



Deportation fears return for some Llers after ruling on Obama immigration plan

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In the 15 years since Jose Garcia crossed the border into the United States as a teenager, he made a life for himself on Long Island that he doesn't want to give up.

The Port Washington resident graduated from high school and learned English. He attended two years of community college while holding down jobs and started a landscaping company that now employs five others.

But status as a legal resident remained elusive for the Guatemala native, 32, who is among those known as Dreamers -- immigrants who came to the United States illegally as minors. He missed out on a 2012 reprieve because by then he was too old to be eligible.

Now, his chance of being shielded from deportation is in peril after a federal judge in Texas on Monday stopped implementation of President Barack Obama's immigration orders.

"There's loss of hope," he said.

Without documentation, Garcia explained, he can't apply for student loans to pursue the horticulture degree he wants to improve his business. He can't own property. Even his company has to be in someone else's name.

"I love this country, but at the same time these are legal issues that stop you from dreaming bigger," he said.

Government officials sometimes "want to hold people accountable for something bad that they did," Garcia continued, referring to immigrants living here illegally who commit crimes. "But for everyone who's done something wrong here, there are a hundred others just waiting for an opportunity."

An estimated 32,000 immigrants in Nassau and Suffolk counties -- 42 percent of unauthorized immigrants on Long Island -- were left in the lurch by the Texas judge's action, according to the Migration Policy Institute, a nonpartisan think tank in Washington, D.C.

That number rises to 290,000 people for the region that includes Long Island, New York City and Westchester County, and about 5.2 million nationally. Those who would have qualified have to wait out the twists and turns of what could be a protracted legal battle.

Trading legal challenges

The rejection of Obama's push for lawful presence, which would award immigrants work permits, giving them a chance to obtain driver's licenses and to work on the books, delays the full integration of that population into the labor force and civic life, advocates said. Those who oppose deportation relief, and believe Obama overreached with his executive order, think the judge's decision hit the nail on the head.

Many immigrants, like Garcia, were preparing to apply for deportation relief. Under the Obama order, Wednesday was to be the first day that immigrants who came to this country before their 16th birthday could file applications.

Then, U.S. District Court Judge Andrew S. Hanen, in a ruling Monday, responded to a suit filed by Texas and 25 other states -- not including New York -- against the programs' rollout. He affirmed that the states have standing to oppose costly federal mandates and argued that the administration also did not follow proper procedures in notifying the public of rule changes. His preliminary injunction halted the application process while the suit moves forward.

The administration promised to challenge the order in the Fifth U.S. Circuit Court of Appeals in New Orleans, and the White House said it would seek a stay of the order as early as Monday.

"We think that this is a timeout, a bump in the road, in the fight toward comprehensive immigration reform," said Debbie Smith, associate counsel with the Service Employees International Union, one of the groups supporting the president's approach. "It's not the end of the game."

The bulk of those affected were expected to come from a new relief program for parents of U.S. citizens and legal residents who were being exempted from deportation. The window for those applications was to open in May.

Differing routes to reform

Adalid Suárez, 42, and three of his children were preparing to apply under programs for Dreamers and older immigrants alike. He also has two children born in the United States.

They went for guidance to the Latino advocacy group Make the Road New York in Brentwood on Tuesday and learned the programs had been stopped.

"I was filled with sadness," said Suárez, a native of Honduras who works as a carpenter.

His son Moisés, 15, a student at Ralph G. Reed Middle School in Central Islip, was disappointed. "I felt like mad and depressed because, you know, we were getting papers and didn't have to be scared anymore," he said.

The decision has been a source of frustration for advocates who celebrated with immigrants in November when Obama announced his plans.

"Every time they take a baby step to immigration reform, these useless, meritless obstacles are thrown in the way," said Maryann Sinclair Slutsky, director of Long Island Wins, an immigrant advocacy group based at The College at Old Westbury. "It's demoralizing a whole community."

"The main reaction we are hearing is a lot of anger," said Patrick Young, program director of the Central American Refugee Center, a nonprofit in Hempstead and Brentwood.

People who believe deportations should not be deferred say immigrants here illegally shouldn't have gotten their hopes up after skirting the law.

"There was never any expectation when they came here illegally that their violation of the law would be rewarded," said Ira Mehlman, spokesman for the Federation for American Immigration Reform, a group in Washington, D.C., that seeks reduced immigration levels and strict enforcement. "This was a purely political decision on the part of the president, and so far it has not passed judicial muster."

Barrett Psareas, an enforcement proponent who is vice president of the Nassau County Civic Association, said, "In my analysis, this is way positive and, in general, it's the judicial process working."

Those on both sides of the issue have argued that the Obama programs affect the economy: Opponents say local taxpayers would pay for increased costs, from issuing driver's licenses to funding the education of children. Immigrant allies, meanwhile, say those who get work permits will get better jobs and pay more taxes.

"Both the pro- and anti-immigration advocates are right to an extent," said Alex Nowrasteh, an immigration policy analyst with the Cato Institute, a libertarian research group in Washington, D.C. "Over the course of an immigrant's life, most of them are able to pay enough taxes to cover what they consume in government benefits. But it's crucial to take a look at their entire life because of the way government benefits are handed out."

Opportunity 'falls apart'

For immigrants already here, the debate is about opportunity. Many say they only want a chance to prove their value.

Lucrecia Muñoz, 43, thought this was the year her life would be set on a new course.

Muñoz, a Westbury resident who came illegally from Mexico 17 years ago and has a 4-year-old daughter, had gone through a checklist to apply as a parent of a U.S. citizen. That part of the Obama order was expected to take effect in May.

She ordered a new Mexican passport to satisfy ID requirements. She secured a birth certificate to prove that her daughter, Nelli, was born on Long Island. She gathered photocopies of tax forms going back 10 years to show that she and her husband have been voluntarily paying income taxes. She saved the money she earns cleaning houses to pay the application fees.

Her anticipation has turned to anxiety, even as advocates are encouraging immigrants to stay optimistic.

"I feel a bit sad, and at the same time very worried, because I don't know what could happen," Muñoz said in Spanish. "It's not fair that we are always given hope and when something is about to happen it falls apart."