

MONMOUTH MUNICIPAL COURTS ADDRESS IMMIGRATION CONCERNS

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"Adaptability" was the theme of the Monmouth Vicinage Municipal Division's Annual April Advance; Immigration Concerns was the key topic as these courts are increasingly challenged with the complex diversity brought about by the ever changing population.



Michael Wildes, Esquire of the law firm Wildes & Weinberg, New York NY, a preeminent immigration law firm, spoke in-depth on the immigration laws. Mr. Wildes greeted the forum with: "We all come from immigrants, unless we are descendants of the Native American Indians."

Immigration law is a system of laws passed by Congress and implemented by numerous federal agencies that govern the movement of foreign nationals in the United States. It regulates their rights and the grounds for removal, eligibility to visit, and authorization to work in our country. Mr. Wildes described the various types of visas, literally from A to Z, and what would constitute an immigrant versus a non-immigrant and an alien versus an illegal alien.

Anti-discrimination laws and the Immigration Act of 1990 were discussed as they pertain to various grounds for removal or deportation of a non-citizen. With the implementation of the Anti-terrorism Act and the Illegal Immigration Reform, it is now possible that even long term legal residents with family members that are citizens of the United States could be deported as a result of actions taken in the Municipal Courts. The time periods that these individuals would not be allowed back in the county can vary up to indefinitely. For this reason, it is imperative that judges afford all non-citizens the opportunity to consult with counsel prior to appearing for trial or entry of guilty pleas in court.

Clarification regarding the jurisdiction of the NJ Motor Vehicle Commission and the State and local police was discussed. These agencies are not responsible for immigration and should not be primarily pre-occupied with an individual's legal or residential status; instead, focus should be on the infractions and the corresponding actions that should be taken. The Attorney General's Initiative has now restricted police officers to investigate those persons who have been arrested and no longer permits review of immigration status as policy. This initiative has offered state-wide uniformity regarding procedure and has resulted in removal of illegal aliens that have posed a threat to our society.

Ethnic and cultural competency and understanding on the part of the municipal courts is essential in dispensing fair and just resolution for all individuals that appear in our courts. For that reason, all the municipal courts should have telephonic interpreting or have access to an interpreter to assist these individuals with their court appearances; sanctions placed on non-citizens should not bear undue burdens, but instead, support our laws, our Mission Statement, and reflect fair and appropriate punishment for each infraction.