

✓OF rP Illegal Aliens 6/17/87

Dealing with immigration law



Kurt Ellison

Fieldworkers are getting harder to come by because of fears raised by new immigration law.

More questions than answers raised

(Editor's note: A four-part series on the federal immigration law, how it is being implemented, the problems that it has raised, and how those affected by it in this area are dealing with it begins today.)

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The federal Immigration Reform and Control Act of 1986 is already spawning a broad range of problems, and those affected are grumbling.

The major impacts of the law so far have been:

—A shortage of field workers. Pajaro Valley growers complain workers are staying in Mexico this summer because they fear the new law means they will not be hired.

—Confusion among illegal

special report

immigrants. Watsonville social-service administrators say better information is needed to explain to illegals how they may qualify for the amnesty and Special Agricultural Worker (SAW) provisions of the law.

—Fear among illegals. Many

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say they are finding it difficult to get the documentation they need to attain legal status. They say over the years they have done their best to cover their

paper trails to keep from being discovered and deported.

—Misinformation among employers. Some aren't sure how the employer fines and sanctions will work. The sanctions have yet to be implemented, but employers want to know what they have to do to avoid problems.

—Frustration among social-service agencies. Those helping illegals and employers work with the reforms, such as Catholic Social Services and the Migrant Media Education Project, find problems cropping up that are not addressed by regulations of the Immigration and Naturalization Service.

—Claims of poor implementation of the programs. The INS has been criticized for not moving fast enough in setting up legalization offices or developing and distributing forms and information.

□ Unlike previous immigration laws, the Act of 1986 is concerned in particular with the influx of illegals from Mexico.

That's understandable, according to the Immigration and Naturalization Service (INS), because that's where most of the nation's 4 million illegals come from. The INS reports it apprehended and deported 1.8 million illegals along the Southwest border last year, the highest figure ever. Of those, 95 percent were Mexican

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nationals.

The law attempts to address an immense problem in a number of ways, but essentially does two things: It establishes programs aimed at helping illegal immigrants already here become legal residents, and it establishes sanctions against employers to discourage the hiring of undocumented workers.

Legislation incorporating either amnesty or sanctions, or both, or variations of both, had been unsuccessfully proposed several times over the years to try to regulate the influx. Hispanic organizations and civil rights groups, concerned with the possibility of discrimination, teamed with employer and agriculture organizations, worried about the effects of employer sanctions, to block proposal after proposal.

The inclusion of sanctions represented the major shift in established immigration policy, under which undocumented workers could be deported but it was not necessarily illegal for employers to hire them.

The second major provision of the law — amnesty — was generally well-received. The legalization program was broad in scope and complexity and appeased opposition by establishing offices to handle discrimination complaints and giving special consideration to workers in agriculture.

The Pajaro and Salinas valleys are rich with agricultural enterprises and draw illegal Mexican immigrants by the thousands. As a result, problems have surfaced quickly here.

Tom Maddry, head of the INS Legalization Center in Salinas — which serves Santa Cruz, San Benito and Monterey counties — estimates that there were 30,000 to 50,000 illegals in the Salinas and Pajaro valleys when the law was passed last November. So far, his office has distributed 20,000 applications for legal status. About 300 have been returned.

Even so, the office has sometimes been out of many of the forms and applications required under the new law. Illegals are also having prob-



Tom Maddry runs INS program from his Salinas office.

Diane Varni

lems obtaining medical exams and fingerprints because agencies and clinics authorized to offer those services report they are unable to meet demand.

Maddry, a retired Border Patrol officer who now holds the title of chief legalization officer, said that that's typical of problems that arise with the implementation of any new law.

Maddry said he's certain once people get used to the legalization programs, things will clear up.

"You're going to find that 90 percent of the people who apply are going to get legal status," Maddry said. "It's going to work."

A lot of the growers, however, aren't happy with the results so far. One is Emile Agaccio, who grows berries at the foot of Mt. Madonna. He said that for the first time in memory, he's having trouble finding field workers to harvest his raspberry crop, and blames the immigration law for scaring workers away.

"From what we hear from relatives of the workers, a lot of them are staying in Mexico," he said. "They think if they don't qualify right away, they will get picked up and taken back home."

Cruz Gomez, director of the Migrant Media Education Project in Watsonville, which offers information and counseling to those seeking legal status, said the new law is rife with loopholes and inconsistencies.

"What happens if a husband qualifies for legalization but his wife does not? Will the family be split?" she asks. "What if the parents qualify but the kids are in Mexico? Will the parents be legal and the kids not?"

Jon Silver, a counselor from Santa Cruz, is also familiar with the demand for information. Silver works with the Santa Cruz County Immigration Project, one of the numerous agencies that cropped up in response to the immigration law, and leads free seminars in Watsonville every Wednesday night to explain the law.

The seminars are attended by as many as several hundred people, with illegals constantly raising their hands to ask questions.

Sometimes their questions are not covered by INS regulations.

In those cases, Silver gives them the same response. "The law isn't clear on that," he says. "It isn't a well-written law."

Silver also warns illegals about legalization scams, which he says are on the increase, and explains the cost of filing applications. It will cost \$185 per adult. For children under 18, it's \$50. The regulations say total cost per family cannot exceed \$420.

Silver said the cost alone may keep some illegals from applying.

Additionally, the new law requires substantial documentation to prove identity, residency and admissibility. For many illegals, that's a huge obstacle. They've used false names, addresses, licenses, ID cards and Social Security numbers specifically to hide themselves.

In such instances, applicants are forced to undergo the time-consuming task of obtaining notarized letters from neighbors and employers to certify their residence and employment history.

Migrant Media's Cruz Gomez described one such case she's handling. "I have ... a 50-year-old man who has been here since 1964, but he doesn't have any documentation to prove it. He doesn't exist as far as the programs are concerned."