

✓CP Illegal Aliens RP 2.1

# With nothing to lose, risk worth it to pursue better life

## Long, hazardous journey has rare happy ending

By JUDY BRILL MAR 20 1993  
STAFF WRITER

SANTA CRUZ resident Josephina Fernandez has traveled a long way from her roots.

Thirteen years ago, Fernandez left Cuernavaca, Mexico, in pursuit of a better life in the United States. She came alone, spoke no English, and had about \$100 in her pocket. She entered the country illegally.

Today, at 38, Fernandez calls Live Oak home. She is a licensed cosmetologist, speaks English well, and earns enough money to send some to her family in Mexico. And since 1987, she has been a legal resident.

The time in between — how Fernandez lived and worked without having proper immigration documentation — is a story being repeated hundreds of thousands of times throughout the state and

around the country. She related her own experiences recently to the Register-Pajaronian.

Fernandez grew up in Cuernavaca, a popular, picturesque city 40 miles south of Mexico City. She and her brothers and sisters labored with her parents, working the farmland owned by her grandfather.

But Fernandez desired more for herself. She wanted to learn English and go to school. English lessons cost 200 pesos (about \$8.70) per hour, no small sum in the context of Mexico's economy.

Fernandez got a job in a bolt-making factory earning about 50 cents a day. She had been there four years — working long hours, with no overtime, no benefits — when she received a letter from a friend in Santa Cruz County urging her to come to California.

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Fernandez had no papers to help her obtain amnesty. When she was hired, her status meant little to her employers. 'It wasn't in (the couple's) interest to know. Why would they want to know? They'd have to start paying benefits, file tax reports ...'

Maria spoke little English, but her obvious adoration for their baby was all they needed to see. She is the eldest in a large family, and helped raise her younger brothers and sisters. Maria, 18, handled their baby like a veteran.

## Child care dilemma finds devoted mom breaking law

*Editor's note: The careers of Zoe Baird and Kimba Wood were seriously affected because they employed illegal aliens to perform child care. The issue had far-reaching repercussions, but there was little discussion of the pressures that compel otherwise law-abiding men and women to break the law. Staff writers Judy Brill and Candace Atkins examine the dilemma facing both the illegal employee and the employer in Santa Cruz County. First in a series.*

By CANDACE ATKINS  
STAFF WRITER

LOUISE WAS dreading the fast-approaching day when her maternity leave was up and she would have to leave her first-born in another woman's care. Like millions of other career women before her, Louise was searching for the "perfect" situation in which to leave her baby.

Louise (not her real name) could afford the best in child care, but after grilling those who would be responsible for her infant, she was still a bit reluctant. Louise

admits she wanted special treatment for her baby, but nothing she believed wasn't necessary — she wanted to be able to visit her daughter during the day ("pop in" she called it), she wanted the baby's formula heated on the stove, not in the microwave — and other little things she felt would help ensure the baby's health and happiness.

Nothing doing. Louise said even the Cadillac of child care providers refused to fully comply with her wishes. Louise finally decided to

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# Risk, hardship rarely result in fulfillment of dream

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For Fernandez, there was little to decide.

"We have no choice" but to come, she said, referring to the untold numbers of immigrants lured by American opportunity, but often victimized by racism, deceit, opportunism and poverty.

Fernandez worked for more than three years before she had saved about \$130 — what she felt would be enough for her travels. She set out alone, armed with the determination to better her life and the knowledge that others had made it.

She rode buses from Cuernavaca to the Mexico-U.S. border, which she crossed on foot.

"I was afraid ... but not really," she said. Then, the expression on her face changed. "I was really scared," she said.

No one asked to see her papers. And she considers it simple luck that the border guard believed her when she said, "Yes," when asked if she were an American citizen.

She was able to get rides all the way to Santa Cruz County. Through a friend, she got her first job in the United States: a position with a family, taking care of their infant and 1-year-old. The husband owned his own computer business; his wife attended UC-Santa Cruz.

They paid her about \$3 an hour and provided room and board, and occasional clothes. Fernandez said they treated her well.

JANE YOKOYAMA, program director of the Santa Cruz County Immigration Project, recalled when the federal Immigration Reform and Control Act — the so-called amnesty law — went into effect in 1987. The law offered legal temporary residency status to undocumented residents if they could prove they had lived here continuously from before January 1982.

Yokoyama said she saw a lot of people, especially women, attempt to establish legal residency by contacting former landlords and employers — some from as far back as 30 years. Yokoyama said many had worked without benefits, and with no documentation. It made tracking and locating most of the families impossible.

"(Residency) was murder for some people to prove," Yokoyama said. "Three-and-a-half million people applied. A lot of people got denied."

The search for proof also begat a questionable service offered to amnesty-seekers, many of them farm workers, Yokoyama said. Some ranch owners set up businesses selling letters proving residency. One Watsonville woman sold letters for \$700 a shot; some charged as much as \$1,000. The letters not only jeopardized the holders' amnesty, they made investigators question authentic letters, Yokoyama said.

*Ironically, Yokoyama said, illegal workers have become a golden goose for some Americans. At the other end of every forged Social Security number is a citizen who has been receiving years worth of someone else's withholdings. When these citizens retire, they find their nest eggs have grown somewhat fatter than they had anticipated. The illegal worker seldom collects a cent.*

FERNANDEZ had no papers to help her obtain amnesty. When she was hired, her legal status apparently meant little to her employers. They never asked to see any documents.

"It wasn't in (the couple's) interest to know," Yokoyama said. "Why would they want to know? They'd have to start paying benefits, file tax reports ... The ability to pay lower wages and pay them under the table would also be lost."

Not all employers of illegals are looking for the cheap or easy way out, Yokoyama said. Some U.S. residents think providing jobs and housing is a means of helping immigrants.

Fernandez's employment never suffered for lack of authentic documentation. Over the years, she always worked — babysitting, in a bakery, in a machine shop and at Burger King.

The hamburger chain did request a Social Security number. Not having one of her own, Fernandez looked at a friend's number, changed a couple of numbers,

and submitted that, she said. She worked there on and off for a couple of years before leaving — not because she encountered problems, but because "I didn't like making burgers — hard work, no money."

Fernandez said she knows of many people without legal U.S. residency getting jobs using altered Social Security numbers. Until about two years ago, Yokoyama said, the IRS never checked Social Security numbers on tax returns. With increased use of computers, the risks have grown. But the practice continues with most people never being detected.

Besides forging Social Security numbers, Yokoyama said, there is a black market for green cards.

A campaign is under way by the Social Security Administration and proponents of more stringent surveillance of immigrant hiring practices to issue National Identity Cards to replace the current identity cards. With a photo, fingerprints and mandatory 10-year renewal in addition to a number, the

cards would make changing numbers and other means of forgery more difficult. But the plan is already being challenged by civil rights' groups, she said.

A federal class-action lawsuit had challenged the mandatory renewal program announced in June. The suit is pending, but the cards are no longer mandatory — the INS dropped its August 1993 deadline.

But, say Yokoyama and others who work with immigrants, the bottom line remains that undocumented workers are the ones who get short shrift in the silent agreement between those who work and those who hire illegally. Illegal residents, afraid of being discovered and deported, are usually extremely leery of filling out "official" forms.

Without proper forms, they are not eligible for health benefits or workers' compensation, can't file for unpaid overtime, and can't bring suit when they are discriminated against. The only medical

care available to someone without legal residency status is for pregnancy (as the fetus is deemed a U.S. citizen) and life-threatening illness or injury, Yokoyama said.

IRONICALLY, Yokoyama said, illegal workers have become a golden goose for some Americans. At the other end of every forged Social Security number is a citizen who has been receiving years worth of someone else's withholdings. When these citizens retire, they find their nest eggs have grown somewhat fatter than they had anticipated. The illegal worker seldom collects a cent, Yokoyama said.

Fernandez said when she writes to friends in Mexico who, as she did, want more for themselves than their native country can offer, she writes, not with encouragement, but with warnings of the poverty, job competition, social disdain and increasing INS law enforcement that exist along with the opportunities in the United States.

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## Choosing illegal option to resolve child care dilemma

DILEMMA, from page 1

place her daughter in a family day-care home — a situation Louise believed was certainly safe and nurturing, but whose staff also wouldn't go along with her additional requests.

"I researched it and found a situation that was very good," Louise said. "But, still, I was giving a 9-week baby over to someone I didn't really know. It was terrifying."

The day before she returned to work, the woman who operated

sive, but worth it. The friend's children loved the woman, who was a conscientious, responsible, loving second mother to them.

IT WAS PERFECT, except for the one little thing — the young woman was living in this country illegally. She had a cousin, another illegal alien, who was looking for a similar situation.

*'I just thank God for her. Sometimes you get blessed.'*

ise and her husband paid her \$600 a month in addition to room and board. Maria's single duty was to care for the baby on weekdays. She was not required to run errands, do housework or other chores.

That was more than a year ago. Maria has become a member of the family. The baby is learning Spanish and adores Maria, who plays with her by the hour. Louise never worries — except about that one little thing.

"We've (Louise and Maria) never talked about it," Louise said.

*'Just seeing what I provide for her, I don't think it's bad. I think I can live with it. It's not like she's cramped in any way.'*

were found out.

Louise says she does wonder if she's exploiting Maria, but quickly adds that the \$600 per month she pays her is from \$100 to \$200 more than most live-in nannies earn. Maria sends most of the money to her family in Mexico.

MARIA WORKS about eight hours a day and spends weekends with relatives. She's no cook, Louise said, but, in Louise's words, "that girl can chow."

"She voluntarily acts like a roommate," Louise said. "She always cleans up after herself. She's

ulcer by now. Maria, she said, has made the difference.

"I just thank God for her," Louise said. "Sometimes you get blessed."

On Monday staff writers Brill and



searched it and found a situation that was very good," Louise said. "But, still, I was giving a 9-week baby over to someone I didn't really know. It was terrifying."

The day before she returned to work, the woman who operated the child-care service called her. She told Louise she'd made a scheduling mistake and, as it turned out, there was no place for Louise's infant in the day-care home.

"I went shopping," Louise said. "That's what I always do in an emergency."

The shopping trip was meant to be, Louise said. She ran into an old friend and they decided to have coffee. Louise explained her situation and the friend said she might be able to help. The friend employed a young Mexican woman to care for her children and it was working out beautifully. It was a live-in situation, expen-

this count. Legally, she had a cousin, an her illegal alien, who was looking for a similar situation.

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**'I just thank God for her. Sometimes you get blessed.'**

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The friend knew the cousin, and recommended her without reservation.

Louise and her husband met Maria (not her real name). She spoke little English, but her obvious adoration for their baby was all they needed to see. She is the eldest in a large family, and helped raise her younger brothers and sisters. Maria, 18, handled their baby like a veteran.

"We had an immediate good feeling," Louise said.

They agreed they'd try it for a month. Maria moved in and Lou-

ise that was more than a year ago. Maria has become a member of the family. The baby is learning Spanish and adores Maria, who plays with her by the hour. Louise never worries — except about that one little thing.

"We've (Louise and Maria) never talked about it," Louise said. "We've never discussed how she got here — anything. It's an unspoken thing."

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**S**HE ADDS THAT she's "very careful" when discussing Maria with others. Although she doesn't feel there is a big chance Maria will be caught, both she and her husband don't advertise their child-care solution.

She says she really isn't sure what immigration and employment requirements are, nor does she know what the penalties would be to Maria or to herself, if Maria

were found out.

Louise says she does wonder if she's exploiting Maria, but quickly adds that the \$600 per month she pays her is from \$100 to \$200 more than most live-in nannies earn. Maria sends most of the money to her family in Mexico.

That's not to say Maria is in miserable, or even in Spartan surroundings. She has her own room and bath in an exclusive home. Louise gives her lots of clothing, gifts and bonuses.

"Just seeing what I provide for her, I don't think it's bad," Louise said. "I think I can live with it. It's not like she's cramped in any way."

She added that Maria seems very happy. In fact, Louise adds with a laugh, "She's become kind of a yuppie."

**M**ARIA WORKS about eight hours a day and spends weekends with relatives. She's no cook, Louise said, but, in Louise's words, "that girl can chow."

"She voluntarily acts like a roommate," Louise said. "She always cleans up after herself. She's really one of the family."

Louise said she's had a traumatic year at work. If she'd had to drive her baby to child care every day and fight for additional care, she says she's sure she'd have an

ulcer by now. Maria, she said, has made the difference.

"I just thank God for her," Louise said. "Sometimes you get blessed."

*On Monday staff writers Brill and Atkins will discuss the consequences for employers who are found to be violating immigration laws. There are also consequences to employers under tax codes which apply to all hiring, including legal residents.*

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