

Family battles reality of immigration debate

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The debate over U.S. immigration policies has become personal for a Longview family.

Linda Bischoff said Americans have forgotten the engraving on the Statue of Liberty: "Give me your tired, your poor, your huddled masses yearning to breathe free ..."

She also said federal laws and lack of knowledge by the public have forced people seeking refuge to enter the United States illegally.

"I used to think, 'Why don't they just get a visa and come here legally?' " Bischoff said of illegal immigrants. "Now, after going through the endless process of paperwork and extreme cost and still not being guaranteed you'll get approval, I understand why."

Today, Bischoff expects to say goodbye to her son-in-law, Ortelio Alejo, as he packs his things for a return to Mexico. She's not sure whether he'll be back.

Alejo spent five months in the Gregg County Jail awaiting a court hearing on a charge of failure to obey warning signs. A Longview police officer arrested him in January on a charge of not having a driver's license during a traffic stop just outside of Alejo's East Longview neighborhood, known to locals as the "Mexican part of town."

Officials dropped the driver's license charge, and Alejo, 28, was sentenced May 26 to time served on the warning signs charge. He agreed to be out of the United States no later than today in a voluntary departure agreement with Immigration and Customs Enforcement officials.

With tears in her eyes and her head resting on her husband's shoulder, Alejo's wife, Shannon, a U.S. citizen, described the effect of her husband's departure on their family.

"I don't know how I'm going to handle it or what I'm going to do," she said as she cradled their 8-week-old son. "It hasn't hit me yet. I'm still in denial."

'Normal working family'

Because of a provision in immigration law, Alejo opted to stay in jail while awaiting his court hearing. During that time, he missed the birth of his son, Eladio, and his wife, no longer able to pay bills without her husband's income, moved back in with her parents.

"We were living on our own, a normal working family, until this happened. Now I've had to quit my job to take care of the baby, and he's not been able to work," Shannon Alejo said.

Bischoff acknowledges her son-in-law broke the law in coming into the United States illegally. She added that had he applied for a visa after getting here, he would have had to go back to Mexico without a guarantee of being able to return.

In a letter to the editor in the News-Journal earlier this month, Bischoff complained that even though Alejo broke the law, federal and county officials should not have done the same.

According to a court motion that attorney **Jose Sanchez** filed on Alejo's behalf, Alejo remained in jail just more than 24 hours longer than allowed. Under a federal mandate, ICE had 48 hours from the time Alejo's time was served to take him into its custody.

Gregg County Sheriff Maxey Cerliano said releases from the jail are sometimes slowed by paperwork delays, though he didn't comment specifically about Alejo's release.

Sanchez said he immediately began working on Alejo's visa application, but U.S. law requires Alejo to suffer a penalty for entering the country illegally. Alejo must return to Mexico and wait for the U.S. State Department to consider a waiver **Sanchez** filed stating that Alejo's wife and son will endure hardship in his absence. If approved, the waiver will allow Alejo to legally return to the United States quicker.

"Normally, the penalty for entering the country illegally could range from two to 10 years. In some cases, ICE can waive that penalty if certain criteria is met," **Sanchez** said.

Bischoff said proving a hardship is not easy.

"We have a list from **Jose** of 40 things we can do to help prove hardship and stress on Shannon and Eladio. All of them cost money, such as psychiatric counseling and certified copies of everything you can think of for all of us, my husband and I included," Bischoff said.

"This whole process so far has cost us over \$6,000, and we're not even close to being done yet. That's not including the emotional investment you go through, especially when someone you love is being taken away from you."

'Some have forgotten'

Bischoff said people are quick to judge when they aren't aware of all the circumstances.

"These people (illegal immigrants) risk everything to come here. People don't understand how bad things must be for them in their own country to motivate them to swim the Rio Grande, walk across miles of desert or pay coyotes (human smugglers) thousands of dollars to get to America."

Alejo described his life in Mexico as he rubbed the tiny foot of his son.

"There is no public school in Mexico after the sixth grade. You must pay for it if you wish to continue your education, and most can't afford it," he said.

Alejo said he averaged \$30 a week at his full-time job in Mexico, and the cost of food is expensive.

"You barely make enough money to feed your family, much less buy clothes or pay for medicines," Alejo said. "Saving up the costs for a visa or green card to America would take a lifetime if it was even possible at all."

Alejo said he worked on a ranch in Mexico from the time he was 8 until coming to the United States four years ago. Both of his parents died when he was young, leaving him and his seven siblings to provide for themselves, he said.

"Some people don't understand. If you had no hope, no education, and you worked sun up to sun down everyday, what would you do?" Bischoff asked.

"This country was founded on the principle that America was a refuge for those seeking to escape persecution and inhumane conditions. Almost all of us are here and can call ourselves Americans because of this," Bischoff said "Some people have forgotten that."

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Entering legally

To enter the United States from Mexico today with a legal visa and no special waivers, an immigrant would have had to apply in:

- Jan. 1, 1991, for an unmarried son or daughter of a U.S. citizen.*
- June 22, 2002, for the spouse or child of a permanent, non-naturalized U.S. resident.
- May 1, 1992, for an unmarried son or daughter of a permanent, non-naturalized U.S. resident.
- July 1, 1991, for a married son or daughter of a U.S. citizen.*
- June 15, 1995, for brother or sister of an adult U.S. citizen.*

* In some cases, a child born to a U.S. citizen outside of the United States may not be a U.S. citizen, according to an Immigration and Customs Enforcement agent.

Source: Visa Bulletin for July

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The detainer law

Federal law states that ICE may issue a detainer "in the case of an alien who is arrested by a federal, state or local law enforcement official for a violation of any law relating to controlled substances," according to the Immigration and Nationality Act.

According to the Code of Federal Regulations, a state, local or federal criminal justice agency is required to hold a person that ICE has detained "for a period not to exceed 48 hours" if the agency has no other reason to hold the person.

The 48 hours do not include weekend days or holidays.

Ortelio Alejo's case

Ortelio Alejo was not detained for a drug-related offense, raising the question of whether the ICE detainer was ever valid, said attorney Richard Fischer.

"The statute specifically limits them to drug offenses," Fischer said of the detainer used to hold Alejo after he was sentenced to time served for a traffic offense.

Gregg County Sheriff Maxey Cerliano said the decision to contact ICE is up to the arresting officer. His office said the sheriff's office could not say how many people it has held on ICE detainers and referred related questions to the federal agency.

Alejo's attorney, **Jose Sanchez**, said the financial costs shouldn't fall to local taxpayers to house the illegal immigrants.

"We have undocumented immigrants who have been arrested for various crimes, many just as a result of a traffic violation, and the taxpayer is footing the bill to house them in local jails until ICE comes to pick them up, whenever that may be."

Cerliano said the federal agency generally arrives within the 48 hours. When it does, the detainee is released.

Camp County Sheriff Alan McCandless has a different policy.

"We have a very small bed space, and in some cases, ICE takes up to months to come get them. The county doesn't get reimbursed for that so we just don't bring them in unless they've committed a major crime."

"Immigration is a federal issue, not local," **Sanchez** said.

Ortelio Alejo likely will be forced to leave the country today. The 28-year-old is seen with his wife, Shannon, and their son, Eladio. Les Hassell/News-Journal Photo

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