

Because U.S. Erred in '90, Bronx Resident Becomes a Man Without a Country

By Kirk Semple

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Abdo Hizam says he has always tried to be a good American. Born in 1980 in a small village in Yemen to a Yemeni-American father, Mr. Hizam received an American passport through a law that provides citizenship to the children of Americans.

He moved to Dearborn, Mich., when he was 9 to live with his grandparents and embraced his new world. He gave up his Yemeni citizenship. He graduated from high school and earned a business degree at a local college. He worked for years at a local restaurant, and he opened a small grocery store. Throughout, he rooted passionately for the Detroit Lions.

But last year, his life was suddenly upended. The State Department told him that he had received his citizenship in error in 1990. The mistake had been no fault of his or his parents, officials said, but rather a bureaucratic blunder by the government.

Still, the State Department said it could not fix the mistake. Officials said the law left them with only one option: They revoked his passport and effectively stripped Mr. Hizam of his nationality, plunging him into an extraordinary stateless limbo.

Mr. Hizam, who is living in the Bronx, has filed a lawsuit against the government, demanding that it affirm his citizenship and reissue his passport.

"I feel betrayed," he said during a recent interview in a conference room at the New York University School of Law, where he is being represented by members of the Immigrant Rights Clinic.

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"You try to live your life a certain way and you try to abide by the rules," he continued. "I devoted my life here, and it's all I am. And then I have it taken away."

Federal officials said they were prohibited from commenting on cases under litigation.

But Mr. Hizam's lawyer, Nancy Morawetz, a professor of clinical law at N.Y.U., said Mr. Hizam appeared to have been a victim of an inflexible and sclerotic immigration bureaucracy.

“It’s certainly a scary power that the State Department is asserting here,” she said. “The fact that the State Department can go back and ask these questions when somebody has, from childhood, been a U.S. citizen is very frightening.”

Mr. Hizam was born in a poor village with no phones and limited electricity, a six-hour drive from Yemen’s capital, Sana. At the time, his father, who had been born in Yemen and had received naturalized American citizenship, worked on an assembly line at a Chrysler plant in Michigan. His mother was living in Yemen.

In 1990, Mr. Hizam recalled, his maternal grandparents, who also lived in Michigan, visited Yemen. When they left, they took him with them. “They said, you’re going to get on an airplane,” Mr. Hizam recalled. He was soon en route to the United States.

He quickly found his place among the large Arab-American population in Dearborn and became assimilated into American life. Over the next two decades, he traveled back and forth to Yemen several times and the American government renewed his passport twice.

On one of those trips, in 2002, he wed a young Yemeni woman in an arranged marriage. They now have two children.

“My plan was to get that 9-to-5, be out of debt, be financially stable enough to bring my wife and kids and live my life here,” he said. “I’m trying to get ‘the picket fence.’ Everything you get drilled into your head, I’m trying to live it.”

In 2009, like his father two decades earlier, Mr. Hizam applied for citizenship for his two children and wife so they could join him in the United States.

But after several weeks of delays, a consular official in Sana told him that the United States authorities had discovered a problem in his file: His father apparently had not satisfied the requirements for conveying citizenship to him two decades earlier.

According to the laws at the time, Mr. Hizam’s father could transmit citizenship to him if he could show that he had lived in the United States for at least 10 years before his child’s birth.

Mr. Hizam’s father, it appeared, had filed his paperwork with the correct dates delineating his time in the United States, but that time apparently added up to less than eight years, according to court documents. State Department officials approved the citizenship anyway.

In a letter to Mr. Hizam last year explaining the problem, a State Department official made it clear that there was no evidence of wrongdoing on the part of Mr. Hizam’s family.

“There is no indication that your father fraudulently obtained citizenship documentation for you,” the official said, according to court papers. The documentation had been granted “due to department error,” said the letter, dated last April 18.

A letter 10 days later from another State Department official explained that because Mr. Hizam’s father had not satisfied the presence requirement, “there is no evidence that you lawfully acquired U.S. citizenship.” As a result, the letter said, the government was forced by law to revoke Mr. Hizam’s citizenship documents.

His father's citizenship was not affected, Mr. Hizam said.

Soon after, Mr. Hizam surrendered his passport to federal officials. "I was in complete shock," he said. "Losing my status meant losing my whole future, which is here."

Ms. Morawetz contends that the revocation was doubly unjust because had his father's application been rejected in 1990, Mr. Hizam could have obtained citizenship by other legal means.

Federal officials said that revocations of citizenship rarely happened, and that when they did, they usually happened in cases of fraud. Several immigration lawyers said they had never heard of a similar case in which citizenship was rescinded because of an apparent bureaucratic error decades earlier.

Meanwhile, Mr. Hizam has fallen into a strange legal void.

While the government has not yet moved to deport him, Mr. Hizam cannot return to Yemen to see his wife and children, because of his uncertain citizenship status. He currently lives with three of his brothers, whose citizenship is unchallenged; they operate a deli and 99-cent store.

"You're here as a U.S. citizen and all of a sudden you're not," he said, shaking his head. "Technically, I don't exist on paper."

Theo Emery contributed reporting.

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