five years and risked his life doing so. He was attacked by the Taliban and still kept working with our troops,” said Jason Scott Camilo, Esq., Law Offices of Jason Scott Camilo. “This man deserves our respect and gratitude. Instead, CBP took away his green card and put him in jail. This entire incident is a stain upon our country.”

This is the second known case of an Afghan SIV holder being detained upon arrival in the last month. Earlier this month, an Afghan family was held at Los Angeles International Airport, separated, and also threatened with removal. A group of lawyers and advocates were able to secure the release of the family, but the case is still ongoing.

“Abdul is finally starting to get some of the protections that all immigrants deserve, but his ordeal is far from over,” said ACLU-NJ Deputy Legal Director Jeanne LoCicero. “He is still in detention, and border agents coerced him into signing away his fundamental rights, even though the federal government understood his life was in danger in Afghanistan because of his service to the United States. We know that abuses by border agents are not limited to his case, and we will continue to do everything in our power to hold Customs and Border Patrol to the standards of our Constitution.”



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About Seton Hall University School of Law

Founded in 1951 and located in Newark, Seton Hall University School of Law is New Jersey's only private law school and a leading Catholic law school in the New York metropolitan area. Seton Hall Law is dedicated to preparing students for the practice of law through excellence in scholarship and teaching, with a strong focus on clinical education. The Law School also offers a robust selection compliance programs for law, graduate students, as well as mid-career professionals in the health, life sciences, and financial services sectors.

The Immigrants' Rights/International Human Rights Clinic of the Center for Social Justice represents non-citizens seeking protection from persecution, trafficking, and torture, as well as non-citizens who have survived domestic violence or other violent crimes in the United States. The Clinic also engages in human rights reporting, fact-finding, and advocacy. This hands-on program prepares law students to become strong advocates for their clients and to promote social justice throughout their careers.

About the International Refugee Assistance Project

The International Refugee Assistance Project (IRAP) at the Urban Justice Center organizes law students and lawyers to develop and enforce a set of legal and human rights for refugees and displaced persons. Mobilizing direct legal aid and systemic policy advocacy, IRAP serves the world's most persecuted individuals and empowers the next generation of human rights leaders.

About Law Offices of Jason Scott Camilo

Jason Scott Camilo, Esq. is the son of Cuban immigrants who fled Communist Cuba. He exclusively practices immigration & nationality law, with a focus on removal matters, asylum, and family based immigration. His office is in New Brunswick, NJ.

About the American Civil Liberties Union of New Jersey

The American Civil Liberties Union of New Jersey is the state's leading organization dedicated to defending and advancing civil liberties and civil rights. Whether in the courts, legislatures, or in communities, the ACLU-NJ fights on a daily basis for racial justice, criminal justice reform, drug law reform, and reforms to policing practices, among other causes. With tens of thousands of members, activists, and supporters, the ACLU-NJ works in every corner of our state to defend the principle that every individual's rights must be protected equally under the law, regardless of race, religion, gender, sexual orientation, age, disability or national origin.