



**BROOKLYN
DEFENDER
SERVICES**

TESTIMONY OF:

Clarence Threlkeld – Client, *BROOKLYN DEFENDER SERVICES*

Presented before

**The New York City Council Committees on Courts & Legal Services and Immigration
Oversight Hearing Evaluating Attorney Compliances with *Padilla v. Kentucky*
and Court Obstacles for Immigrants in Criminal and Summons Courts**

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Good morning ladies and gentlemen. My name is Clarence Threlkeld. My lawyer, Ms. Jessica Rofé from Brooklyn Defender Services, asked me if I would share my story with you today. I want to tell you about the confusion, sadness and hardship that my family and I experienced after Immigration authorities arrested me in the hallway of Brooklyn Criminal Court.

First, let me tell you about me. I was born in Colón, Panama in 1965. My mother is Panamanian. My father was an African-American serviceman stationed at Fort Davis in the Canal Zone. He was a U.S. citizen. After I was born, my father was transferred away from the Canal Zone to another post. There were some difficulties with paperwork and my mother was never able to join my father in the United States. Eventually my parents' relationship ended because they were separated.

Around 1982, my mother moved to the United States to reunite with her father and stepmother, and to give her five children a better life. When my mother left Panama, I missed her a lot. So she applied for my green card so I could join her. In 1983, when I was about 18 years old, I, too, moved to the United States as a lawful permanent resident. Here, in New York, I worked as a refrigerator and air conditioning repairman, as well as in construction. I also became father to five children of my own. My youngest daughter, Elizabeth, is only two years old. Elizabeth, her mother, Antoinette, and I live together in uptown Manhattan.

In the Spring of 2014, I was arrested in Brooklyn on Misdemeanor charges. On April 30, 2014, I went to Brooklyn Criminal Court for my second court appearance. Before court, my lawyer told me that her colleague was going to be there to stand on my case, because she was tied up on another matter. As I was walking down the hallway to enter the courtroom, I heard my name called, and assumed that it was the lawyer who would stand on my case that morning. Instead, it was two men in plain clothes. They stopped me and told me they had a warrant for my arrest. I asked them what the warrant was for, and they said it was an immigration warrant.

The two men took me to downtown Manhattan, first to 26 Federal Plaza and then to Varick Street. While I was at these facilities, I was scared and I felt really bad. I even cried – tears came out. The officers were asking me questions, and I couldn't even talk because of the way I felt. They told me they had a warrant for my arrest, they processed some paperwork, and then took me to Hudson County Correctional Center in New Jersey. I was detained in New Jersey for almost six months. I thought I was going to be deported back to Panama, where I don't really have a lot of family. I thought I wasn't going to see my kids anymore. I was really depressed.

I appeared before an Immigration Judge three times without a lawyer while I was detained. Immigration officials said I was deportable based on misdemeanor convictions. I told the judge that my father was a United States citizen in the hope that maybe I would be spared from deportation. I thought maybe that made me a citizen too. However, it was really difficult to fight my case alone and from detention. Eventually, in the middle of October, after over five months in detention, Ms. Jessica Rofé became my lawyer through the New York Immigrant Family Unity Project. The lawyer told Immigration officers that I had a citizenship claim through my father, and that I should never have been placed in detention. Three days later, I was released. The court and immigration listened to my lawyer because she could tell them about my father in a way I couldn't from jail. In September 2015 I won my immigration case. My case has been terminated with prejudice. In early October, I applied for a U.S. passport.

My courthouse arrest highlights many problems with immigration enforcement in New York City. First, Immigration officers arrested me before I could appear before the criminal judge. That judge ordered a bench warrant because he thought I hadn't shown up to court. Second, Immigration officers did not even take into consideration the evidence of my U.S. citizenship that was in my file before they decided to arrest me. And they continued to keep me in jail even after I told the judge I could be a citizen in June of 2014. Lastly, my arrest and the nearly six months I spent in immigration jail created chaos, confusion and sadness for me and my family. My mother put hundreds of dollars on my commissary while I was in detention so that I could make phone calls to my family and purchase clothing to stay warm. My mother visited me a few times and she brought Elizabeth with her once. However, I spent months without seeing my children.

I hope that the City Council considers making New York City courts a safe space for immigrants. I don't think that people should be scared to appear for an open case before a judge. An immigration arrest like the one I experienced creates problems in a person's criminal case. It

interrupts the court process. In addition, sometimes the arrest leads to really unfair consequences, like the nearly six-month I spent in immigration jail.

Thank you all for listening to me today. I hope you consider my story when thinking about the future of immigration enforcement in New York City. Thank you.