

News Letter/Legal Article

Immigration and Naturalization

Celestino Sanchez-Valdez v United States Immigration And Naturalization Service

File No: 89-4760, April 12, 1989

SUMMARY:

Petitioner was a 34-year-old divorced native and citizen of Cuba who arrived in the United States by boat on May 23, 1980, at which time he was paroled into the country, and subsequently sentenced to a 5-year period for possession of methaqualone and was placed on a 5-year supervised probation, while on probation he was convicted of possession with intent to distribute cocaine. In view of this conviction his parole was revoked, and on the same day he was given notice for Admission Detained for Hearing Before Immigration Judge of his possible excludability under section 212(a)(20) of the Act.

Petitioner subsequently filed an Application For Asylum And Withholding Of Deportation, asserting that he would be at considerable risk of persecution in Cuba should he be deported there because he was 1 of only 7 individuals in the entire country of Cuba who was skilled in the manufacturing of "jet fuel," thus, making him a valuable government asset to Cuba. Therefore, his status as a highly trained petroleum processing engineer and governmental employee, coupled with his cooperation with government authorities from both the Central Intelligence Agency and Federal Bureau of Investigation concerning his governments activities while in Russia, Italy, Spain, Angola Africa, and volunteering information concerning the petroleum industry and processes in Cuba would label him as a "traitor" by the Cuban government, and that his "Life of freedom" would be threatened as a direct result from his actions which were in conflict to that of a patriotic citizen of Cuba.

The United States Court Of Appeals For The Fifth Circuit addressed this issue in: Celestino Sanchez-Valdez v United States Immigration And Naturalization Service, File # A-24-783-455, and his appeal was dismissed. A Traverse To Respondent's Motion To Dismiss (prepared and filed by this writer) was subsequently filed introducing a myriad of case law.

Submitted by: James Tomas; Contemporary Legal Assistant, 09/22/2009