

MY FAMILY IS ALL I HAVE

Creswell man faces deportation stemming from charges since dismissed

Servando Lomeli Ramirez came to the U.S. illegally in 1991 when he was 16. He has been living in an average house on an average street in Creswell, a home decorated with family pictures and motivational sayings on the wall.

But the 43-year-old millworker's life is no longer average.

Lomeli is now being held by Immigration and Customs Enforcement in Tacoma, Washington. He faces deportation for illegal reentry after a crime he says he didn't commit and that is no longer on his record.

His wife, Damyhana Lomeli, speaks to Servando daily via collect calls from ICE's detention center. He speaks mostly Spanish in a hushed voice. "I am fighting for my family," Servando Lomeli says. "My kids, my wife and my pets are all I have."

In 2002, more than a decade after his arrival in the U.S., Servando Lomeli was deported by ICE for a crime that was later removed from his record. Lomeli says he reentered to take care of his oldest son, who was neglected by his mother, Lomeli's ex-girlfriend. He is the sole provider for a family of four and has not had any run-ins with local law enforcement since that incident.

Lomeli was also held by ICE in 2013 and 2016 but was not deported because of the circumstances of his case and because his presence is so important to his family.

In a handwritten letter from 2013, Servando Lomeli's eldest son, who was 13 at the time and is autistic, pleads for his dad to be released from ICE custody. In the letter, his son writes about how he misses his dad and needs him to take care of their family. He writes, "For the first time since I was a little kid my life finally seemed normal like everybody else's."

The son writes, "Why does a piece of paper got to ruin my life! I am very scared and confused and want my dad. He is the only one who takes care of me and I need him here."

During the same detention, Lomeli's younger son wrote, "I miss my dad very much. I cry for him every night. I am scared."

Lomeli's original deportation stemmed from an incident in 2001. His ex called the Springfield Police Department and said he had physically abused her. He was arrested and charged with two counts of felony assault.

Servando Lomeli says he slapped his ex once after she slashed at him twice with a knife. He says the argument ensued after he came home from work to find his infant child neglected and the mother on drugs.

The accuser and a friend of hers who was present say he struck his ex as she defended herself with a knife. Each also alleges that there was a history of abuse, though no previous charges exist.

Though Servando maintains his innocence, he took the advice of his court-appointed lawyer and pleaded guilty. After serving time in jail, he was deported in 2002. A failed border-crossing attempt followed, after which he reentered the United States illegally in 2003 because, he says, he was worried about the health and safety of his son.

ICE provided a statement to the family that said there was nothing wrong with his 2002 deportation and that the agency will continue with deportation proceedings.



PHOTO: COURTESY LOMELI FAMILY

'It's a sympathetic case because he's a good man and doesn't deserve anything that happened to him.'

— RAQUEL HECHT, IMMIGRATION ATTORNEY

Eugene-based immigration attorney Raquel Hecht has been working with Servando Lomeli since 2013. "I don't agree that there's no defect," she says of the case. "He is eligible for relief that he didn't get."

She adds, "It's a sympathetic case because he's a good man and doesn't deserve anything that happened to him. He should have the chance to argue his case to a judge."

ICE spokesperson Rose Richeson tells *Eugene Weekly* that Lomeli is a priority for removal because of his previous deportation. The Executive Office of Immigration Review did not respond to further questions about the specifics of his case.

Sen. Ron Wyden's office tells *EW* that it contacted ICE after Lomeli's family asked for help getting answers from federal authorities. "The office continues to monitor the case to ensure he is treated fairly," Wyden's office re-

ported. Sen. Jeff Merkley's office confirms it has been in contact with ICE as well.

Lomeli returned to the U.S. in 2003 after police responded to a call that his son, who was three at the time and living with Lomeli's ex, was wandering around the neighborhood wearing only a diaper.

According to the officer's report, when police entered the house they observed "clothes, shoes, beer bottles, cigarettes, dirt, old food, and bugs" on the floor. As they were speaking with the mother, the officers saw the child "walk to the kitchen and start to eat old, rotten food off of the floor."

The officers stopped the child several times from eating the rotten food.

According to the police report, Lomeli's ex admitted to smoking methamphetamine when the child is in the house. The child entered state custody following the arrest of the mother.

The 2002 charges against Servando Lomeli were dismissed and his guilty plea was vacated by a Lane County Circuit Court judge in 2016.

The attorney who helped Servando get the charges dismissed is Richard Brissenden, a municipal judge in Florence. Brissenden has been on the Lane County Domestic Violence Council for 17 years and has worked on domestic violence case for nearly 30 years.

Brissenden says the conviction was vacated because there was insufficient evidence, and because Lomeli was not properly represented by his public defender.

Statements from Lomeli's immigration case file describe him as a dedicated and beloved father. Servando got full legal custody of his eldest son in 2009 and of his younger son in 2011.

When Servando was detained in 2013, the special education teacher for his younger son at Douglas Gardens Elementary in Springfield wrote a letter describing Servando as an engaged father helping his son work through behavioral issues.

In the statement, Rachele Depner points to the growth of Lomeli's younger son during his time in Lomeli's care. "Servando's support has been an asset in helping [his son] make progress in behavior and academics," she writes.

Lomeli's longtime employer vouches for him as well. "Servando has worked for us for more than 20 years" she says. She asked to only provide her last name, Parmenter, to protect her company. "It's inhumane to take him away from his kids and family that depend on him."

Parmenter says that during the two decades she has known Lomeli, he has been a reliable worker and dedicated father.

"It needs to be out there how much immigrants contribute," Parmenter says.

Damyhana Lomeli verges on tears whenever she talks about her husband and her fears of his being deported. She has struggled herself with legal problems, health issues and addiction. "I'm no angel," she admits.

Servando Lomeli has been the one stable and reliable thing in their family's lives. "He saved me," she says. "He's always tried to get me to do the right thing."

"I am so scared right now," Damyhana Lomeli says. "I have no idea what we will do without him." ■