

Glenwood Springs rallies for family tangled in immigration red tape

By Drew Munro
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Yesenia Arreola's world may have been torn apart when an immigration official denied her husband re-entry into the United States from Mexico, but she's not alone in her fight to bring him back.

About 60-70 people gathered Monday evening outside the CMC-Glenwood Center to rally in support of her cause.

The Arreolas, who had recently moved to Aspen, traveled to Ciudad Juarez, Mexico, earlier this month to get an immigrant visa for Jorge to become a lawful permanent resident of the United States after they obtained a waiver under the U.S. Citizen and Immigration Services (USCIS). Jorge's waiver had been approved, and the couple had even checked with a Freedom of Information Act (FOIA) request to be sure there were no issues pending against him, but Jorge's visa was revoked by an immigration clerk at the last minute.

Now he is stuck in Mexico while Yesenia and their 3-year-old son remain in the Roaring Fork Valley.

"The clerk said, 'It [the waiver] shouldn't have been approved in the first place,'" a tearful Yesenia told the crowd, "and that decision has torn my world."

Several Colorado Mountain College students who Yesenia has helped in her role as a youth outreach coordinator spoke on her behalf.

"She's my right hand," said Anita Gaytan. "The immigration system is broken."

"In all honesty, I do not know where my life would be without Yesenia," said Kiyoshi Nakagawa. "Yesenia supported the Obama campaign, but the administration has let her down."

He was referring to the fact that Yesenia campaigned for Obama. Several of the placards being displayed at the rally featured a picture of the president posing with her.

She recalled the moment, saying Obama looked into her eyes and thanked her for her efforts on his behalf.

"I want to look into his eyes and plead with him to bring my husband back," she said. "We did everything we were told to."

common occurrence

Jorge's waiver was granted under the Obama administration's Provisional Unlawful Presence Waiver, which went into effect about a year ago. The law still requires applicants to leave the United States to apply for their visas, but it is intended to reduce the amount of time an immigrant must spend outside the United States to weeks rather than up to 10 years.

"This really is the government's fault," said Glenwood Springs attorney Ted Hess, who is helping the Arreolas. "The government ambushed him."

Hess later explained that 13 years ago, when Jorge was 19, he tried to cross the border with fraudulent documents that someone gave him, assuring him they were legitimate. That event is considered a bar to Jorge's re-entry, Hess noted, regardless of the fact that he had obtained the waiver, that he is married to a U.S. citizen and has a son who is a U.S. citizen.

The government missed the incident twice, Hess pointed out, once during the couple's FOIA investigation and again when the waiver was granted.

"It happens all the time," he said, attributing it to poor record-keeping on the government's part.

He has helped the couple resubmit the original waiver and another one related to the 13-year-old border incident, as well as trying to obtain expedited status for the case. If all that fails, there's not much left to be done.

"Hire a good coyote [people smuggler] and come back to the United States," he said.

Meanwhile, Yesenia is struggling with being separated from her husband and contemplating leaving her life here so the family can be together again.

"It's hard to hear my 3-year-old son ask about his father every day," she said.

"I can't fathom how my government is doing this to one of its own citizens," she said. "All I ask is for them to correct their error in some humane way."

<http://www.postindependent.com/news/10346987-113/waiver-yesenia-immigration-jorge>