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MAKE THE ROAD NEW YORK is mobilizing members to vote in federal elections and local elections

'Heartbreaking' uncertainty

By: Adina Genn July 5, 2016 0

Walter Barrientos describes the U.S Supreme Court's 4-4 split decision that puts President Barack Obama's immigration reforms at a standstill as "heartbreaking."

Barrientos, the Long Island coordinator of Make The Road New York, with an office in Brentwood, was referring to programs that include DAPA (Deferred Action for Parents of Americans and Permanent Residents), to help parents of U.S. citizens and permanent residents, and DACA+ or expanded DACA (Deferred Action for Childhood Arrivals) to benefit young immigrants who came to the United States as children.

The programs were designed to allow undocumented individuals to apply for temporary work authorization and drivers' licenses and be protected from deportation.

But the Supreme Court tie may affect nearly 4 million undocumented immigrants across the country, and as many as

30,000 on Long Island, according to Long Island Wins, a nonprofit organization that focuses on immigration issues.

Bessy Sanchez is one of the 30,000 now standing in the shadows. Two of her children, ages 4 and 2, are U.S. citizens. Her 12-year-old lives in Sanchez's native country, Honduras.

"I'm a bit saddened by this decision," Sanchez said. "My biggest fear is of separation of families like mine because of the threat of deportation."

Yet while many pinned hope on Obama's programs, the would-be reforms met with considerable opposition.

On Long Island, for example, Rep. Peter King, R-Seaford, "strongly object(s)" to Obama's "choice to bypass Congress and declare administrative amnesty for certain undocumented immigrants," he stated on his webpage. However, King noted "more needs to be done" with regards to immigration, including finding ways to "better meet employer needs by streamlining and expanding U.S. visa programs."

Immigration across the globe is sparking widespread fear, confusion and xenophobia. The Supreme Court stalemate may allow millions of undocumented workers and others to have their day in court and make their plea for citizenship. In a larger sense, legal minds will be able to debate the constitutional merits of a wide range of issues related to American immigration policy.

But now, while awaiting the November presidential election and the next Supreme Court justice for a resolution, advocates say those 4 million undocumented immigrants are at risk.

"These are largely hardworking people from Central America who are left in limbo," said Kerry Bretz, of New York-based Bretz & Coven, which specializes in immigration law and has a satellite office in Holtsville. "They were not targeted for deportation – they don't have criminal records."

Passing reform, Bretz noted, would mean "more are working on the books and paying into Social Security. Most want to do that so they can file their taxes."

Sanchez helps support her family by preparing food and selling it. She was hoping that the Supreme Court ruling would mean "I could find other jobs to bring more resources for my family to be better off. I've looked for jobs before but I've been turned down because I don't have working papers."

Meanwhile, many undocumented workers are at the mercy of "unscrupulous" employers, where "wage theft is widespread," Barrientos said. Even after Gov. Andrew Cuomo announced a minimum wage increase, the undocumented – many of whom have jobs at car washes, construction firms, landscapers and chain restaurants as well as in domestic help – were told "this was not going to apply to them," Barrientos said.

At Make The Road New York, advocates had been screening about 250 people living on Long Island to determine "who would have been eligible" had the Supreme Court ruled in favor of reform, Barrientos said. "We had a couple dozen more who were waiting for the decision."

Since the tie was announced, many are fearful, Barrientos said. "Parents are in fear of driving their kids to school" in case they get pulled over, or get in accidents without having a license or insurance. Driving, he said, "is critical for them and their children, many of whom are U.S. citizens."



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That fear is compounded by a shockwave that recently ran through the community. Earlier this year, U.S. Immigration and Customs Enforcement picked up Julio Acosta, a father of three living in Baldwin who had fled the civil war in El Salvador 30 years ago. Acosta, who is now fighting to stay in the United States, had been convicted of several non-felony DUI and driving without a license charges more than 10 years ago. Since then, he's had "no encounters with the police and his life is in order," Barrientos said. There's a feeling that the notion that ICE's "priorities are going after violent offenders is not really true," he added. "Families are living on the edge that they could be targeted at any moment."

Sanchez agreed.

"One of my biggest fears is to get caught in a home raid. I fear for my children's safety, which would be unnecessarily compromised especially if I have to bring them to Honduras," she said.

Yet, there is hope that new reforms may still come their way.

"There's a small window of opportunity after the election," Bretz said, noting that lawmakers would not be facing elections for another two years.

Those who had qualified for earlier reforms had found that they had "greatly improved their lives," Bretz said, noting that they were able to get state identifications, drivers' licenses, work permits and more.

And while people can bypass the need to drive in New York City, that's not the case on Long Island, with its less robust mass transit system. As Bretz noted, "preventing people from getting a license does not prevent people from driving," adding that these drivers "do not have insurance."

Now, Barrientos said, in absence of reform, there's a push for a driver's license bill in New York, adding that other states already have them in place.

In addition, this kind of bill would mean more money would be spent purchasing insurance, paying registration fees and purchasing cars.

"It would do a lot for the car dealerships and the general economy," Barrientos said.

Make The Road New York is also mobilizing members to vote not just in the federal elections, but local elections too, and pushing to make sure that agencies are up to speed with current immigration laws.

"The future of families is literally hanging in the balance," Barrientos said

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