

# THOMAS HARDIMAN ON IMMIGRATION

## Highlights:

- Thomas Hardiman issued extreme right-wing judicial decisions related to immigration.
  - Hardiman ruled that a woman who gave her sister refuge from a Guatemalan gang had to be deported.
  - Hardiman ruled that immigrants in the U.S. under Temporary Protected Status could not apply for green cards if they had entered the country illegally.

## Hardiman Issued Extreme Right-Wing Judicial Decisions Related To Immigration

### **HARDIMAN RULED THAT A WOMAN WHO GAVE HER SISTER REFUGE FROM A GUATEMALAN GANG HAD TO BE DEPORTED**

**Hardiman's Third Circuit Court Ruled That "A Woman Marked For Death By A Guatemalan Gang Can Stay In New Jersey, But The Sister Who Gave Her Refuge Will Be Deported."** According to the Daily News, "A court says a woman marked for death by a Guatemalan gang can stay in New Jersey, but the sister who gave her refuge will be deported. Silvia Moreno Garcia, 30, testified in her homeland against members of the vicious gang Valle del Sol, who were on trial for murdering an activist. Her turn on the stand put her in such danger the Guatemalan government enrolled her in witness protection and sent her to Mexico, court papers show. But it wasn't enough: Garcia said she saw one of the killers in the Mexico City subway, and got threatening phone calls while there. So in 2005, she fled over the border - all the way to northern New Jersey, home of her older sister, Claudia Moreno Garcia. Before long, federal Immigration and Customs Enforcement officials flagged both women and moved to deport them. The sisters have been fighting to stay ever since, saying the gang will torture or kill them if they return to Guatemala." [Daily News, 11/30/11]

**Hardiman's Panel Ruled A Guatemalan Woman Be Deported Despite Threats Posed By Guatemalan Gang Valle Del Sol.** According to the Daily News, "On Monday, the Third Circuit Court of Appeals in Philadelphia ruled Silvia - but not Claudia - should stay. 'Although the Guatemalan government displayed great willingness to protect Silvia before and after her testimony ... this willingness sheds no light on Guatemala's ability to protect her,' wrote Judge Thomas Hardiman. 'There is nothing in the record to suggest that Guatemala will be any better able to protect Silvia if she is returned there now.' Hardiman said Claudia, 34, who lived in the U.S. for years before taking in her sister, has to go. 'Unlike Silvia, Claudia's interactions with Valle del Sol were quite limited,' he wrote." [Daily News, 11/30/11]

- **Hardiman Ruled The Woman Could Not Sufficiently Prove The Danger She Faced From The Gang If She Returned To Guatemala.** According to the Daily News, "The sisters' lawyer, Rosa Soy, maintains that gang leaders threatened the entire family and that Claudia also faces danger. The sisters' trouble with Valle del Sol began after a cousin married a gang honcho. The cousin allegedly made calls from Silvia's home to help plot the assassination of a human rights activist. Guatemalan investigators traced the calls to Silvia, who agreed to help them and testified in court wearing a disguise and a bulletproof vest. The cousin, who was convicted and put in prison, found out that Silvia helped put her away. The sisters say the cousin is out to get them both, but Hardiman said only one of them can prove it." [Daily News, 11/30/11]

### **HARDIMAN RULED THAT IMMIGRANTS IN THE U.S. UNDER TEMPORARY PROTECTED STATUS COULD NOT APPLY FOR GREEN CARDS IF THEY HAD ENTERED THE COUNTRY ILLEGALLY**

**The U.S. Supreme Court Ruled That Immigrants Allowed To Stay In The U.S. Under Temporary Protected Status Could Not Apply For Green Card Status If They Had Entered The Country Unlawfully.** According to the New York Times, "The Supreme Court ruled unanimously on Monday that immigrants allowed to stay in the United States temporarily for humanitarian reasons may not apply for green cards if they had entered the country unlawfully. The case, *Sanchez v.*

Mayorkas, No. 20-315, could affect tens of thousands of immigrants. It was brought by Jose Sanchez and Sonia Gonzalez, natives of El Salvador who entered the United States unlawfully in the late 1990s.” [New York Times, [6/7/21](#)]

**On The Third Circuit Court Of Appeals, Hardiman Ruled That Immigrants In The United States Under Temporary Protected Status Could Not Apply For Green Cards If They Had Entered The Country Illegally.** According to the New York Times, “The United States Court of Appeals for the Third Circuit, in Philadelphia, ruled against them, saying they were ineligible under a part of the immigration laws that requires applicants to have been ‘inspected and admitted’ into the United States. Temporary protected status, Judge Thomas M. Hardiman wrote for the unanimous three-judge panel, ‘does not constitute an admission.’ ‘As its name suggests,’ he wrote, ‘this protection is meant to be temporary.’” [New York Times, [6/7/21](#)]