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DIVIDED BY IMMIGRATION POLICY

By John Leland
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The outpouring was intense this summer when President Obama announced that his administration would temporarily stop deporting many illegal immigrants who came to the United States as children. On Aug. 15, thousands of young immigrants flooded churches and community centers to apply for deferral.

Then, for many, came the hard news that they were not eligible.

Now, friends, siblings and spouses who for years shared the same precarious status find themselves on opposite sides of a divide, one preparing for lawful work or access to student loans, the other bracing for the tap of an immigration official.

Mr. Obama ordered the policy change using his executive authority, after legislation he supported known as the Dream Act – which would have given legal status to young immigrants – stalled in Congress. The new policy applies to immigrants 30 and under who came to the United States before they turned 16, and who meet other conditions; it allows them to work and avoid deportation for two years, but with no green cards or path to citizenship. As many as 1.7 million people could be eligible, according to the Pew Hispanic Center, a nonpartisan research organization; another 2.7 million illegal immigrants age 30 and under are not covered.

In some cases, the difference between being eligible for work or deportation is just a couple of months.

That difference divides people like Nelly and Alex Cruz, siblings who came from Honduras six years ago without their parents. Mr. Cruz, who was 12 then, may now be able to begin a new life, free from the fears that have hung over him; but his sister was 18 when they came. For Ms. Cruz, who has been under a final order of removal since 2010, the threat is real – in its first three years, the Obama administration deported 1.1 million illegal immigrants, more than any presidential administration since the 1950s.

It also divides Boni and Gilda, a married couple who are raising their son, David, in East Harlem. Boni, who is 28, is eligible; but Gilda is 32, which makes her two years too old for deferral. She is afraid of being deported – picked up in a raid and separated from her son or husband. The couple asked to be identified only by their first names for fear of calling attention to her status.

And Yohan Garcia and Monica Sibri, college students who met as volunteers in Mayor Michael R. Bloomberg's office. After graduation, Mr. Garcia, who is eligible for deferred action, wants to go into politics; but Ms. Sibri, who came from Ecuador two months after her 16th birthday, said she would have to leave the country "because there's nothing else I can do without my papers."

All six had stories about life as an illegal immigrant and the changes that the new policy will or will not make in their lives. Mr. Garcia said he began his journey in this country with a gun pointed at his head; the Cruz siblings said they began theirs in the custody of border patrols in Texas. None has any certainty about how long the reprieve, which is hotly contested by many Republicans, might last.

The Siblings

The first hurdle, said Alex Cruz, 18, was getting here. On a recent afternoon, Mr. Cruz unwound after work in the small walk-up apartment in Borough Park, Brooklyn, that he shares with his sister Nelly, her boyfriend, the couple's 2-month-old baby and the boyfriend's brother. A mattress was tipped on its side to create space for a living room. Ms. Cruz, 24, dandled the baby, Brandon, and offered juice. She looked sleepless. The elevated D train rumbled by.

Six years ago, when street gangs and a lack of opportunity drove the siblings out of Choluteca, Honduras, they boarded a series of buses that took them through Mexico to the Rio Grande, she said. All through Mexico, Ms. Cruz feared she might be raped; it had happened to friends who had crossed illegally, she said. "We just kind of made our way," Mr. Cruz said. At the border, they said, they joined a large group to swim across the river, carrying only what they could hold in their pockets.

Almost immediately after they emerged from the river, they were picked up by the United States Border Patrol and taken to a holding facility in Hidalgo, Tex. – cold and terrified in an unfamiliar country where they did not speak the language, they said.

"It was worse than being in jail," Ms. Cruz said in Spanish, her brother acting as interpreter. "You couldn't tell if it was day or night. The space was little, and it was cold. People entered and left, kids, women. They say that this country is for opportunities, but in reality, you find your own opportunities. It's really hard."

Border agents bused some of the Mexicans back across the border immediately, they said. But for the Cruz siblings, the agents began formal removal proceedings, assigned them a court date and allowed them to continue by bus to New York, where their mother was living legally as an immigrant of temporary protected status, which allowed her to work but not to sponsor family members.

She sent them to a man they knew only as Father Bob, who helped them petition for asylum. From 2006 to 2010, Father Bob – Robert Vitaglione, a driven priest who represented tens of thousands of immigrants in court, acting in lieu of a lawyer, until the court barred him last year because of some glaring mistakes – pleaded their case, but in 2010, the court ordered them to be deported. They were buying time, but it was running out.

In the meantime, their mother moved them to Goshen, Ind., where she had found a job in a factory. Mr. Cruz went to high school and made new friends, but as an illegal immigrant, he felt a distance between himself and his classmates. "You start to see that you don't have papers in high school," he said. "Most of your friends get their drivers' licenses, and I didn't. They start getting jobs, and I didn't."

For the first time, the siblings split up. Ms. Cruz, who was too old for high school, returned to New York, where work was easier without papers, and got a job in a recycling center for cellphone parts, earning \$5 or \$6 an hour, below minimum wage.

"They take advantage of us because we are Latinos," she said, meaning because they are illegal immigrants. When Mr. Cruz finished high school this spring, he returned to New York to join his sister. He, too, wanted to work, and that was not possible in Goshen.

Had they been legal, he said, they would have all stayed together in Indiana, where the cost of living is lower. But he needed to earn money for college. In Brooklyn, he found work delivering fish, at \$10 an hour.

When he heard about Mr. Obama's program, he said, he was both surprised and ecstatic. The program expands an earlier order to allow what is called prosecutorial discretion for illegal immigrants who have not committed crimes, and to focus "resources on individuals who pose a danger to national security or a risk to public safety, including immigrants convicted of crimes, recent border crossers and repeat immigration law offenders," said Peter Boogaard, a spokesman for the Homeland Security Department. Such discretion does not include a work permit, however. For Mr. Cruz, the deferral means a chance to continue his education, an opportunity that no one in his family has had, he said. "I will quit my job, apply for a loan and go to college." One study, by the New York Immigration Coalition, an immigrant advocacy group, found that a legal work permit increases income by about 40 percent.

But as the program's details came out, the siblings realized that Ms. Cruz was not eligible. For her, the policy offers no protection.

Their situation is common, said Allan Wernick, director of Citizenship Now!, an immigrant legal assistance program at the City University of New York. "Everybody who is eligible knows someone who isn't, whether a friend or a family member," he said. "We're getting a lot of inquiries from people hoping it's flexible, but it's not flexible."

Now, Ms. Cruz said, they might be split up again, this time through the president's program. When her brother gets papers, she said, she will be the only one without them, and living under a deportation order.

"When the day comes that Immigration comes to find me, I won't know what to do with my kid, to leave him or take him," she said. "He was born here. It's not his fault that his mother is an immigrant." Her boyfriend, who came illegally from Mexico at age 18, is in the same situation.

A senior immigration official said her defiance of the final removal order would weigh against her in consideration of prosecutorial discretion, but that her child would be considered a factor in her favor, because deporting her would cause a hardship to an American citizen. The uncertainty worried her.

"Before, I had a lot of dreams, but now I don't know," she said. "Before, I would like to become a teacher or a stockbroker. Before, I didn't know how the system works in this country, but now that I know, it's really hard. Those were just my dreams."

If she were deported, would her brother follow her back to Honduras? He thought about it. "No," he said, sheepishly. "There's nothing there. But I would help her."

She turned to him. "At least for two years he will be safe," she said. "But not me."

The Friends

They met at the Mayor's Office of Adult Education, volunteering because they were ineligible for paid internships or jobs. Neither knew the other's immigration status. "I never wanted to ask Monica," said Yohan Garcia, 25, "but I was guessing she was one."

For Monica Sibri, 20, immigration status was never something she talked about. "I didn't think it was necessary," she said. Then one day, some of her friends started saying that illegal immigrants did not belong here, she said. Ms. Sibri listened but did not say anything at first, absorbing her friends' comments like a blow. "I realized this was something that was keeping us apart," she said. "I opened myself to them. I said, 'Listen, this is me.' "

A spokeswoman for Mayor Bloomberg said that by executive order, city employees do not ask people about their immigration status. Volunteer work does not require work authorization.

The two friends are alike in many ways: They are ambitious, serious and drawn to political discussions on Facebook. Both are in college, studying political science – Mr. Garcia at Hunter College, Ms. Sibri at the College of Staten Island. Mr. Garcia came from Mexico at 15, through what he said was a harrowing seven-day hike across the Arizona desert, during which his group was robbed at gunpoint. Ms. Sibri said she was 16, and still a sheltered private-school student, when she came from Ecuador in a crossing that she described as "like a vacation for us." Both struggled to learn English. Both thought they were the only person they knew without papers.

But the difference in their ages when they immigrated – he at 15, she at 16 – means a sharp distinction in the way they approach their futures now.

Ms. Sibri first heard about the president's deferred-action program through Mr. Garcia, who wrote about it on his Facebook page. They started asking each other questions, mainly about immigration policy. She was thrilled by the news. She was volunteering at both the mayor's office and a pharmacy, while her parents paid for her education – her mother by cleaning houses, her father by working in the kitchen of an Italian restaurant. With work authorization under the program, she could contribute to the family expenses.

"The first thing I did was tell my parents about it," she said. "They were excited. Then we realized it didn't apply." She had entered the United States too late. The news was crushing, she said. "Sometimes the only thing that relieves the pain is to cry."

For Mr. Garcia, who is still gathering documents for his application, the new law may allow him to pursue jobs now closed to him, he said. He had gotten offers from the mayor's office, the labor union Local 32BJ and City Councilman Ydanis Rodriguez, but had to decline them all because of his status. Instead, he worked the overnight shift at a 24-hour bagel shop in Williamsburg, Brooklyn.

"When I got offered a job at 32BJ and couldn't take it because of my immigration status, I felt like crying," he said. "I thought, no matter what I do, I was never going to get one of these job opportunities. Even though you were volunteering, giving your time, the city or the state or the country wasn't giving you anything back. You were just a number on the side that didn't count." But now, he said, all that has changed. "Deferred action is going to make us feel we're a part of society."

For Ms. Sibri, though, the law's limits seemed arbitrary.

"A politician on the news said the people who come after they turn 16 are capable of understanding what they're doing. I didn't know. That little detail about the age really bothers me."

The painful part, she said, comes when she thinks about life after graduation. Without a deferral, she will not be eligible for lawful work. So she has come to a hard decision. Her only future, she said, was to return to Ecuador.

"I told my parents, and they're absolutely not happy about it," she said. "They spent a lot of money thinking they're going to give me a better future here. I'm really scared of what I'm going to do over there, because I'll be starting at zero."

The Married Couple

Boni and Gilda came to New York separately from the same town in Puebla, Mexico. When they met again at a party here, she was surprised, Gilda said. Boni, four years her junior, had been so young the last time she saw him back in Puebla. On a recent morning, in the office of a neighbor from East Harlem, she laughed thinking of their first meeting. "I remembered him much smaller," she said through an interpreter.

He worked in a restaurant kitchen; she worked at a jewelry factory. They started dating and married, and she gave birth to their son, David, six years ago. In recent years, Boni has started paying taxes, in hopes that some form of amnesty will become available.

They spoke uneasily of their status under the new policy.

When it was first announced, both thought they were ineligible. Gilda, 32, was too old; Boni did not think he had the proper documents – a common problem for many immigrants, especially from rural areas, said Chung-Wha Hong, executive director of the New York Immigration Coalition. She added, "We're hearing more and more about scammers trying to take advantage of these people," she said.

A neighbor who works at the coalition told Boni how he could apply using affidavits to prove his dates of residence.

"It's going to open a lot of doors," he said. "I always wanted to open a business, but because of the papers situation, I always think I'm not going to be able to do it. But if I qualify and can get this, it's going to be more easy for me to one day open a business or start going back to school, apply for some financial aid. Or prepare for something in life."

In Mexico, he had stopped his education after middle school, when school was no longer free. In New York, he finished high school but could not afford college. Now, he said, that might be possible.

"We both wish we could be eligible for deferred action," he said. "One of us is living in fear; we're still in fear that we'll be separated."

For Gilda, all focus now is on raising her son. David plays soccer and takes swimming lessons, and recently took a test to qualify for gifted and talented programs, missing by three points. "We'll try again," Boni said.

"I am afraid of being separated, hearing about raids, in case there's a raid in the workplace," Gilda said. "I think about my child, and what it would be for us to get

separated. Or what if they get me while I'm with my child? My husband says not to worry, but it's something I'm afraid of."

And if Gilda is arrested by immigration officers, what would they do then? It was too much to think about, she said.

"We haven't had that conversation," she said. "It's a scary thing."