

Fate of Brooklyn mom is on ICE as feds move to close 16,000 immigration cases

Sara Martinez and U.S. born-daughter, 6, among many in deportation limbo

By [Erica Pearson](#) / NEW YORK DAILY NEWS

As the feds move to close more than 16,000 deportation cases nationwide, experts say not everyone who deserves a reprieve is getting one.

Immigration and Customs Enforcement announced last week that it has reviewed nearly 220,000 cases at the request of [President Obama](#), who wants to focus on deporting people with criminal records.

ICE is offering to close 7.5% of the cases using prosecutorial discretion, giving a break to those who came here as kids, served in the military or have citizen relatives.

But some local law-abiding immigrants haven't benefited from the top-level review.

Sunset Park mom [Sara Martinez](#), whose 6-year-old daughter was born here, has asked ICE officials assigned to her case in Buffalo to use their discretion and let her stay — to no avail.

Immigration lawyer and Baruch College professor [Allan Wernick](#), who writes an advice column for the Daily News, said Martinez's plight shows that ICE prosecutors unevenly apply the policy.

"Maybe they didn't get the message," he said.

"Those of us who work in the area know it takes a while to filter down to everybody. . . . Not everybody likes the policy, but it is the policy."

"It's been a very heartbreaking experience to watch Sara go through what she's been experiencing," said [Jacki Esposito](#) of the New York Immigration Coalition.

"It was clear that Sara's case fell under the low priority for ICE. I looked through her file and saw that there was no explanation for why they would deny it."

Just 2,722 of the cases flagged for review across the country have been canceled so far. In New York City, the number is at least 207, according to a Syracuse University analysis.

Martinez — who came here from Ecuador on a six-month visa in 2005, ICE says — was excited when she first heard about the review.

Her lawyer said her deportation, triggered when border agents detained her on a bus from Rochester to the city, had a good chance of being called off.

The 47-year-old house cleaner had no criminal record or immigration run-in — but she was rejected.

“Although sympathetic to the health issues Ms. Martinez has experienced as well as the fact that she has sole custody of her U.S. citizen child, it is our position that this case should go forward to completion,” ICE wrote in November.

“But why?” Martinez said. “I was desperate.”

Her lawyer called [Sen. Kirsten Gillibrand \(D-N.Y.\)](#), who asked the agency to take a second look. In February, she was denied again.

She reached out to the New York Immigration Coalition, and Esposito made another request, to ICE’s public advocate. A third denial came with terrible news from Ecuador: Martinez’s mother had died.

ICE said that the review is ongoing and “designed to allow the agency to make the best use of its limited resources.”

Martinez is scheduled to appear before a judge May 9, and fears she will be ordered deported or asked to sign a voluntary departure agreement.

“I have this little girl,” Martinez said in a shaky voice. “She was born here. I know here she will have a lot of chances. Sometimes I tell her, maybe we’ll be forced to go back to Ecuador. And she says, ‘Where is Ecuador?’”

Read more: <http://www.nydailynews.com/new-york/fate-brooklyn-mom-ice-feds-move-close-16-000-immigration-cases-article-1.1069171#ixzz1tXdIBjRX>