

# Immigration law means a borderline existence for U.S. wife of Mexican

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COLUMN ONE

Because Evaristo Suarez twice entered this country illegally, he must wait 10 years before he can apply to legally return. His wife, Heather, and three children wait with him amid Tijuana's perils.

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Stuck in Tijuana traffic, Heather Suarez fixes her strawberry blond hair, applies her makeup and listens to country music on the car radio. This morning, she sings along.

*Life ain't always beautiful You think you're on your way And it's just a dead end road at the end of the day. But the struggles make you*

*stronger And the changes make you wise And happiness has its own way of takin' its sweet time.*

For Heather, 29, every day is a struggle. The native of rural Kentucky didn't know how drastically her life would change after she fell in love and married Evaristo Suarez, an illegal immigrant.

The couple assumed that Evaristo, 30, would be eligible for a green card once they got married and that they would raise their family near her hometown. But because he had crossed into the United States illegally more than once, he was denied a visa and must wait 10 years before reapplying to return legally.

So six months ago, Heather and their three young children moved from Kentucky to Tijuana to reunite with Evaristo, who had been living in Mexico since being denied his visa in 2006.

"Even though everybody said all these bad things about Tijuana, Tijuana was my dream to have my family back together again," she said.

But now, Heather said, 2016 seems a long time away.

During her two-hour commute across the border to work in San Diego, she passes women selling *pan dulce* and tamales. She smells the exhaust seeping through the windows. She checks the radio traffic report. But her thoughts always return to the family's decision to live south of the border. Was it the best choice for her children?

She fears the escalating drug wars and violence in Tijuana -- the kidnappings, slayings and shootouts. She wonders about the quality of education her children will receive in Mexican schools. She thinks about whether her family will have enough money to pay for rent, food and gas.

"Our lives have been completely flipped upside down," Heather said. "I am still torn, kind of living in limbo, not really knowing what is the right thing to do for my kids. I want them to be with their father, of course, but I want them to have a good education too."

It is "painfully common" for illegal immigrants to think they are going back to Mexico for a quick trip to get a visa but then realize they are stuck there for 10 years, said San Diego immigration attorney Kathrin Mautino. Sometimes, she said, they will cross illegally again and risk being caught and facing even harsher penalties.

But if immigrants want to follow the law, families -- often including U.S. spouses and children -- are left with two difficult choices: Live apart or move to Mexico. Mautino said she knows of a few U.S. citizen spouses who have made the same decision as Heather Suarez, but more choose not to move because of concerns about safety, education, medical care or finances.

"If they want to do things right under the law as it exists today, this is what they have to do," Mautino said. "If they do sneak back into the country and they are successful, they are sentenced to life in the shadows."

*Heather and Evaristo met in Kentucky through a friend years ago. At the time, she spoke little Spanish and he spoke little English. Using a Spanish-English dictionary to help them communicate, he told her about growing up on a ranch in Mexico with eight siblings. She told him about her childhood, much of it clouded by an alcoholic father.*

"I felt such a strong connection with him," she said. "He genuinely wanted to take care of me."

On Christmas Eve 2002, Evaristo asked Heather's parents for her hand. They married early the next year.

At first, Evaristo didn't want his wife to petition for his green card because he didn't want her family to think he was marrying her for immigration papers. But she insisted, saying that she wanted him to be able to earn better wages and more respect.

"I wanted it to be easier for him," she said. "I didn't want him to have to struggle and feel that he didn't have rights."

Once she learned they would have to travel to Ciudad Juarez for Evaristo's visa interview, she spent months planning and preparing. She consulted attorneys and researched what

paperwork they would need. She packed a black rolling suitcase full of documents -- wedding photos, rent receipts, tax returns and letters of support.

Heather thought they would have to prove only that their marriage was legitimate.

"We can pass that easy, flying colors," she said. "Apparently that was not the case."

When the couple arrived at the consulate on June 1, 2006, Heather was turned away at the door and told to wait across the street with their children. She got scared. She overheard other spouses talk about cases being denied.

When Evaristo finally emerged, he was in a daze.

"I didn't get it," he said, handing her a paper with two check marks showing that his visa had been denied. "Why?" she asked, stunned.

Because U.S. immigration records showed that he had illegally entered the country more than once, he was ineligible. He would have to wait 10 years before he could apply to reenter.

Back at the hotel, Heather collapsed on the floor in tears.

"They were taking my whole life, all my dreams, right there," she said. "All we wanted to do was to make it right and to come out of hiding. . . . It is like we are being punished for doing the right thing."

The morning after, the couple made a plan. Evaristo would take a bus to his parents' house in Sinaloa and find construction work. Heather would drive home to Kentucky with the children and return to her accounting job. Both would try to find a workable solution.

Heather wrote letters to members of Congress, to President Bush, to Oprah Winfrey, pleading for help. She talked to attorneys. She chatted online with women in similar situations. No one gave her any reason to hope.

So she changed her strategy. They each would save money and build a small concrete house on his parents' land in Sinaloa and they would live there together.

Heather bought a van and packed her and her children's lives in the back: clothes, toys, microwave, television, computer, air conditioner. On her way, she hit a blizzard, the car overheated and the engine failed. Heather spent the rest of her savings, \$2,200, on another car, and they drove into Mexico.

"We were back together," she said. "I had done what I needed to do. We were on our way."

Evaristo was thrilled to see his wife and children again, but he felt guilty. He fled Mexico when he was 16 to search for a better life. Now, his U.S.-born children would be living in poverty and attending Mexican schools.

"They are going to live the same life I lived," he said. "What opportunities are they going to have?"

While in Sinaloa, Evaristo earned about \$90 a week working in construction, enough to buy food, milk and diapers but not much else. Heather washed their clothes on a washboard and helped her in-laws around the ranch with the chickens and the cleaning. But a few months later, Evaristo's job ended. He couldn't find more work, so he headed to Chihuahua to follow a lead on another job.

Heather didn't want to stay in Sinaloa without her husband, so reluctantly she drove back to Kentucky with the children. She moved in with her sister and got her accounting job back. She started saving again, this time for an attorney.

But it didn't help.

"Things are starting to sink in . . . that the bar is for 10 years and that there is nothing that can be done about it," she said.

That was when she and Evaristo decided to move to Tijuana. It was their chance, she believed, to be together while they looked for another solution. They all met there in November. By January, Heather was working in accounting at Petco in San Diego. Evaristo looked for work too, but it paid much less. They didn't have child care so they decided Evaristo would watch the children and take the oldest, Nicolas, to school.

Having worked all his life, Evaristo said he feels bad that Heather is supporting the family. He is embarrassed what neighbors must think of him when he is at the grocery store or the park during the day. "She's my wife. They're my babies," he said. "I want to take care of them the best I can. . . . I feel like I am not doing my job."

A few minutes after 5 on a Tuesday night, Heather walked out of the sleek Petco building in San Diego and climbed into her 1994 Oldsmobile.

"I'm just going to stop and get some gas," she said to her husband over a two-way radio. "I love you and I'll see you in a little bit."

More than an hour and a half later, Heather crossed back into Tijuana, walked up the concrete steps into her apartment past a clothesline of drying laundry and greeted her children one by one. Sadie, 4, and Diego, 3, were watching a SpongeBob cartoon in Spanish. Nicolas, 9, was crouching over his math book.

"Did you do your homework?" Heather asked Nicolas.

"I don't have school tomorrow," he said. "I don't have school till June."

"That is the first I'm hearing of it," she said to Evaristo.

Evaristo told his wife that Nicolas' classes were canceled for the rest of the week. The teacher sent home a note, but it didn't give a clear explanation. Heather doesn't understand how a school can just close for three days or why her son attends classes only four hours a day.

Heather wants Nicolas and his siblings to attend school in San Diego, but she can't establish residency there to get him enrolled. And they can't afford two households on just her income.

After dinner, the family walked down the street to a small park surrounded by a chain-link fence. Sadie shrieked when Heather, still wearing her nice slacks and high heels, pushed her on a rusty swing. Nicolas later raced his siblings across the playground.

In the sandbox, Diego made a pile of sand. "I'm making a castle," he said proudly to his mother.

When the family first arrived in Tijuana, they looked for apartments in nearby neighborhoods, including one where 13 people were killed in a shootout in April.

They settled on a \$300-per-month place in east Tijuana, and until Heather found work, they slept on makeshift mattresses made of clothes. Their landlord gave them a refrigerator, a stove and a table. They recently bought a TV, but they don't turn on the news while the children are awake.

They rarely venture into central Tijuana, limiting their outings to the playground and the local Wal-Mart.

"I'm worried for their safety, for my safety, even for my husband's safety," Heather said.

Here, just a block from their apartment, Heather said she feels comfortable -- at least until night. That's when the sirens start and fear sets in.

Just after 8 p.m., Heather noticed the sunlight fading.

"It's time to go. Come on, it's getting dark," she said, as the family walked home.