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Cuban National Released From ICE Custody In Significant Immigration Win



"I'm not a bad person," says Heriberto Cabrera, 56, a Cuban national, who was released from Immigration and Customs Enforcement ("ICE") custody on Friday afternoon in Hartford. (Patrick Raycraft / Hartford Courant)



By **Kathleen McWilliams** · **Contact Reporter**

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A Cuban national who was detained by immigration authorities for two months, was released Friday afternoon, in what his attorney is calling a significant win.

Heriberto Cabrera, 56, was taken into custody in November by **Immigration and Customs Enforcement** during his yearly check in with the agency. Since then, he has been held at two federal prisons in Massachusetts.

“It’s a win-win for everyone,” his lawyer Dana Bucin, of Murtha Cullina LLP, said. “Of course, for our client because he can be with his family. And for taxpayers who don’t have to pay for his detention. We’re really thrilled that ICE released him.”

Cabrera has lived in the United States since 1980 when he came to Florida on a boat from Havana with his mother and two of his sisters. He moved to Connecticut in 2004 and has resided in **Hartford** since.

When Cabrera went to check in with immigration in November, he was taken into custody because he has a criminal record.

Cabrera has been clean for 21 years and has kept a clean criminal record since that time.

In 1991, Cabrera was issued a deportation order, but during yearly check ins with ICE was allowed to stay in the country.

“His criminal record subjects him to mandatory detention,” Bucin said. “Until this year, the United States wasn’t in the business of deporting people to Cuba for obvious reasons — it’s an oppressive regime and we don’t have diplomatic relations.”

This year, because of executive orders signed by President **Donald J. Trump**, deportation

orders, and especially those attached to individuals with criminal records, are being strictly enforced, Bucin said.

For Cabrera, the legal situation was especially tricky to navigate. United States immigration officials tried to deport him while he was detained, but Cuba would not accept the request. Cuba does not have to accept deportees from the United States.

“ICE tried to get Cuba to take him and they were unsuccessful,” she said. “He could have been stuck in detention because they want to deport him, but they cannot deport him.”

Bucin said she and the American Civil Liberties Union and Immigrant Protection Project, who have been helping with Cabrera’s case, had prepared to file a federal habeas corpus petition — a measure that would allow a federal judge to decide whether his detention was constitutionally legal.

“He has served his time and I am glad we managed to negotiate with ICE before going to court,” Bucin said. “In other cases, they’re sticklers. In this case they were willing to comply with the law.”

Cabrera said he regrets his criminal conviction and started his life over in Hartford. He has been working and paying taxes since he got clean and was preparing to buy a house to live in with his U.S. citizen wife and two step sons when he was taken into custody two months ago.

“When I came here, I wanted to be a police officer,” he said. “I wanted to be somebody. People who know me, know I am a good person. ICE doesn’t look at the 21 years clean. They don’t look at 21 years of paying taxes.”

For now, Cabrera has been fitted with an ankle monitor and has to appear for weekly check ins with ICE.

While Bucin looks for every legal avenue to allow him to stay, Cabrera said he’s hoping to resume both his job at Homegoods and his responsibilities caring for his mother, a U.S. citizen who was diagnosed with Alzheimer’s.

“I’ll just start over,” he said, wiping away a tear.

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