

May 8, 2013

In Immigration Bill, Deportees See Hope for Second Chance in U.S.

By [DAMIEN CAVE](#)

TIJUANA, Mexico — Erik García arrived at the metal gate of a migrant shelter here, deported from Los Angeles just hours earlier. After 23 years in the United States illegally, he suddenly found himself separated from the country where he had moved as a boy, and from his two teenage daughters, both American citizens.

That same day, senators in Washington unveiled a surprise: an [immigration bill](#) that could allow deportees like him to return to the United States, a stunning reversal of American policy after years of record-high deportations.

“Really?” said Mr. García, 33, wiping his eyes when told of the measure. “Are you sure?”

No previous Congressional effort to change immigration law has offered such a broad, swift reprieve to people deported by the government. The bill, introduced last month, would give a legal second chance to tens of thousands of deportees without serious criminal records who have a child, parent or spouse with a green card or American citizenship. Many deportees brought to the United States before their 16th birthday would be eligible to return as well.

Even in a bill overflowing with ambitious and controversial proposals, the deportee measure is becoming one of the most contested elements — a humanitarian necessity to some; to others, a shameful reward for lawbreakers.

On Wednesday, [an amendment](#) from Senator Jeff Sessions, the Alabama Republican who is among the bill’s most vocal critics, sought to strip out the deportee reprieve. Other opponents have welcomed it as a political godsend, calling it such an overreach that it would make the entire immigration bill easier to defeat. But some Democrats and immigrant rights groups have pledged to defend the deportee return, characterizing it as an important step in righting a wrong.

“We have had four million people deported since 2002 and close to two million since 2008,” said Angelica Salas, director of the Coalition for Humane Immigrant Rights of Los Angeles. “This is the only way to reunite families that have been destroyed by our outdated, broken and cruel immigration policies.”

The Senate bill, one of the most sweeping bipartisan immigration efforts in decades, would cut down on future deportations by giving millions of immigrants in the United States provisional legal status. It could also reduce illegal traffic heading north because, as Democrats involved in

drafting the legislation noted, many migrants crossing the border illegally are deportees trying to return to their families.

But it is unclear who would get that winning ticket. Under the legislation, there are obvious candidates who would qualify, some criminals who clearly would not — and an ocean of people who may fall somewhere in between.

An epic sorting process, if the bill passed, would be especially visible here.

Roughly 70 percent of immigrants deported under President Obama have been sent to Mexico, and Tijuana has received more than anywhere else. More than 461,000 immigrants have been dropped off in this hilly metropolis south of San Diego since 2008, flooding barrios and soup kitchens and adding to insecurity as deportees both commit and fall victim to crime.

“The city doesn’t have the resources to care for them,” said Tijuana’s mayor, Carlos Bustamante. “We’re suffering.”

Homes and flophouses here are now filled with former and future immigrants like María Luisa Reyes, who left her tiny town in central Mexico in 1989, at 20. Now she has three daughters in the United States whom she has been trying to get back to since being deported two years ago.

“I was in the immigration office checking on my application to get legal, and they told me I was denied and that I needed to be removed,” she said. “They arrested me right there.”

“My youngest daughter is 7,” she added, in limbo at a women’s shelter here. “When I call, she says, ‘Why, Mommy, why?’”

Mr. García, 33, also tried to get legal. He said he arrived in the United States when he was 10 and tried to adjust his status in 2007, while working for one of California’s largest catering companies. But he lost his job in a mass layoff in 2010, he said, and moved in with his sister. When immigration officials sent him a letter with an appointment date, he said, he never saw it. An order of removal followed, unbeknown to Mr. García until last month.

“The police stopped me and asked me for my ID,” he said, sitting in an icy room in the shorts he wore at the time. “They checked it and found a warrant from immigration.” He said he had no other crimes on his record.

“I’ve been trying to become a pastor,” he said. “Ever since I applied for a green card, I’ve been praying for God to help me.”

A Senate aide involved in legislative negotiations said deportees would not be granted an automatic right of return; they would have to apply. Deportees would be ineligible if they had been expelled for criminal reasons, or if they were convicted of a felony or at least three misdemeanors. The waivers would be granted at the discretion of the secretary of homeland security.

Immigration lawyers say that could mean approvals end up being inconsistent, and even those who seem to qualify say they do not trust the same authorities who had deported them to suddenly help them return.

“I’m hopeful, but I need to be ready for the possibility of denial,” said Nancy Landa, 32, a graduate of Cal State Northridge who said she was brought to the United States as a little girl but deported in 2009 because her immigration lawyer had failed to file the proper paperwork. “I’m not too confident that the process would actually work.”

A major complication could be repeat immigration offenses and the range of prosecutions they have spawned, giving immigrants with nearly identical immigration violations far different criminal records.

The crime of “illegal re-entry” for returning to the United States after a deportation used to be reserved largely for violent criminals. Now it is the nation’s most prosecuted federal felony, but not everyone caught by immigration authorities is charged with it.

“It’s arbitrary. It depends on who picks you up, when, and where they pick you up,” said David Leopold, general counsel for the American Immigration Lawyers Association. “So who will become eligible or ineligible in terms of illegal re-entry is really luck of the draw.”

Ms. Reyes appeared to be among the fortunate. In the last six months, she says, she has tried to cross the border four times, only to turn back or be caught by the San Diego border patrol. Once, she said, she was rescued on a mountain during a snowstorm after being held by men with guns and black masks, who fled when they saw American agents. But for all of her many attempts, she said, she had yet to be prosecuted for illegal re-entry.

Víctor Pérez, though, a mechanic standing in the long line at a free breakfast near the border fence, said he had been deported after spending more than a year in an Arizona jail because he was caught crossing the mountains outside Nogales, Ariz. It was his third immigration offense. He said he was deported in 2005 because of a traffic stop, and again in 2008.

“It’s not fair, for me or for a lot of us” he said, looking down the food line, where, volunteers say, 65 percent of the 1,100 people who show up every day have been deported. “It’s not like I robbed anyone or hurt anyone. I just wanted to work.”

If not for his immigration felony, Mr. Pérez, 28, would have a better shot at getting back under the deportee provision. He arrived in the United States when he was 13; his wife and two children are all American citizens.

Wherever deportees gathered in Tijuana, similar if-only stories emerged.

Uriel Leo Ramírez, 38, said he was deported after the police knocked on his door because he was drunk and arguing with his wife. “My kids are 8 and 5,” he said.

Guadalupe Jiménez Griffith, 44, said she was deported after her sick (now deceased) husband used someone else's [Social Security](#) card to get [Medicaid](#) and welfare. All three of her children were born in the United States.

In this crowd, Mr. García mostly kept to himself. He had found a jacket to keep warm and was still mulling over his long-shot chance at getting back to his family. If only the bill would pass, he thought. If only he could hold on long enough. “What I’m worried about is the next two years,” he said. “What happens now?”

<http://www.nytimes.com/2013/05/09/us/politics/in-immigration-bill-deportees-see-hope-for-second-chance.html>