Post Deportation Project Participates in Major Court Victory

Prof. Daniel Kanstroom and Human Rights Fellow Jessica Chicco of the Post Deportation Project were involved in a landmark ruling by the New York Court of Appeals (the highest appellate court in New York). In the case of *People v. Ventura*, the highest New York court has ruled that lower courts were wrong to dismiss direct appeals as of right solely because the appellants had been deported.  As Prof. Kanstroom notes.

“This is an issue of tremendous importance around the country as the Obama Administration continues to ratchet up deportations of long term residents, many with deep family connections here, for what are often very minor criminal convictions. It solidifies the important principle that the rule of law does not end once a person is physically deported.”

The Boston College Post Deportation Human Rights Project, together with the Immigrant Defense Project, had filed an amicus brief that explained some of the consequences of such rulings and the problems they had raised. The case involved defendants who had been involuntarily removed from the U.S. due to deportation while they were appealing criminal convictions. The Court held that their situation lacked the “scornful or contemptuous traits that compel courts to dismiss appeals filed by those who elude criminal proceedings.” Rather, said the Court, they, and other similarly situated defendants, “*have a greater need to avail themselves of the appellate process in light of the tremendous ramifications of deportation*.”

The Court’s opinion may be found at :

http://www.newyorklawjournal.com/CaseDecisionNY.jsp?id=1202520145413&The\_People\_ampc\_v\_Carlos\_Ventura\_Index\_161&slreturn=1