

Warshaw Burstein, LLP Prevails; Court Grants Green Card to Ecuador Native Fighting Deportation Since 1991

April 16, 2019

Warshaw Burstein, LLP Partner, Pankaj Malik, successfully prevailed on a New York Immigration Court to grant a green card to an Ecuadorian native (“Respondent”), who had been embroiled in a contentious deportation case prosecuted by Department of Homeland Security (“DHS”) and Immigration Customs Enforcement (“ICE”).

Respondent entered the United States in 1991 at age 19 through the El Paso, Texas border, where immigration officials apprehended him upon entry, processed him and released him into the United States. Unbeknownst to Respondent, during the course of processing, a deportation/removal order was entered against him.

Respondent moved to New York and later married a United States citizen and raised a family. In addition, over the ensuing years, he became a licensed electrician and part owner of a successful company.

Respondent sought to obtain his green card through his marriage. Instead of processing his application, ICE officials appeared unexpectedly at his door one morning in July 2010 and arrested him and placed him in immigration detention.

It was at this juncture that Ms. Malik was retained. Respondent was moved to a Louisiana detention facility where judges and prosecutors have a reputation of being very hard-lined when faced with immigrants with prior deportation orders.

Respondent’s detention lasted an extensive ten-month period. During this period, Ms. Malik filed several motions to reopen and/or rescind Respondent’s 1991 deportation order. Two of these motions were joined and supported by prosecutors. Despite this, the Immigration Judges in Louisiana (which had physical jurisdiction) and Texas (which signed the deportation order) denied the motions.

Ms. Malik appealed these denials to the Board of Immigration Appeals (“BIA”) and the BIA reversed the Immigration Judges’ denials and remanded the case to the Immigration Court in New York, where Respondent lived. Ms. Malik litigated this case as it wound its way through Immigration Court for nine years, until finally, the case went to trial on November 6, 2018.

“After listening to Respondent testify that the business he established 11 years ago in 2007 had been providing electrical maintenance and support to approximately 400 entities, including the Immigration Court and various other New York City and New York State courts, schools, and agencies, the Immigration Court awarded him a green card,” Ms. Malik said.

We are pleased to announce that after nine years of diligent efforts by Ms. Malik, Respondent finally received his green card in March of this year.

Respondent's wife of 15 years, children, partner, friends and family attended his trial. "They were all in tears," said Ms. Malik. "Finally, a happy ending for this family. I am so pleased I was able to help Respondent legalize his status and bring his long ordeal to a satisfactory conclusion."