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Deportations to tear apart S.F. family

By **Bob Egelko**

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Immigrants' rights advocates brought forth a family of five Monday to illustrate what they called the human consequences of San Francisco's deportation crackdown: a Muni driver, his Australian wife and three children soon to be separated because a 13-year-old boy punched a schoolmate and stole 46 cents.

"I feel like they've taken my right to have a family," Charles Washington, 42, said at a news conference in the San Francisco office of the Asian Law Caucus.

Beside him sat his wife of 11 months, Tracey Washington, holding her 5-year-old son. With them were Washington's 12-year-old daughter from a previous marriage and his 13-year-old stepson, his wife's child.

On Friday, Tracey Washington and her two children are scheduled to be deported to Australia for staying in the United States after their legal status expired in May. They applied for legal residence in December based on her marriage to a U.S. citizen, but a lawyer said those hopes were doomed by the 13-year-old's schoolyard folly and the city's crackdown.

The boy, who was not identified and did not speak at the news conference, hit another student during an after-school program in January and took 46 cents from him, said attorney Angela Chan of the Asian Law Caucus. She said the punch was a joke, the other boy was unhurt and the 13-year-old apologized.

Chan said the other boy's parents contacted police, who booked the 13-year-old into juvenile hall on suspicion of assault, robbery and extortion. For a first-time offender in such an incident, Chan said, a juvenile court judge normally would reduce the charges and place the youth on probation.

But the case never got that far, because city juvenile authorities referred the boy to immigration authorities under a policy ordered by Mayor Gavin Newsom in 2008 of reporting juveniles who are arrested on felony charges and are suspected of being illegal immigrants.

U.S. Immigration and Customs Enforcement promptly ordered both the boy and his mother deported. Spokeswoman Lori Haley said Monday the agency had no choice. Chan said the family has no legal recourse and will be barred from returning for between three and 10 years.

Tony Winnicker, a spokesman for Newsom, said it was "an unfortunate situation for the family, and we're sympathetic to it." But he said the mayor is actually protecting "hard-working, law-abiding residents of this city, including undocumented residents," by reporting youths after felony arrests.

Before Newsom changed city policy in July 2008, San Francisco did not turn illegal immigrant youths over to federal authorities even after felony convictions. City supervisors passed an ordinance over Newsom's veto in November that would delay reporting of juveniles until they are found to have committed a felony, but the mayor has refused to enforce the measure, saying it violates federal law.

Tracey Washington arrived on a visa waiver in February 2009 to be with Charles Washington, whom she had met on a U.S. visit six years earlier.

He said they waited until December to apply for her green card and legal residence because the application cost several thousand dollars and a federal immigration office told them there was no filing deadline. Washington said officials then refused to consider the application because it was filed more than 90 days after his wife entered the United States.

Washington said he can't move to Australia because he would lose contact with his daughter, whose custody he shares with her mother. He said the situation is particularly hard on his 5-year-old stepson - "I'm the only one he's known as dad" - and he hopes to visit them in Australia.