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U.S. Citizen Sues Department Of Homeland Security Following Three And A Half Years In Immigration Detention

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U.S. Citizen Sues Department of Homeland Security Following Three and a Half Years in Immigration Detention

MEDIA INQUIRIES

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A New York man is suing the Department of Homeland Security for detaining and seeking his deportation for three and a half years as immigration officers ignored his claims of U.S. citizenship.

Davino Watson derived citizenship from his father in 2002. In 2008, DHS took him into custody on a detainer request following an eight-month sentence in state custody. He repeatedly told DHS officials he was a U.S. citizen but officers failed to investigate his claims until DHS lost at the Second Circuit Court of Appeals and the National Immigrant Justice Center, along with Mr. Watson's appointed counsel, intervened in 2011 and won his release. For two years following Mr. Watson's release from detention, the government refused to issue him a certificate of citizenship or work permit, making it difficult for him to secure stable employment and preventing him from enrolling in college. "Mr. Watson's story shows us the perils of allowing DHS's enforcement and deportation apparatus to expand rapidly without oversight, and without adequate due process protections or access to counsel for individuals who are caught up in the system," said NIJC National Litigation Coordinator Mark Fleming, co-counsel in the case with attorneys from Holland & Knight LLP. "Denying basic due process rights to immigrants really has put many Americans at risk."

Mr. Watson, now a resident of Brooklyn, New York, was born in Jamaica and entered the United States as a lawful permanent resident in 1998, when he was 14 years old. He lawfully derived U.S. citizenship when his father became a naturalized citizen. He spent most of his time in immigration custody at the Buffalo Federal Detention Facility in New York. Because individuals in immigration proceedings are not provided court-appointed counsel, he appealed his case on his own to the Second Circuit before a federal judge appointed lawyers who, along with NIJC, finally convinced DHS to confirm that Mr. Watson's claim was accurate. He was released from detention but faced an additional two years of bureaucratic hurdles before the government would officially recognize that he was a citizen and allow him to work. Mr. Watson is suing for compensatory and punitive damages (<http://immigrantjustice.org/sites/immigrantjustice.org/files/Watson%20Complaint.pdf>) in the U.S. District Court for the Eastern District of New York.

"Holland & Knight is pleased to represent Mr. Watson in his struggle to obtain justice for having been illegally detained for well over three years by agents of U.S. Immigration and Customs Enforcement," said Holland & Knight LLP Partner Mark Flessner, co-counsel in the case. "It is scandalous that the immigration system in this great country is so broken that the government allows U.S. citizens to sit in immigration detention without due process." Mr. Watson's 42 months in immigration detention is estimated to have cost taxpayers more than \$200,000.

Download the complaint

(<http://immigrantjustice.org/sites/immigrantjustice.org/files/Watson%20Complaint.pdf>) (PDF)

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