

U.S. CITIZEN AFTER ALL

Miles City woman gives oath of citizenship in Helena after ICE tries to deport her

By Shane Castle

Over the past several months, state immigration officials have been trying to deport a 75-year-old Miles City woman who, as it turns out, was an American citizen all along.

Andrea Carlson, who lived in Great Britain until coming to Montana in 2008, took her oath of allegiance in federal court in Helena on February 22.

When Judge Sam E. Haddon finished swearing her in, she cried and said, "Thank you, your honor. It's good to be home."

Carlson's father was an American serviceman stationed in the Great Britain during World War II. He was married to Carlson's mother and acknowledged paternity by putting his name on her birth certificate, but he left them shortly after her birth. Carlson said she never realized she had a claim to citizenship — that is, until Immigration and Customs Enforcement started deportation proceedings against her and she hired local immigration attorney Shahid Haque-Hausrath.

When Carlson told Haque-Hausrath her father was an American serviceman, he started wondering if she might be a U.S. citizen. After reviewing her documentation, he realized she met the criteria. So he filed with the court to stop the deportation.

Haque-Hausrath and ICE attorneys duked it out in a series of rebuttals, with ICE going so far at one point to claim Carlson was the product of an illegitimate marriage.

"That was a nasty thing to say. My mother wasn't a loose woman. She wasn't a prostitute. She was married to this man and I had proof and for them to make out that she wasn't, that she was a different kind of person, that hurt," Carlson said.

ICE attorneys argued that Carlson's father, Joseph DeCosta, had been married previously. However, they didn't provide any evidence that he was still married to



Photo by Shane Castle

After giving her oath of allegiance in federal court in Helena, an ecstatic Andrea Carlson shows the court clerk a picture of her and her mother. Carlson lives in Miles City with her husband, Richard Carlson (pictured), and was recently almost deported until her attorney, Helena's Shahid Haque-Hausrath, discovered that she has always had a valid claim to U.S. citizenship.

this other woman when he married Carlson's mother.

Haque-Hausrath said it wouldn't have mattered anyway. Bigamy might be illegal, but it doesn't negate paternity.

An immigration judge didn't buy ICE's argument in the end and determined Carlson had sufficient proof of citizenship.

This comes at a time when ICE faces increased scrutiny because of leaked documents that suggest the agency pads its stats by targeting people who live in the U.S. illegally but don't otherwise commit crimes — in other words, by inverting its own priorities.

ICE did not appeal the immigration judge's ruling.