

Doris Mary Turek, S.S.N.D.

La Tierra Prometida: A Mother's Sacrifice

Ana Cruz leaned back against the pillow and closed her eyes. She could picture the scene as if it had happened this morning. She was at her usual place in the factory stitching collars onto men's coats. This was specialized work which was done by hand only by the most skilled seamstresses. She was happy as she thought of her three-year-old Carlitos and her two-year-old Lupita playing at the home of her friend Gloria. She had saved enough to buy each a new pair of shoes. Life had certainly changed in the five years since she left El Salvador. Her home in the campo, the tiny village where her family had lived for generations, where everyone knew everyone else, where tiny parcels of land had been farmed, and where the little they had was shared with those who needed help—all this now seemed so far away. When the opportunity arose to go to "America," to the wonderful U.S.A., Ana could not pass it by. She had dreamed of this land of opportunity and did not know if she would be offered the chance to go a second time. With her parents' blessing and the little money they had saved she eagerly joined the small group of travelers. With a few changes of clothes and a little food in her backpack she set out.

The journey was long and difficult. Many days only the jokes and kind words of Carlos Guzman helped pass the time. At last they had crossed the border and crawled slowly up the hill into a waiting van. Before too long she was lucky enough to find a job in a small, dark factory sewing mens' clothing. Gloria worked in the same place and, when an apartment became available in her building, she helped Ana move in. At last Ana had a place of her own. One day at the market she ran into Carlos who had journeyed with her to this country. After dating for a few months, they moved in together. Carlitos was born soon after, then Lupita. They went to Mass every Sunday at St. Martin's but tried to avoid making friends for fear of calling attention to their illegal status. With his evening job as a busboy in an Italian restaurant and her small income from the factory they were able to make ends meet, send a little to their families back home, and even have a bit for the movies or, once in a long while, for a meal at a restaurant. "Ay, Carlos," Ana would say, "God is certainly good to us. We have the freedom to live here in this large city, take Carlitos and Lupita to the park and the mall. Isn't life wonderful?"

One day Carlos did not return home at the usual time. At first Ana did not worry. He had told her that the manager liked him and had promised that the next available position as a waiter would be his. "Maybe he got the job and is getting training," she thought. At 7:00 P.M. the call came. "Ana," he said, his

voice reflecting excitement and fear, "la migra came to the restaurant this evening. They asked us for our papers. Even though I gave them what I had, they realized that they were not the real thing and took Luis and me away. I am at a detention facility now. Tomorrow I go before the judge but it does not look good. Pray for me, querida. Maybe there will be a miracle." Ana screamed, "No, Carlos, mi amor. No puede ser. They can't do this." Carlos responded, "I've got to go. They only gave me a few minutes. Kiss Lupita and Carlitos for me. Te quiero mucho."

Ana hugged her children close. Through her tears she said, "We have to pray for Papi now. Some bad men took him and want to send him far away to abuelo. But we need him here. Let's go to the bedroom and kneel before la Morenita, Our Lady of Guadalupe, and ask her to help Papi." That was last January. Carlos had been deported and was in El Salvador now. He had written to say he was trying to get money, that he would come back as soon as he could and that he loved her very much. "Ay, how much I miss Papi," Ana told Carlitos and Lupita as they prayed for him each day. The children were so good, but they were too small to understand what had happened. Thank God for Gloria. She had gotten hurt on the job and was home now. She had offered to care for the children together with her own son, Francisco, who was the same age as Carlitos. Ana would pay her something.

The days at the factory seemed longer without Gloria to talk to and without Carlos to share her dreams. Ana shuddered as she thought of that Thursday afternoon in April. The machines had suddenly grown quiet. Uniformed officers moved through the room blocking the exits. She could hear their firm authoritative commands. "INS. Enseñanos los documentos. Show us your documents." Ana's hands froze as she fumbled in her purse for the papers. She recalled what Carlos had said. What would happen to her? "Dios mio," she prayed, "not now. Please, ayudame!" Then a stern-faced officer came to her and looked at her papers. He threw them down and she was taken away. It was now October. This morning at the hearing the judge had listened patiently but said the word she dreaded most: DEPORTATION. She was now in the detention facility waiting to receive further instructions.

Tom Moroney closed the door and turned the key in the lock. He slipped on his jacket against the evening chill, headed down the corridor, and took the short flight of stairs to the parking lot. Soon he would be home with Maggie and the kids. He was growing weary of the job but it paid the bills, and with the second child starting college he needed the money. Every day a steady stream of humanity paraded before him. It was always the same. Only the faces changed. But lately, some of the people whose cases he had previously decided had returned. He was Judge Thomas P. Moroney and his decisions sent countless illegals back to their countries of origin. Tom could see the face of one young woman who had stood before him that day. Even now he could almost hear her scream, "¿Y mis hijos? What will happen to my children?" She had lowered her eyes and begun to cry. "Why did they come here in the first

place?" he thought. "Didn't they know they would be caught sooner or later? Why did they have children here? Couldn't they have planned this better? God protect them."

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Ana's situation is repeated daily in courtrooms throughout the country as those who have entered this country illegally seek an opportunity to gain permanent resident status, asylum, or citizenship. Mothers with children born on American soil are forced to make a decision which will affect their future. Ana has been traumatized twice. First, Carlos was deported and she was left alone to provide for her family. Then, she was uprooted from her home of five years and told she must return to El Salvador. Fear permeates her life now—fear for herself, fear of the unknown, and fear for her children. She loves her children and yearns to be close to them. She likewise wants only the best for Carlitos and Lupita.

Now she is forced to decide between these two values. On the one hand, she could take the children with her when she is deported. They would be in her home and by her side. She would continue to be present to them during their growing years, but she would, at the same time, deprive them of the advantages of U.S. citizenship. On the other hand, she could decide to leave them behind with a relative or friend. The children would remain in this country where they would be assured of a good education, better health care, and opportunities their parents never had. They could study, have a profession and a good life. Is this trade off worth the separation from a loving family?

In 1996 the U.S.C.C. issued a document entitled *Who Are My Sisters and Brothers? Reflections on Understanding and Welcoming Immigrants and Refugees* to help Catholics welcome refugees and immigrants, and recognize each as a reflection of God in the human community. The document speaks to the special plight of migrant women and notes the many consequences they must face. It also advocates pastoral efforts geared to promote working conditions, security, social benefits, housing, and schooling. Despite her strong faith and her attendance at Sunday liturgy, Ana did not make herself known to the pastor at St. Martin's and no one on the parish or diocesan staff was aware of her plight. The fear of the discovery of her illegal status was so great that she failed to be connected to knowledgeable persons and involve herself in a process which could have delayed or possibly prevented her deportation.

The U.S. bishops have also expressed a special sensitivity to the newcomers among us. *One Family Under God: A Statement of the U.S. Bishops' Committee on Migration* affirms the family unit as the basic building block of any society. The statement notes that families should not be

unduly stressed by a prolonged separation of family members, especially spouses and minor children. It advocates special consideration for the needs of children. In addition, it emphasizes that processes and procedures governing the deterrence of illegal immigration are to be transparent, fair, and generous.

What is the role of Tom Moroney and other immigration judges? He is sworn to uphold the laws of the United States. He must listen to the facts in each case and render a fair and impartial decision based on those facts and the law. Absent specific circumstances which allow him to carve out an exception, he must make a decision in each case which is faithful to the law, despite pleas for a compassionate verdict. Although individual stories may warrant a humane resolution, unless the facts dictate otherwise, the judge must rule as the law dictates. Even if Judge Moroney, a father himself, wanted to make an exception for Ana—and the many other Anas, Marias, Carmens, and Luisas he encounters—a compassionate decision is often not possible under the law.

The Immigration and Naturalization Service vigilantly patrols the southern border of this country. Many are apprehended upon crossing the border. If they are found to be without documents or with fraudulent documents they are placed under mandatory detention. In an effort to prevent a flood of applicants for asylum Congress has created “summary” or “expedited” exclusions to speed up the application process. The usual procedure mandates that those seeking asylum receive an opportunity to prepare their claim and present it at an immigration hearing. They may appeal a negative decision. Summary exclusion means that people at air and sea ports who do not produce the required documents receive only a single on-the-spot-interview with an INS official, with a very limited review of the decision. They have no right to present their case before an immigration judge unless they can persuade the INS office that their case is legitimate, for example, a fear of death upon returning to their home country. Applicants who fail the process may face immediate deportation.

These measures, however, may penalize those who do not speak English well, do not know the system, and who are easily intimidated by authority figures. Thus, instead of speeding up the process, the expedited exclusions may in reality threaten the safety of those legitimately fleeing persecution. Furthermore, those with prior criminal convictions, even minor convictions, are deportable whether or not their families reside in this country. This latter is retroactive so that a conviction which occurred fifteen, twenty, or twenty five years ago is now a reason for deportation.

How does all of this appear to those in this country illegally? Many people in developing countries view the United States as the land of

opportunity. The flag signifies freedom, justice, and equality for all. They believe the law will be fair and be administered fairly in their regard, unlike some of the laws in their country of origin. They know well that they are here illegally, yet they view the judge as one who will do the right thing and act on their behalf. When the judge rules against them, they are truly shocked. They cannot understand the sentence since they believed the law would help them and their situation. How then could this country create a hardship for them and for their children?

Pastoral agents on the parish and diocesan levels should be attentive to the immigrants in our midst and sensitive to those whose posture and hesitant stance keeps them marginalized from the parish community. A word, an invitation, an offer of assistance can go a long way to ease the isolation of those who have recently arrived or who are in fear of discovery as undocumented. Those in the legal profession who deal with immigration issues know the pain, the uncertainty, the enormous burden shouldered by those who come to them for assistance. Some cases have a result favorable to the immigrant. Some, unfortunately, do not. Church-sponsored immigrant and migrant services attempt to ease the feeling of isolation and can do much to counter the attitude of many INS officers too often perceived by warm Hispanics as cold, stoic, and severe. In my ministry as an attorney, I am faced with Ana's scenario and similar ones. People agonize over decisions concerning their children and would like me to tell them what to do. I can review all the options with them, but ultimately the decision is theirs.

Ana closed her eyes again. The pain of the decision was a heavy burden. She had agonized, prayed, cried, talked to her friend, tried to think calmly, then prayed over and over that she would make the right choice. Carlitos and Lupita would stay with Gloria. They would be safe and progress in this country. She would miss them but continue looking for ways to return to the land of opportunity.

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