

Unequal Enforcement of United States Immigration Laws

When it comes to enforcing U.S. immigration law, the Immigration and Customs Enforcement (ICE) only obeys the law that they find convenient. As in the case of Rogerio Scotton. Rogerio is Brazilian born, whose mother is a United States citizen. She had filed the form I-130 to have her son naturalized. After her filing that form, Rogerio was arrested and convicted of a felony. Under the law that should not deny him his citizenship. However, ICE thought otherwise.

On November 15, 2019, ICE served Rogerio with an Administrative Removal Order and Final Administrative Removal Order. Rogerio filed an appeal with the court of appeals, claiming that ICE wrongfully made the decision to classify Rogerio as an illegal alien and aggravated felon based solely on the restitution order made by the federal court and that ICE never took into account that Rogerio's mother had filed the necessary I-130 form for him to automatically become a U.S. citizen which was approved in July 2019. The government attempted to avoid these claims by giving assurances to the appeal's court that all administrative orders against Rogerio had been dismissed and that his petition was unnecessary. On January 17, 2020, ICE, once again issued another Administrative Removal Order. Again, Rogerio filed an appeal with the court of appeals. Again, the government cancelled his deportation, and his appeal was dismissed.

Again, on March 13, 2020, ICE filed a third Administrative Removal Order against Rogerio. On that same day Rogerio was handcuffed, shackled, and taken to the Atlanta airport. Rogerio was forced to wait standing on the tarmac for 2 hours in the rain. Rogerio was then placed on U.S. Marshalls flight to El Paso, Texas. From there he was placed inside another plane and was flown to Puerto Rico with his final destination being Brazil. Rogerio was handcuffed and shackled all the way to Brazil and the Marshalls only took off the restraints minutes before landing in Brazil.

Rogerio was never allowed to file an appeal to this deportation. The government just took it upon themselves to deport Rogerio without any judicial review and violated his right to due process. All along, Rogerio had two petitions of appeal before the U.S. Court of Appeals for the Eleventh Circuit in Atlanta regarding his conviction and restitution order. The restitution order was issued by the court based on a spreadsheet submitted by the Assistant United States Attorney. The amount was never proven to a jury or admitted to Rogerio. The 27 counts of conviction didn't mention any loss amount. Another requiring under 43(M)(i) and the restitution are not link to the counts of conviction. All of this in violation of U.S. law.

To top all of this off, Rogerio's mother's I-130 application for Rogerio to be a citizen had been approved. Rogerio had lived in the United States for 33 years. He had never had a life beyond the U.S. borders. The government would not even allow Rogerio to go to his home to pick up clothing. He was taken to a country he had not lived with only the clothes on his back and no money to support himself. Taken away from his family and the only home he had known in his life. All of this was done as the COVID-19 pandemic raged in Brazil.

It seems that the U.S. government only applies the law when it is good for the government. It is time for U.S. citizens to wake up and put a stop to the fraud being committed by the U.S. Department of Justice. Every citizen and taxpayer should write their Congressperson or Senator and demand that the government obey the laws not just for some, but in every case. And, when the government does not obey the law, it those people who should go to jail. JUSTICE FOR SCOTTON NOW