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Georgia Legislator's Wife Battles Deportation Order

By BRENDA GOODMAN

ATLANTA, Dec. 1 — The wife of a Georgia legislator known for his strong support of immigrants' rights is in hiding after federal agents came to their home on Tuesday with an order to deport her to her native Colombia, her lawyer said.

In a written statement issued on Wednesday, State Senator Curt Thompson, 37, a Democrat, said his wife, Sascha Herrera, 28, missed an immigration-related court hearing in February 2005. Mr. Thompson said notices about an asylum application that had been mistakenly filed on her behalf had been sent to the wrong address, causing her to miss the hearing.

Because Ms. Herrera did not appear in court, a federal judge issued a deportation order in February 2005, Charles H. Kuck, Ms. Herrera's immigration lawyer, said on Friday.

Mr. Kuck said Mr. Thompson told him that his wife was not at the couple's home when Immigration and Customs Enforcement agents arrived on Tuesday to take her into custody. Mr. Kuck would say only that Ms. Herrera was in a safe place.

"We're making an arrangement, we hope, for her to come in Monday morning," Mr. Kuck said, adding that he would try to persuade an immigration judge to reopen Ms. Herrera's case.

It is usually difficult to get an immigration case reopened, several experts said.

Advocates of immigrants' rights say Ms. Herrera's situation is another indication of how byzantine is the system for applying for legal residency in this country.

"It's a very, very onerous system," said State Senator Sam Zamarripa, a Democrat who was the first Hispanic elected to the Georgia Senate. "If the wife of a state senator can't handle it, how can we expect people who are working in our labor force to handle the bureaucracy?"

"This is going to take a U.S. congressman or a senator to step in," Mr. Zamarripa said. "To say, let's wait a minute. Let's think about this. This is a good person who deserves to be in this country."

Marc Raimondi, a spokesman for Immigration and Customs Enforcement in Washington, said he could not comment on the specifics of Ms. Herrera's case. Generally, Mr. Raimondi said, "People who are here legally are very, very careful about their immigration status." Of the couple's claims of ignorance about the notices, he said, "It sounds like a lot of song and dance."

In his statement, Mr. Thompson also said his wife was the victim of an unscrupulous "notario." In some Spanish-speaking countries, a "notario publico" is a highly regarded lawyer with special power to negotiate with the government. In the United States, however, a "notario" is often a notary public with no special expertise in immigration law. Some notaries, however, advertise themselves within Latino communities and take advantage of the similarity between the two titles to charge high fees to file immigration paperwork with the government.

Mr. Kuck said Ms. Herrera originally paid \$1,300 to the notary, whom he identified as Tomas Vilela, to help her file paperwork to extend her visitor's visa so she could take classes at Kennesaw State University, just north of Atlanta.

Mr. Vilela recommended that she apply for asylum, Mr. Kuck said, and had her sign the last page of an application. But after she received an F-1 student visa, for which university officials had helped her apply, Ms. Herrera instructed Mr. Vilela not to file the application, Mr. Kuck said.

Mr. Kuck said that Mr. Vilela filed the forms anyway, and that because the paperwork listed the address of his business, all subsequent letters from immigration officials were sent there, not to Ms. Herrera's home. Mr. Thompson's statement said the notary did not forward the letters to Ms. Herrera.

She did not know about the filing and never received notices about the hearing, Mr. Kuck said, adding that the deportation order "hit the couple completely out of the blue."

Mr. Vilela did not return several messages left at his office.

Though Ms. Herrera was in the country legally on the student visa, once she missed the date for the asylum hearing and the deportation order was issued, "it trumped all other legal status," Mr. Kuck said.

Mr. Thompson represents parts of DeKalb and Gwinnett Counties, in a district where about one in four residents is foreign born.

The Atlanta Journal-Constitution quoted him as saying that he asked immigration officials about Ms. Herrera's status before their marriage in April 2006 — more than a year after the deportation order was issued — and was told that she was in the country legally. Because her husband is a United States citizen, after their marriage, Ms. Herrera also applied for an adjustment of her status to become a permanent resident and obtain a green card. But the approval process is lengthy, Mr. Kuck said.

If she is deported, Ms. Herrera could be barred from re-entering the United States for 10 years, Mr. Kuck said, "so we have to work with extreme speed to try to fix this."