By KATILENE WARD

OAKDALE — Of the three arms of the Justice Department overseeing the detention of illegal aliens, the Executive Office for Immigration Review is by far the least developed.

The EOIR holds hearings to determine if the detainees have the right to stay in the United States.

Only one judge, Edwin R. Hughes, is hearing the pleas of the aliens when they get their day in court. Hughes said he presides over 45 to 50 hearings and motions each day. He has a support staff of two, a docket clerk and an interpreter who is also court clerk.

Two attorneys, Johnnie Duck and Kevin McHugh, have been appointed and should begin hearing cases in July and August. A Miami judge sent to the center as a temporary measure to help with the workload left because his mother died the day he got to Oakdale. He did not return.

Two lawyers represent the Immigration and Naturalization Service in proceedings against the aliens but according to a small group of volunteers with Ecumenical Immigration Services, few of the detainees are represented by attorneys at the hearings, which are held in seven small courtrooms at the center. The EIS is attempting to represent detainees who are seeking political asylum, but they are not taking any new cases and are facing a reorganization.

The American Civil Liberties Union unsuccessfully sued to prevent the center from being built in Oakdale because of the small number of attorneys and the town's distance from large cities, where legal associations and large firms might take on some detainees as pro bono — without cost to — clients.

“Of the things they are supposed to be provided with is a list of free legal services,” said Nancy Kelly, an attorney from Boston who is working for EIS.

“They have the right to legal services, but not to have the government pay for those legal services. The only cases we can handle are political asylum cases. We put a stop Tuesday of last week on those. We are completely overloaded,” she said.

Some pro bono work has been done at the center by local attorneys, but others have shown reluctance to represent detainees until they take a closer look at immigration law.

Attorney Perrell Fuselier said he expects to represent some of the detainees “as soon as I attend the immigration conference. I have been consulted but I haven’t done any work yet. Not much immigration law has been practiced in the state.”

Two-day seminar, held at the center June 27 and 28 for local attorneys, was sponsored by the Immigration Lawyer's Association, whose president, Jeri Flynn of Baton Rouge, has represented several detainees.

Fuselier said he and other Oakdale attorneys are willing to represent some of the detainees at no charge as part of their professional obligation to the community.

“All of us feel we will have to do some pro bono work, (but obviously) we can't handle 30 cases a month,” he said.

Oakdale City Court Judge John P. Navarre has represented 10 to 12 aliens in legal proceedings at the center, including two pro bono cases.

He described the operations of the center as “disorganized. They are very short of personnel. There is one judge and one clerk of court. She's not able to get the docket out until the day before and attorneys need to be able to schedule appointments well in advance.

Everything is recorded on tapes but they are not transcribed. They don’t have the personnel to transcribe the court minutes.” If a case is appealed the tape is sent to the Board of Immigration Appeals in Falls Church, Va., to be transcribed, Navarre said.

“I think they have been going a little bit fast. I know the judge is cognizant and he has been working long hours,” he said.

Navarre estimated that only 10 percent of the detainees could come up with the money for legal fees.

“The isolation is a factor. It is difficult for the people to get in touch with the lawyer or their family. They get discouraged and think they are in the middle of nowhere and that is the reality,” Kelly said.

Only nine attorneys are listed in the Oakdale telephone directory, including two from Alexandria, but Navarre said he feels that number will grow.

“The lawyers will come to where they can practice. The ones that can afford it are going to be represented, ” he said.

Often the representation is needed only at bond reduction hearings or when the detainee bonds out. Aliens are detained to prevent their jumping bail and not showing up for a hearing or if they pose a national security risk, according to the INS.

For those reasons, many of the detainees are single young men from Central America who probably will be sent back to their home countries at the expense of the U.S. taxpayers.

The center's detractors argue that the aliens could be booked and have their bond hearing in the city from which they were taken, where they may have friends and family or an employer who could help them through the legal process.

But the top INS official at the center, David Johnston, said, “This is an individual who evaded the law to get here. There is a strong probability that he won't show up for a hearing.

A bond hearing, which can be handled by telephone, usually is held in the first week of the alien's detention. If the detainee makes bond, he can return at his own expense to the town in which he was living to continue his efforts to stay in the U.S.

The minimum bond was fixed by Congress in 1917 — $500, which gives you an idea what they thought” because the bond was high by financial standards of that time, Johnston said.

The average bond is $2,000 to $3,000 but can go up to $1 million or more, with higher bonds assigned to detainees officials believe to be involved in drug smuggling, he said.

About 10 percent of the detainees have been arrested for crimes, Johnston said. “A great number of people we are dealing with do not give us the right same,” making a criminal history almost impossible to obtain.

Illegal staying in the U.S. after a visa expires or illegally entering the U.S., which is called entering without inspection, is not a criminal offense.

An effort to enact legislation that would make hiring illegal alien punishable by law is gaining momentum, he said.

Legislation was proposed years ago that would penalize employers of illegal aliens. The U.S. is the only major industrial nation without laws against hiring illegal aliens, according to the June 13, 1986, issue of Editorial Research Reports.

There is no conclusive evidence that illegal aliens take more jobs than they create, according to the report. Generally, the largest expense to the country is believed to be the public school education of their children, which usually are born in the U.S. and are therefore U.S. citizens.

The INS is not as likely to pick up a person who owns a home and has a permanent job and a family because of those ties to the community. Out of 712 aliens detained at the center June 24, only 74 were women.

Pregnant women have been detained at INS centers. Usually those detainees were picked up near the end of the first trimester, he said.

“I've had them run over (the border) when they are nine months pregnant to give birth to a U.S. citizen child, even though they know they will be sent back,” Johnston said.

To prevent aliens from giving birth to children here and applying for temporary residency based on the fact they are the parent of a U.S. citizen, only the applications of U.S. citizens who are 21 or older are considered for parents to become permanent residents.

“We have no place to keep children under custody. In rare cases when we are dealing with criminal cases the children are with some type of protectorate and they would remain there until they meet up with her at the airport,” Johnston said.
Waiting for immigration proceedings can make time pass slowly for aliens who sleep in cubicles with bars on exterior windows.

Facts about aliens

- The Oakdale facility is one of 10 alien detention centers in the U.S. The other centers are located in Miami, Boston, New York, El Paso, Houston, Port Isabelle and Laredo, Texas, El Centro, Calif., and Denver.
- The Oakdale facility is the only alien detention center operated by the Immigration and Naturalization Service and the Bureau of Prisons.
- 50 million immigrants have arrived in U.S. since 1820.
- Approximately 650,000 immigrants or refugees were admitted to U.S. in 1985.
- 46.4 percent of immigrants are from Asia, 36.8 percent from the Americas.
- Estimates of number of illegal aliens in U.S. range from 2 million to 12 million. The National Research Council estimates 2 million to 4 million.
- Approximately 1.8 million aliens will be picked up by the Immigration and Naturalization Service in 1986. One-third of that number crossed the borders, two-thirds were admitted to study, work or visit.
- The U.S. has 2,629 Border Patrol agents patrolling a border 1,936 miles long.
- 10 million foreigners visit the U.S. legally each year.
- 100,000 American citizens leave the U.S. each year to emigrate to Canada, Mexico, Great Britain and West Germany.
- 1.2 million legal immigrants left the U.S. during the 1970s.