

Inventing tools to help build the American dream

Obama's order allows attorneys to help some Long Island immigrants

By BERNADETTE STARZEE

President Barack Obama's recent executive order allowing 800,000 young immigrants to avoid deportation and apply for work permits had some charging the president with breaking the law or worse.

But talk to Long Island immigration attorneys and they'll say they finally have a lifeline to help clients.

"It has been a long time since we have had any positive legislation to help people who are undocumented," said Linda G. Nanos, who has an immigration law practice in Hempstead. The Obama administrative action "will offer some relief for some of our clients," she said.

Under the new policy, undocumented immigrants who can prove they came to the country before age 16 and have lived here for five consecutive years could apply for temporary legal status and two-year, renewable work permits. The immigrants, who must apply before age 30, must have graduated from a U.S. high school or earned

a GED certificate or served in the military. Those convicted of felonies or significant misdemeanor offenses are excluded. An application procedure is expected to be in place later this summer.

A family affair

It's not just young people who came here without inspection who are affected, Nanos said. Sometimes people with children are sponsored by a relative, and since their cases can drag on for 10 years or more, the children may age out of their parents' case and be left to face deportation.

Since Obama's executive order was announced, "we're getting about 25 calls a day on it," said Patrick Young, program director at the Central American Refugee Center in Hempstead and Brentwood, and vice chairman of the Long Island Immigrant Alliance and a special professor of law at the Hofstra University Maurice A. Deane School of Law. "About 8,000 people on Long Island will be affected by it."

A second policy change, which would affect undocumented spouses and children of American citizens, is expected to be finalized soon, as well. Currently, most undocumented immigrants must leave the country before requesting that the federal government waive a three- to 10-year ban on their legal re-entrance into the United States.



DAVID MEJIAS: One concern is undocumented workers are exploited on the job.

A new Obama administration initiative calls for allowing the spouses and children to apply and get an answer on the waiver request before they head to their country of origin to seek a visa to return here legally. This would reduce the amount of time they're out of the country and away from their families.

"The way it has been, you may have a mom who goes back to Mexico and has to wait about six months for the waiver, and

Dad is here taking care of the kids by himself," Young said. "We're getting some calls about this, but it affects a limited number of people – maybe about 2 or 3 percent of undocumented immigrants."

Nassau sí, Suffolk no

There's considerably more tension surrounding immigrant issues in Suffolk County than in Nassau County, said Nora V. Demleitner, dean and professor of law at Hofstra law school, which recently hosted a workshop for instructors including a panel discussion called "Immigration and Immigrants in the Suburbs."

The immigrant base in Nassau is more spread out socioeconomically and from different regions of the world, Demleitner said. "When you have a lot of immigrants from a particular part of the world and they all speak the same language, they're perceived as more of a threat."

Young said his clients in Suffolk tend to be less trusting of authority figures.

"In Nassau and New York City, authority figures don't treat immigrants differently than everyone else," he said. "There have been some improvements under the Bellone administration, but there is still some anti-immigrant activism and residue from the Levy administration."

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For instance, in some Suffolk towns there's been a tendency to set bail for minor traffic infractions for someone who's suspected of being undocumented, said David Mejias, president of the Long Island Hispanic Bar Association and a partner at the Glen Cove-based law firm Mejias Milgrim & Alvarado.

Once bail is set, the individual can be run through the system to see if he's undocumented, and if he is, he could face deportation, said Mejias, who noted that part of the mission of the Hispanic Bar is calling attention to the unfair treatment of any Latino, documented or undocumented.

On-the-job dangers

One concern is undocumented workers are exploited on the job, Mejias said.

"In industries like construction, they can suffer traumatic injuries and have no worker's compensation or other insurance to protect them," he said. "Plus, they often get less than minimum wage and no overtime pay. Labor laws are not followed when it comes to undocumented workers."

In representing immigrants from nations with temporary protected status, such as Haiti, West Babylon attorney Larry J. McCord finds his clients are often hit with extra fees from the government.

"Often, when they apply for a work authorization card, they don't receive it, and then they have to request it and pay for it again," he said. "The extra fees are onerous for many immigrants."