

Deportation case against Salvadoran woman criticized as ‘overkill’

By [Encarnacion Pyle](#) The Columbus Dispatch • Wednesday September 10, 2014 5:26 AM

Marinela Martinez-Magana’s parents risked everything to send her and her two sisters to the United States without them 10 years ago, after her father received death threats in their native El Salvador.

Now, Martinez-Magana, 27, is fighting to remain in Columbus with her longtime partner, Neri Diaz, 34, and their three U.S.-born children: Alan, 8, Matthew, 3, and Vanessa, 1. They live near Easton Town Center in a home the couple bought two years ago.

But unless something is done soon, Martinez-Magana will be deported back to El Salvador.

The process started in August when she went to Minerva Park mayor’s court to pay a traffic ticket and was arrested by immigration agents.

“I don’t want to leave my adopted country,” she said yesterday in Spanish while crying. “We have nothing in El Salvador, and what kind of life can I give my children in a country ravaged by violence and gang activity?”

Things might be better for Martinez-Magana, immigration advocates say, if President Barack Obama hadn’t decided over the weekend to delay taking executive action on immigration reform.

If Obama had gone forward with immigration changes, it was expected to remove the threat of deportation for some of the 11 million undocumented immigrants living in the United States.

The lack of action on immigration reform has “created a disaster with a very real and devastating human toll, particularly on American children who are being impacted by the loss of a parent by the tens of thousands,” said Veronica Dahlberg, executive director of HOLA Ohio, a Latino advocacy group in northeastern Ohio.

Dahlberg was one of several local and national immigration advocates, legal experts and family members who held a news conference yesterday.

Martinez-Magana should never have been targeted for deportation, said her attorney, Fatin Askar.

U.S. Immigration and Customs Enforcement’s “own policy of prosecutorial discretion states that individuals who have no criminal history, have U.S.-citizen family members and pose no risk to national security should not be targeted for deportation,” Askar said. “It’s overkill and a waste of taxpayer dollars to spend millions to house and deport these law-abiding immigrants.”

Martinez-Magana, a stay-at-home mother with no criminal record, spent five days in the Morrow County jail after she was arrested. She was released after a local TV station featured her case, Askar said. But she has to wear an ankle bracelet and report to immigration officials weekly. An application filed by Askar to halt the deportation was quickly turned down.

Martinez-Magana had attempted to stay in the country legally not long after arriving by applying for asylum. Her application was denied in 2007, and Martinez-Magana — who by then had her firstborn son — simply stayed.

Askar said she plans to talk to lawmakers and hopes to drum up public support for Martinez-Magana so she can file another application for a stay of deportation.

As it stands, Martinez-Magana has until Sept. 25 to prove she has made travel plans, and until Oct. 25 to leave the United States.

Diaz, Martinez-Magana's partner, is a construction worker who also came from El Salvador as a teenager. He said he struggled to care for the children while she was in jail.

"I can't do it without her," he said.

If Martinez-Magana is forced to return to her homeland, she will take the children while he stays in Columbus to work and support them.

"We're not criminals," Diaz said. "We just want to raise our kids. They love this country, and so do we."

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