

Immigration nightmare: Army soldier's wife detained after Arizona traffic stop

By James Eng, msnbc.com

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A quick trip to the store to buy supplies for her 3-year-old daughter's birthday party turned into a two-day nightmare for a U.S. Army soldier's wife, who after being stopped for a minor traffic violation found herself threatened with deportation while her husband is stationed overseas.

Araceli Mercado Sanchez, 22, who has been in the U.S. illegally since she was a young child, was released on Thursday from an immigration jail in Eloy, Ariz. – but not before some harrowing moments for her and her husband, Pfc. Guillermo Garcia.

“This whole ordeal should not have ever happened. But I'm very happy the way things are turning out. At the very least I know my daughter will be properly taken care of and that my wife is going to be OK,” Garcia said in an email to msnbc.com after learning of his wife's impending release.

Garcia, 22, had been waiting helplessly in Vilseck, Germany, where he is stationed with the 2nd Cavalry Regiment and awaiting imminent deployment, for word of his wife since Tuesday afternoon. That's when she was stopped by a Mohave County sheriff's deputy while driving from her home in Bullhead City to a store in neighboring Fort Mohave to pick up birthday items for their daughter, who was turning 3.

Sanchez was stopped for driving onto private property to avoid a traffic control device, according to sheriff's records. Her husband says he was told by family members that she made an illegal turn trying to get around a construction zone near the store.

After Sanchez told the officer she didn't have a driver's license or a Social Security number, she was taken into custody and her car was towed. She was turned over to the Border Patrol, which then handed her over to U.S. Immigration and Customs Enforcement. ICE began legal proceedings to deport her, according to her lawyer, immigration attorney Richard Green of Huntington Beach, Calif.

'Parole in place'

Green told msnbc.com that Sanchez should never have been turned over to immigration agents in the first place because she produced a military spouse ID card.

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Green said her detention runs counter to an immigration policy the Obama administration introduced in 2010 called “parole in place,” which allows illegal immigrants who are spouses, parents and children of American citizens serving in the military to complete the process of becoming legal residents without having to leave the U.S. An ICE memo at the time said the new

approach was aimed at keeping military families intact and addressing Defense Department concerns about "soldier safety and readiness for duty."

According to her lawyer, Sanchez came to the U.S. illegally at age 4 with her parents and has no criminal record. Garcia was also born in Mexico but is a U.S. citizen. The couple were married four years ago.

Garcia and the lawyer both said the couple was in the process of applying for legal status for Sanchez. Garcia said he enlisted in the military in part because he thought it might help his wife's case.

Garcia said he was unable to contact his wife during her detention despite numerous phone calls to the Eloy jail. Finally, a representative of the detention facility called back Thursday with the news he had been anxiously waiting for.

"She explained to me that they were not charging her with any crime and that her status was going to remain the same. They want me to continue working with my lawyer and wait on the response from the immigration packet we had submitted," Garcia said.

The incident left Garcia with a hint of bitterness.

"I feel outraged that my wife and daughter had to go through something like this. I am a United States Army infantry man legally married to my wife and she presented evidence to the officer that pulled her over to show just that and was still detained. It happened on my daughter's 3rd Birthday while on her way to pick up paper plates for the party that was planned for that afternoon," Guillermo said in an email.

Trish Carter, a spokeswoman for the Mohave County Sheriff's Office, said there was no indication in the police report that Sanchez showed her military spouse card. The deputy "followed standard procedure" in turning her over to the Border Patrol, Carter said.

Federal law allows local police to turn over illegal immigrants to the Border Patrol for removal proceedings. A provision of a new Arizona state law, SB 1070, would require officers to check the immigration status of people who are stopped for other reasons. That provision and several others have been put on hold while the U.S. Supreme Court decides whether they are constitutional.

Calls to Immigration Court officials in Eloy were referred the ICE regional office in Phoenix. A spokesman there did not return a call for comment.

Happy ending

Green described his client's ordeal as "horrible," "tragic" and "Kafkaesque."

"I just think it's crazy because we've got an immigration authority that seems to work really hard to deport more people this year than they did last, that operates in a very mechanical manner," Green said.

“I just think it’s strange that I have got to contact them and ask them to release my client from custody and give them copies of the documents that their bosses in Washington have told them they should exercise prosecutorial discretion, when they should have exercised prosecutorial discretion and never taken her into custody in the first place.”

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Garcia said he’s relieved the matter has been resolved for now.

“I was able to speak with my daughter today after I learned that my wife was to be released. She kept crying to me, “Daddy I want mommy back!!! Please get her back!!!” and I told her that Daddy did it. That she would be back later today,” he said.

“If tomorrow is the day that I deploy, my heart and mind will be at ease and I can contribute more toward completing my mission, which is proudly serving and protecting my country.”

http://usnews.msnbc.msn.com/_news/2012/05/03/11525729-immigration-nightmare-army-soldiers-wife-detained-after-arizona-traffic-stop