

College student detained for non-citizenship status allowed to post bail

By GERRIANNE JONES

CHULA VISTA, Calif. --On a city bus from Chula Vista to work Monday morning, April 26, Shigeru Yamada was flabbergasted when Border Patrol agents boarded the bus, asked him for his citizenship, pulled him off and detained him for being an illegal immigrant with an outdated visa.

Five days later, on April 30, Yamada, a 22-year-old citizen of Japan, was permitted to post \$1,500 bail as a special case, earlier than scheduled. A Southwestern Community College student and graduate of Eastlake High School in Chula Vista, Yamada has been living in the United States since 1992 when he migrated with his family at the age of 10.

Originally granted a 90 day visitors visa, Yamada said his mother was in the process of renewing the visa. But 3 years later, in 1995, while engaged to an American citizen, she died in a car accident. Yamada is no longer in contact with his father.

Yamada's aunt and uncle claimed custody of Yamada and his two sisters and began the adoption process. However, three months prior to him turning 18, his aunt "declined to put her signature on paper," the final loophole of finalizing the adoption. Although his uncle signed, Yamada said his aunt refused to because of a dispute with his oldest sister.

"By that time, it was too late to get adopted by someone else," said Yamada, who became a legal adult on March 26, 2000.

Yamada's two sisters weren't directly affected by their aunt's not signing the adoption paper. His oldest sister, Reiko Yamada Lamb, 21, who lives in Bakersfield, is married to a U.S. citizen and currently in the process of filing for permanent residency.

She blames their aunt for preventing Yamada from becoming a citizen or obtaining residency. Yamada's 14 year-old sister, Yuka Yamada Mico, was adopted by another family member last year.

Despite all obstacles, Yamada's determination hasn't dwindled. Ever since he turned 18, Yamada, who wrestled and played football at Eastlake High School and coached football and wrestling for two years, has "been pursuing some kind of status." He tried to get a student visa and a work permit, but each time he was denied.

Even before his arrest, upon learning of Yamada's predicament, local Congressman Bob Filner, D-Chula Vista, sponsored a "private relief bill" last year to grant Yamada citizenship based on the premises that he is a good citizen with no criminal history. In addition to fighting for the passage of the bill, Congressmen Filner has insisted on a humanitarian waiver from the Bureau of Immigration and Customs Enforcement.

"This is a travesty of justice that calls for an immediate humanitarian solution," said Filner. "Yamada has no family in Japan-no ties to the country! He does not even speak Japanese!"

Congressman Filner became involved when Yamada contacted a lawyer to start the legalization process, and his teachers at Eastlake connected him with Filner

As the U.S. Immigration and Customs Enforcement is currently seeking to have Yamada deported, Yamada will almost certainly be deported unless Filner's bill is approved, said his lawyer, Gail Dulay. "Private bills are legislation that affects just the one person's case and they are rarely introduced in Congress and very rarely approved."

"We have explored every option and that is his only hope," said Dulay.

A federal immigration judge will make the final decision of whether or not Yamada will be granted stay. His first hearing is scheduled for June 15, 2004.

If the private bill is not approved, Yamada's other last string may possibly be The Dream Act, which was reintroduced on July 31, 2003. Initially sponsored by Senator Orrin Hatch in 2001, The Dream Act, if passed, would grant Yamada permanent residency on the basis that he entered the U.S. prior to his birthday, has been present at least 5 years, is a graduate of a California high school, and is a person of good moral character.

But the time constraint inflicted upon Yamada is "overwhelming. It could take up to a few months," said Yamada, who along with Congressman Filner, is trying to convince Immigration to postpone the hearings to give them more time to push the private bill and The Dream Act.

"It's a scary thought," said Yamada of being sent back to Japan. "I wouldn't even know where to go."

Having recently found himself in the limelight, showered by media attention, Yamada continues to live as normal of a life as possible, still finding time to coach a softball team at East Lake High School and attend classes at Southwestern Community College.