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# Queens auto mechanic declared citizen after four years locked up in immigration detention

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BY ERICA PEARSON / NEW YORK DAILY NEWS

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ANDREW SCHWARTZ/FOR NEW YORK DAILY NEWS

Gerald Nwozuzu has been declared a U.S. citizen, ending four years in immigration detention and the threat of deportation.

A Queens man who spent more than four years locked up in immigration detention was a U.S. citizen all along, judges decided this week.

Rosedale auto mechanic Gerald Nwozuzu, 36, who pleaded guilty to gun possession in 2002, was facing deportation because of his criminal record — but his lawyers successfully argued the Nigerian-born Nwozuzu actually became a citizen in 1994.

"I always had faith. Sometimes you feel like you want to give up, because of the hardship," said Nwozuzu. "But you're not only fighting for yourself, you're fighting for your wife, your family, your parents."

Judges at Manhattan's U.S. Court of Appeals for the Second Circuit parsed legal phrasing to rule Monday that Nwozuzu, who was "residing permanently" in New York as a boy when his parents became U.S. citizens, became an automatic American when they gave their oath — even though he didn't have a green card making him a "permanent resident."

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The statute at the time automatically granted citizenship to kids when their parents naturalized, as long as they were under 18 and either had a green card or began to "reside permanently in the United States while under the age of eighteen years."

The feds and the Board of Immigration Appeals both initially interpreted the phrase to mean Nwozuzu actually had to have a green card in order to "reside permanently."

The appeals court judges on Monday decided that Congress, when they wrote the 1993 law, only intended that kids must be living in the U.S. with citizen parents to get this benefit.

Judge Denny Chin wrote the judges "would favor this reading in any event because it furthers the intent of Congress to keep families intact where possible."

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In 2000, lawmakers changed the statute's wording to eliminate the "reside permanently" phrase, but the earlier law applies to Nwozuzu — and Monday's ruling may impact thousands of others in a similar situation, according to his lawyers, Theodore Cox and Joshua Bardavid.

"An opportunity like this, where the moon and stars have to be lined up, it's crazy. I just was like, it's not only for me. A lot of people have been in this same situation," said Nwozuzu. "I fell into a loophole that I couldn't have imagined. One little word, could change up the whole sentence."

Nwozuzu first came to the U.S. with his international student parents when he was a toddler. His mom and dad both secured green cards and became U.S. citizens in 1994, when Nwozuzu was 17. As a boy, Nwozuzu never got a green card himself — he had an appointment but didn't go because of a school conflict, according to legal papers.

"At the end of the day, everything is paperwork. But I was raised in this country since I was three years old," said Nwozuzu.

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The wording dispute first kept Nwozuzu from returning to New York for three years after visiting his sick grandma in Nigeria as a teen because officials wouldn't let him back into the U.S.

Then the feds moved to deport him after his gun plea, which landed him probation but no jail time.

Immigration officials, however, detained him in 2005 and he spent 18 months in a York County, PA detention center fighting deportation. He was freed in 2006 but when the Board of Immigration Appeals sided against him four years later, he had to turn himself in again for detention and spent 31 months in Monmouth County, NJ.

His wife Bianca, a financial manager, spent nearly every weekend visiting him. The two toasted his win Monday with glasses of champagne.

"I still have so much catching up to do," said Nwozuzu. "I found a way out to be back with my family. It was