Leon Wildes' Free Legal Services Help Save Pakistani Child's Life

Leon Wildes, former National President of Association of Immigration and Nationality Lawyers, may be credited for helping to save the life of a young Pakistani child.

The child, Shakila Razak, underwent open heart surgery at the Deborah Heart and Lung Center in Browns Mills, New Jersey to replace a heart valve damaged by rheumatic fever with a synthetic one. The operation saved her life and she has now returned to her native Pakistan where she will, hopefully, lead a full and healthy life.

The case came to the attention of the Deborah Heart Center, which learned that the ten-year-old girl was dying of a condition involving damaged valves in her heart and offered to perform, without charge, the open heart operation which would make it possible for her to live a normal life. The Salvation Army and Pakistan International Airlines offered to provide free transportation to New York for Shakila and an accompanying adult. Everything was set, until Shakila's father went to the U.S. Consulate at Karachi and applied for a temporary visa for his daughter. A Consular official denied the request, reportedly on the grounds that he feared the child would use the temporary visa as a way to obtain permanent residency in the Unted States. The denial was repeated on a number of occasions for a period of several months while the child's condition grew steadily worse.

Shakila's aunt, Joan Aziz, of Rego Park, New York, contacted Leon Wildes, and asked him to help in the case.

She had read about Wildes' work in behalf of former Beatle, John Lennon, and she figured that he would be the one to help Shakila. Wildes agreed to do it, and when he learned that the child could afford to pay no fees, offered his services without fee.

"I checked with Dr. Jay Eldridge, Chief of Pediatric Cardiology at the Deborah Hospital, and he told me that any delay in treatment could have tragic results," Wildes said. Wildes contacted the Consul, who felt that the condition was not quite that serious, and would not reconsider despite Wildes' argument that there were no doctors in Pakistan qualified to make the diagnosis. After confirming with the Visa Office of the U.S. Department of State, which found no error in the Consul's determination, Wildes explained that there was no legal means of reversing the Consul's decision in time to save the child's life. Instead, he assisted Mr. Razak to file a fifth preference petition in behalf of Shakila's father and, with the help of sympathetic INS adjudicators, obtained the approval of the petition and its immediate cabling to the Consulate in Karachi within a single day! Having extracted a promise from the Consul to expedite the issuance of immigrant visas, if he would not reverse his denial of the visitor's visa, Wildes succeeded in bringing Shakila and her father to the U.S.A. as immigrants in short order.

The Pediatrician who first examined Shakila (who also treats Wildes' children) stated that he had never heard as seriously defective a heart since his medical school days. Shakila was scheduled for open heart surgery but had to wait until she was strong enough to undergo the serious operation.

Private donations covered the cost of the surgery, estimated to be in excess of $35,000, while her father stayed in the same room with her at the hospital. The entire staff of the hospital joined him in expressing its joy when the operation proved to be a total and complete success. Her father, a widower,

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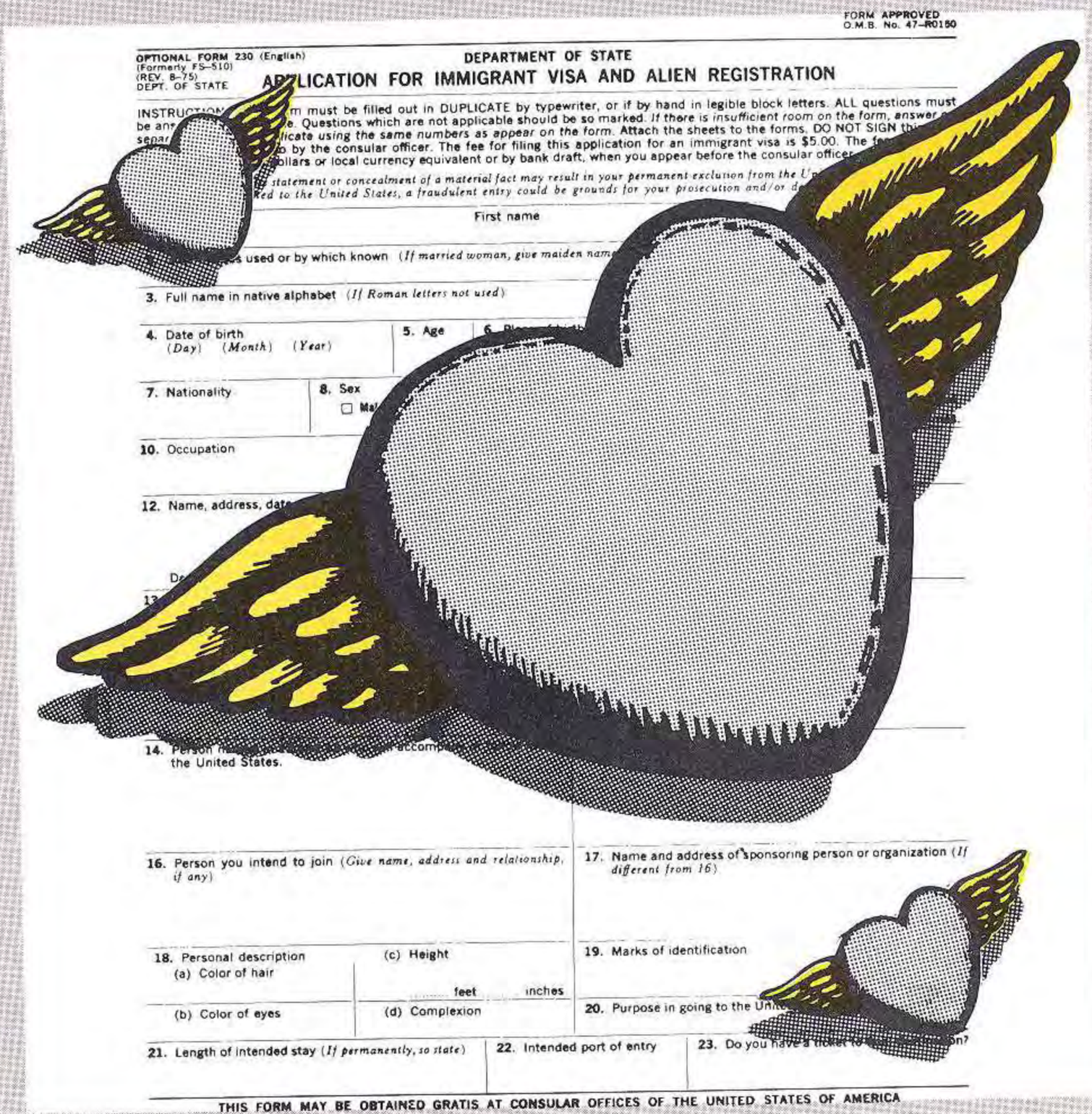

FORM APPROVED
O.M.B. No. 47-R0150

OPTIONAL FORM 230 (English)
(Formerly FS-510)
(REV. 8-75)
DEPT. OF STATE

DEPARTMENT OF STATE

APPLICATION FOR IMMIGRANT VISA AND ALIEN REGISTRATION

INSTRUCTIONS: ...m must be filled out in DUPLICATE by typewriter, or if by hand in legible block letters. ALL questions must be ans... Questions which are not applicable should be so marked. If there is insufficient room on the form, answer ... separ... ...licate using the same numbers as appear on the form. Attach the sheets to the forms. DO NOT SIGN th... ...o by the consular officer. The fee for filing this application for an immigrant visa is $5.00. The fe... ...ollars or local currency equivalent or by bank draft, when you appear before the consular officer. ...statement or concealment of a material fact may result in your permanent exclusion from the U... ...ed to the United States, a fraudulent entry could be grounds for your prosecution and/or d...

First name

...s used or by which known (If married woman, give maiden nam...

3. Full name in native alphabet (If Roman letters not used)

4. Date of birth (Day) (Month) (Year)

5. Age

6. Pl...

7. Nationality

8. Sex ☐ Ma...

10. Occupation

12. Name, address, dat...

De...

13...

14. Person ... accomp... the United States.

16. Person you intend to join (Give name, address and relationship, if any)

17. Name and address of sponsoring person or organization (If different from 16)

18. Personal description
(a) Color of hair
(b) Color of eyes
(c) Height ..... feet ..... inches
(d) Complexion

19. Marks of identification

20. Purpose in going to the Uni...

21. Length of intended stay (If permanently, so state)

22. Intended port of entry

23. Do you have a ... ...n?

THIS FORM MAY BE OBTAINED GRATIS AT CONSULAR OFFICES OF THE UNITED STATES OF AMERICA

Recent Rulings From The B.I.A.

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Castaneda-Delgado v. INS. 525 F.2d 1295 (7 Cir. 1975), the Board vacated the immigration judge's decision and remanded the record for a *de novo* hearing.

SOURCE: Digested by George S. Carter, Esquire, of Denver, Colorado.

Properly Exercised Right to Remain Silent Not A Negative Factor Militating Against Granting Relief

Matter of Robles, A22 271 162 — Chicago; Respondent's Attorney: Linda Yanez. Motion to Reopen and Release on Recognizance

Matter of Vasquez, A22 271 578 — Chicago, Motion to Reopen and Reduction in the Amount of Bond to $500.00. Bond proceedings pursuant to 8 CFR 242.2(b); BIA, March 2, 1979.

These were motions to reopen and appeals from decisions of an immigration judge granting reductions in bond from $4,000 set by the District Director to $1,500. The Board denied the motions, but sustained the appeals and reduced the bonds to $500.

Both respondents were illegal aliens who were apprehended at their places of employment by officers of the Immigration and Naturalization Service, and the District Director set their bonds at $4,000. Both asked for and were given bond redetermination hearings before an immigration judge who then reduced their bonds to $1,500.

Both respondents moved to reopen in order to submit an affidavit in which their counsel stated, *inter alia* that the immigration judge set their bonds too high because their refusal to answer questions had placed "an unnecessary burden on the Immigration and Naturalization Service."

The Board denied the Motions to Reopen because it determined that bond is necessary in these cases. Said the Board:

> "We have held that an alien should not be detained or required to post bond pending a determination of deportability unless there is a finding that he is a threat to national security or a poor bail risk. *See generally Matter of Patel*, Interim Decision 2491 (BIA 1976). In determining the necessity for and the amount of bond, such factors as stable employment history, length of residence in the community, the existence of family ties, a record of nonappearance at court proceedings, and previous criminal or immigration law violations are properly considered. *See Matter of Patel, supra; Matter of San Martin,* Interim Decision 2340 (BIA 1974), *Matter of Moise,* 12 I&N Dec. 102 (BIA 1967) ; *Matter of S-Y-L, 9 I&N Dec. 575 (BIA 1962)."*

In both cases the Board found that respondents were not threats to national security. It believed, however, that bonds were necessary because both aliens were poor bail risks, but that $500 bonds were sufficient to insure that respondents would be present for their hearings.

In their appeals, both respondents contended that the immigration judge's decision violated their right to remain silent and that the adverse inference drawn from their silence denied them their right to counsel.

The Board answered both respondents' contentions in identical terms:

> "We do not find that the immigration judge's decision infringed the respondent's right to remain silent, which is in essence her Fifth Amendment right against compulsory self-incrimination. We agree with the immigration judge's conclusion that the District Director was justified in setting bond at $4,000. The immigration judge found that the District Director knew that the respondent was an alien illegally in the United States. The adverse inference drawn by the District Director from the respondent's refusal to provide information that she was not a bond risk was permissible. *Cf. United States ex rel. Bilokumsky v. Todd,* 263 U.S. 149 (1923); *Matter of Peng,* 11 I&N Dec., 213 (BIA 1965); *Matter of Bulos,* Interim Decision 2436(BIA 1976); *Matter of Gonzales,* Interim Decision 2536 (BIA 1976). Further, as discussed above, the record supports the immigration judge's determination that bond is a reasonable and necessary measure in this case. However, where in bond proceedings an individual has properly exercised his right to remain silent, an immigration judge should not consider that as a negative factor militating against granting relief. But neither must he, in the face of the alien's silence, presume the alien has community ties or considerations that would tend to offset whatever evidence there is that the respondent is either a security threat or a poor bail risk."

In interesting and identical footnotes, the board articulated the right to remain silent as follows:

> "We believe that a respondent may properly refuse to answer questions until he has had a reasonable opportunity to consult with counsel and, thereafter, where his answers would tend to incriminate him with respect to a criminal offense. A respondent has no right to refuse to testify on the ground that his answers would establish his deportability. Indeed, a respondent may be compelled to testify at his hearing. Section 242(b) of the Act. 8 U.S.C. 1252(b), provides 'a special inquiry officer shall... interrogate, examine, and cross-examine the alien or witnesses...' *See also* 8 U.S.C. 235(a), 287(a)(1), and 287(b), *Chavez-Raya v. INS,* 519 F.2d 397 (7 Cir. 1975); *Laqui v. INS,* 422 F.2d 807 (7 Cir. 1970); *U.S. ex rel. Bilokumsky v. Todd, supra."*

The Board denied the Motions to Reopen, sustained the appeals from the immigration judges's determination setting bond at $1,500 and reduced the amounts of both respondents' bonds to $500.

SOURCE: Digested by George S. Carter, Esquire, of Denver, Colorado.

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Leon Wildes' Free Legal Services Help Save Pakistani Child's Life

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has no other children.

Shakila, whose original claim was that she only intended to visit here for the purpose of the operation, has returned to her native Pakistan with her father as originally planned.

Her departure had a bitter-sweet effect upon all of the people whose lives this lovely young girl touched. Wildes' children visited her on several occasions and brought her gifts to take back with her to Pakistan when she left. Before leaving, Wildes dealt with the even thornier problem of obtaining special permission from the Indian and Pakistani governments to permit her to travel to India where the closest qualified cardiologist is located, in the event that there should be any future complications of her medical condition. "I practically had to embarrass each government into permitting the appropriate documentation to be issued and chided each of them to overcome its political animosity to help this beautiful child if she should need any emergency treatment."

Wildes receives an occasional letter from Shakila. She misses the United States terribly, especially all of the friends that she made when she was here.

The Association of Immigration and Nationality Lawyers is proud of the *pro bono* work of its distinguished members.