

# New immigration law: Will it split families?

(Second in a four-part series on the effects of the new immigration law in this area.)

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It's overcast and a light wind scurries through the streets of downtown Watsonville. For summer, it's colder than usual.

On Beach Street, down a bit from the Plaza, is the Migrant Media Center. It's warm and light inside and a Hispanic couple stands close to an office door, waiting anxiously.

They're illegal immigrants and are seeking information at the center about the new federal legalization programs. The programs offer a chance to attain legal status, a chance, say government officials, for millions of illegals to come in out of the cold.

Like most who visit the center, the two have lots of questions about how the programs work, who qualifies and what they have to do to meet program requirements.

"It'd be real nice to have someone come in and say, 'Here are my documents, all in

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order, I'm ready to go,'" said Cruz Gomez, center director.

"But it doesn't happen that way. Every person has a different case. Every person has a different problem."

The sad part, says Gomez, is that not all people — like the man, with sunburned face and open shirt, nervously spindling a small index card; or his wife, tightly holding two pieces of paper — have their questions answered or their problems solved.

The result: They, or their loved ones, won't qualify for the programs, won't be brought in from the cold.

Separation of parents and children is one of the problems caused by "cracks" in the system, Gomez says.

She wonders what will happen when a husband qualifies for

## special report

amnesty because he has lived in the United States since Jan. 1, 1982, but his wife does not.

What if the mother and father qualify for the Special Agricultural Worker (SAW) designations and their children do not?

What status is given to the son, or daughter, or father, or mother who doesn't qualify with the rest of the family?

They will continue to be illegal aliens and, if caught, may be deported, say INS officials.

Tom Maddry, the chief INS legalization officer for this area, is a retired Border Patrol agent. He said he came out of retirement to work in the new programs because he believes it's a way to "help people who need it the most."

He said family separation is one of the pitfalls of the law. He says it will have to be worked out in the courts.

"There's no way the wife and kids can qualify. There is no provision in the regulations to care for them in that case," he said. "They can be picked up and taken away."

Legislators are working on amending the law so families won't be separated, but as yet, there is no answer.

"I will tell you one thing," Maddry said. "The INS does not have a history of trying to get little kids and take them away."

Another common concern among illegals has to do with fake documents. Illegals say they've used false names and fake IDs, drivers' licenses and Social Security numbers over the years to keep under cover.

Will they get in trouble with the law for using the fake documents through the years? INS and other government officials, social service workers and lawyers say illegals won't be prosecuted for past offenses of that nature.

Maddry said the intent of the programs is to straighten things out and give people a new start.

"I'm sure there are some

who've worked under half-a-dozen different Social Security numbers," Maddry said. "Social Security is just as anxious as the illegals are to clear up their records, to make sure people get credit for their work."

Tony Maceri, the manager of the Watsonville branch of the Social Security Administration agreed, saying leniency and forgiveness are being preached. "The aim of the program is to help people," he said.

Irene Valdez, the manager of the Watsonville office of the Department of Motor Vehicles, said her office is asking illegals with fake licenses to apply for new licenses using their proper names. She says the licenses cost \$10.

What if illegals haven't paid income taxes as part of the effort to stay under cover? Will they be prosecuted by the Internal Revenue Service?

Rosa Maria Elizondo of Watsonville is an illegal who has worked in the berry fields for five years. She foresees no problem in qualifying for legalization. However, she said she's worried her husband may not qualify because he hasn't filed income tax returns.

"He hasn't had any trouble with the police and has worked here for a long time," she said. "But he hasn't paid taxes. What will happen?"

The answer is unclear.

Maddry said all information given to the INS when applying for the programs is confidential and can't be used by other agencies. He said the IRS won't get any information from his office.

Jon Silver, a counselor working with the Santa Cruz County Immigration Project, said it looks like illegals won't have to worry about not paying taxes, because so far IRS hasn't made any noises about it. However, he said, that doesn't mean they won't ask for it in the future.

Chips Maurer, a public information officer with the IRS in San Jose, said the IRS is supportive of the legalization efforts and is not looking to prosecute people who have not



# Illegal aliens face dilemmas new under law

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filed returns.

Not filing a return is a federal offense and is generally punishable by fines, which are calculated based on the amount due. Other penalties may apply if the case involves more than simple negligence. (For instance, in the case of fraud.)

Maurer said illegals have a genuine concern if they owe money. However, he said arrangements can be made with the IRS to pay any back taxes. "We don't want to be the big bad wolf," he said.

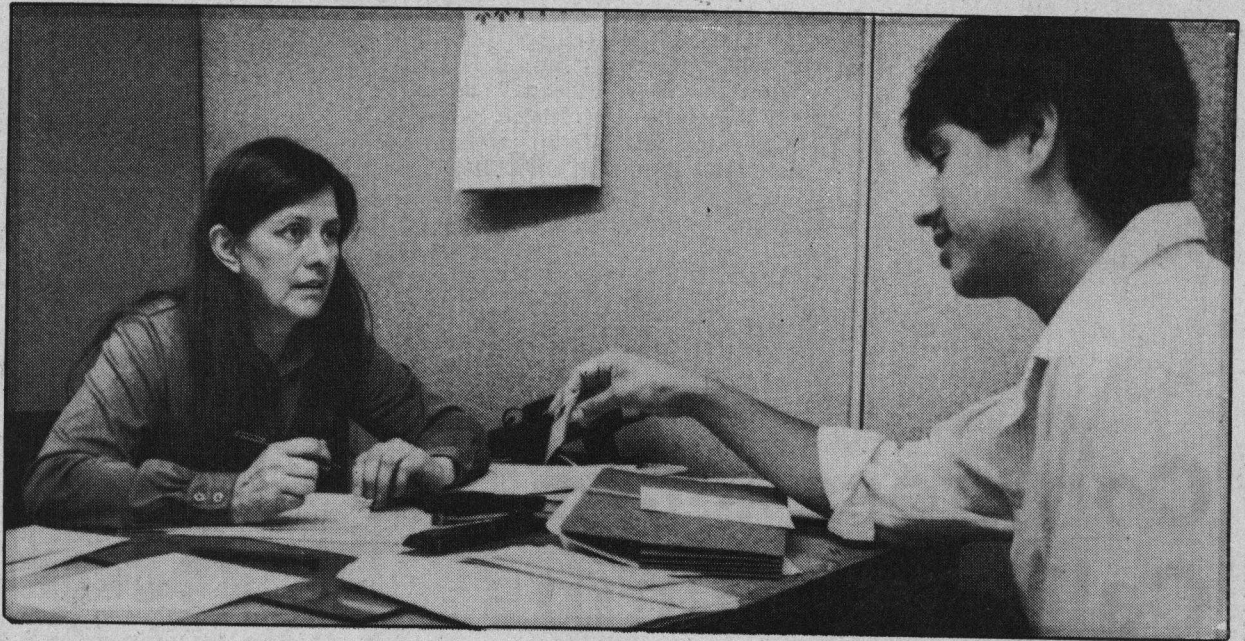
He added that many seasonal agricultural workers are likely owed money by the IRS, because the amount of withholding from paychecks in such cases is generally larger than the amount of tax.

Another concern illegals have voiced has to do with visits to Mexico. Applicants for the amnesty program may be found ineligible if they were absent from the country for more than 45 days in any year, or for 180 days total since 1982. "Brief, casual visits" to other countries are allowed under the regulations. Long absences are allowed in case of emergency.

Cynthia Rice, an attorney for California Rural Legal Assistance, said her organization will probably challenge those regulations in court.

"What's going to happen if they (illegals) went home for Christmas and stayed more than 45 days?" she said. "Does that mean they're not eligible for legalization even though they've been here for years?"

Rice said another part of the



Kurt Ellison

## Cruz Gomez helps Uriel Preciado fill out his application.

problem is that the INS hasn't defined what they mean by "brief, casual visits" or "emergencies."

"Is a death in the family an emergency? We would think so, but who knows?" she said.

Silver said applicants for the SAW programs have less to worry about in that respect. Applicants for SAW have to prove they worked 90 days in agriculture. Silver said as long as they can prove that, it doesn't matter if they returned to Mexico afterward or not.

What if illegals have had run-ins with the law?

Applicants for the amnesty program will be found ineligible if they have been convicted of a felony or committed three or more misdemeanors (except

for minor traffic violations) in the United States.

Silver, speaking at a public session on immigration, said many illegals are particularly concerned about arrests on charges of drunk driving and being drunk in public. Silver said one or two drunk-driving or drunk-in-public arrests will not make an applicant ineligible. However, he urged individuals with extensive crime records to seek legal assistance.

Michael K. Mehr, an immigration lawyer in Santa Cruz, said one factor that may undermine the programs is cost.

Illegals will have to pay \$185 to file an application with the INS. Applications for children

will cost \$50 and the maximum that can be charged per family is \$420.

If illegals seek help from INS-certified agencies before filing the applications, it could cost an additional \$75 per application.

If an illegal has a lawyer prepare the application for him, he can expect to pay anywhere from \$450 to \$1,000. Mehr said lawyers will probably charge \$200 for each additional application.

He said illegals could wind up paying close to \$1,000, on the average, for photos, medical exams, and fingerprinting.

The cost "can get really high," he said. "That may keep a lot of people from applying."