

Woman's immigration status puts dreams on hold

By Joe Duggan

WORLD-HERALD STAFF WRITER

Tijuana is just a word to Ruby Gaytan. Just a place like any other place she doesn't know, even though it's where her parents once lived and where she was born. San Diego, across the Mexican border, holds more meaning.

It's where her parents moved when she was 6 months old. It's where she and the other Spanish-speaking kids never learned English until they started third grade. It's where her mother lives again. Omaha means home.

It's where the family moved when Gaytan was 10. Where she earned her high school diploma, and fell in love, and gave birth to her two daughters.

But since she graduated from Omaha Central High School in 2011, it's where part of her life came to a halt. The part that dreams and aspires to do more has stopped because of her status as an illegal immigrant.

Gaytan, now 19, hopes a controversial new program will allow her to restart that part of her life by granting her legal work status.

She wants to get a job so she and her fiance can move out of his parents' north Omaha duplex.

She wants to save for school and pursue a career in photography.

"It's frustrating and kind of scary," she said. "If I do something, and I get deported back to Mexico, I will have to leave everything I know."

President Barack Obama wants to give illegal immigrants like Gaytan — those brought to the U.S. as children who have been otherwise law-abiding — temporary legal work status.

Under his program called deferred action for childhood arrivals, U.S. Citizenship and Immigration Services will grant qualifying applicants a two-year deferral from deportation. At the end of the two years, they can apply for another temporary deferral.

The nonpartisan Immigration Policy Center estimates Nebraska has 5,100 children or young adults eligible for the program. Iowa has 4,600.

In Nebraska, it appears young illegal immigrants aren't rushing to apply for deferrals, said Emiliano Lerda, director of Justice for Our Neighbors Nebraska, an Omaha-based nonprofit group that provides free legal assistance to immigrants.

While immigrant advocacy organizations have fielded lots of calls, Lerda said his organization has yet to complete an application.

"It's about what I expected," he said. "It was pretty evident to me that most young people were going to be cautious."

But that's not to say interest in the program has subsided.

Max Graves, director of the Center for Legal Immigration Assistance in Lincoln, said his organization has so far helped 10 people submit applications, while an additional 15 are nearly ready to file.

And a coalition of groups that includes Justice for Our Neighbors, Catholic Charities of Omaha, Heartland Workers Center and Latino Center of the Midlands recently hosted a meeting in South Omaha to provide information and consult with young immigrants. About 500 people attended and 138 were identified as qualified applicants. Of those, 116 fell into the low-income category, he said.

That's the category Gaytan finds herself in.

While she wants to apply for a deferral, she said she can afford neither an attorney nor the \$465 federal application fee.

Her fiance, Marvale Kellogg, also 19, was born in Omaha. He is employed, but they live paycheck to paycheck.

"If she were able to get a job, life would be 10 times easier," Kellogg said.

Because their daughters — Diamond, 2, and Pearlina, 10 months — are citizens, they qualify for Medicaid. Otherwise, Gaytan said they use no other public assistance.

The immigration services agency will waive the \$465 fee only for a very small percentage of applicants who demonstrate extreme financial hardship. For example, the fee might be waived for teens who have no financial support whatsoever, such as those whose parents have been deported.

Gaytan's case does not appear to qualify for the waiver. And while some advocacy groups and lawyers will waive their fees, there is no pool of funds for immigrants who can't come up with the application fee, advocates said.

Gaytan sees the program as a chance to finally get her foot in the door, legitimately. She has always refused to obtain counterfeit green cards and fake Social Security numbers.

It's illegal, she said.

And that's a bitter irony for opponents of deferred action. Gaytan says she's law abiding, but her very presence here is illegal, said Kristen Williamson, press secretary for the Federation for American Immigration Reform, a Washington, D.C., think tank that advocates for tougher immigration enforcement.

Williamson said she understands that many Americans empathize with young people like Gaytan, but giving her work authorization only rewards her parents for violating the law. Deferred action isn't a solution, it's an incentive, she argued.

"Those who have broken immigration laws should take responsibility for that and return to their home countries and pursue their dreams there," Williamson said.

The Center for Immigration Studies is another national policy group based in Washington, D.C., that raises issues with the way the president unilaterally instituted the controversial program.

As for Gaytan, Steve Camarota, the center's research director, said: "In a way, she's the poster child on both sides."

Teens like Gaytan are American in all but their immigration status, and it can be argued the nation should take credit for their successes and accept responsibility for their shortcomings, Camarota said.

But 19-year-old single mothers of two, regardless of their immigration status, can drain public resources, he said. In that way, Gaytan's story fuels those calling for blanket deportation.

Regardless of the debate, assuming Gaytan and others like her receive work status, they will enter one of the toughest categories to find a job — adults between 19 and 29 with no education beyond high school. A spring report by the Bureau of Labor Statistics put the national unemployment rate for the category at more than 16 percent, double the rate for the population as a whole.

Adding young workers to that labor pool without making other adjustments is bad public policy, Camarota argued.

"The president is saying he wants to add 1 million work authorizations, maybe 2 million, precisely to the category of the labor market that looks so awful," he said.

Even bleak job projects are better than none for Gaytan.

Besides, for her, the issue isn't about policy debates or macroeconomics. It's about being able to stay at home without fear.

For her, the fear is real.

It happened on graduation day. As she was getting dressed, the phone rang. Her father had been arrested. He was deported and has not returned.

"It was very hard," she said. "I was so proud of graduating. I wanted him to see me, and he wasn't there. Everybody was cheering, but I was so sad I just got my diploma and left."

She doesn't want her children to some day learn their mother has been deported.

So she will try to find the \$465.

"I haven't done anything wrong," she said. "I just want to be able to live a regular life and raise my daughters."

<http://www.omaha.com/article/20120923/NEWS/709239935/1685>