

SO MANY UNDOCUMENTED IMMIGRANTS—
COLLECTIVELY A FORCE IN OUR LOCAL ECONOMY—
COULD WIN LEGAL STANDING HERE IF ONLY
THEY HAD PROPER GUIDANCE. ACTIVISTS
ARE WORKING TO MAKE THAT HAPPEN.



POTENTIAL IN THE SHADOWS

BY JENNIFER REED

WHEN HER HUSBAND

leaves for the fields each morning, Patricia, a spirited mother of three in Immokalee, wonders if he'll make it home for the night.

A bus carrying farmworkers had been stopped by law enforcement one recent day; a checkpoint had been set up on another. He so far has eluded problems. But anxiety hangs over the family.

"My son will say, 'Put your seatbelt on or the police are gonna take daddy,'" Patricia says one morning in a conference room at Redlands Christian Migrant Association, where her 4- and 5-year-olds attend preschool. (*Gulfshore Life* is not fully identifying her due to her family's mixed immigration status.) "I don't know how they know that. We don't talk about it in front of them."

But here's the issue: Patricia's husband could have legal standing to be in the United States, through his wife, a native of Guatemala who came here legally and is a permanent U.S. resident. He's among an estimated 2 million undocumented people who might qualify for residency but remain in the shadows for a host of reasons—lack of money, lack of attorneys, lack of information, fear, fraud, failure to keep up with document renewals.

"We have to get together some of the papers," Patricia says. "But I just feel afraid with everything that's been happening. I just feel like they're going to put more rules so I can't make the petition for my husband."

While federal immigration reform remains endlessly stalled and political leaders debate what to do with the nation's 11 million undocumented individuals, some advocates ask: What about identifying and providing legal assistance to the people who have a right to be here under current immigration law?

As with all things immigration-related,

even this seemingly straightforward proposal is rife with complications—from understaffed legal aid organizations to caps on the number of visas issued every year. The government allocates 10,000 a year to violent crime victims, for example. Identify more and you overwhelm the system. The wait for family-based visas stretches for decades in some cases; more than 4 million family members have been approved for legal status but haven't yet received their documentation due to processing backlogs.

Nevertheless, in Southwest Florida, a group of philanthropists and activists believe that legal screenings and related assistance are critical for the stability of the region's burgeoning immigrant communities—and essential for its economy as well.

Through the Southwest Florida Community Foundation, they've launched a new initiative, the Land of Opportunity Fund, which attacks legal challenges on two fronts: sending nonprofit lawyers into the communities most in need of legal help, and developing an app that helps immigrants identify whether they could attain legal residency based on their circumstances.

"This is more than a legal issue; it's an economic issue for Southwest Florida," says Dawn-Marie Driscoll, a foundation senior adviser trustee who spearheaded the new fund. "Where is our workforce coming from?"

Florida has one of the nation's largest populations of undocumented immigrants: some 850,000 overall as of 2014, according to the Pew Research Center. The organization estimates that between 30,000 and 40,000 of them lived in Lee County and 25,000 to 35,000 lived in Collier that year.

Driscoll is hoping her project helps identify people like Patricia's husband: immigrants who have grown roots here, are working, are

raising children—and have the potential to become full-fledged members of society.

DATA ON THE potentially legal immigrants comes from a 2014 study that analyzed one pool of undocumented immigrants, young people applying for DACA, Deferred Action for Childhood Arrivals, the Obama-era policy that offers a legal shield and certain privileges for "Dreamers" brought here as children.

Of the people screened, 14.3 percent of those eligible for DACA also qualified for legalization under other criteria—and didn't know it. Those other pathways could lead to permanent residency and then citizenship, unlike DACA, a temporary status.

That rate suggests that some 1.6 million undocumented could qualify for a visa, says Jeanne Atkinson, the executive director of the Catholic Legal Immigration Network Inc. (CLINIC), one of four study authors. Her organization is heading a new survey of a broader pool of undocumented immigrants to see if even more qualify.

Raw data suggests they will, Atkinson says, offering an early projection of 2 million. Legalize them, and they in turn can petition for residency for their immediate family members, further curtailing the ranks of undocumented.

That multiplier effect may provoke those who favor immigration limits. But offering status to qualifying immigrants could save taxpayer money and relieve a growing legal backlog. Consider: The average wait time for an immigration case to go to court was 669 days nationally and 506 days in Florida as of March, according to the Transitional Records Access Clearinghouse, a research center at Syracuse University. Estimates for the cost to

deport all 11 million undocumented immigrants run into the hundreds of billions.

The CLINIC screeners uncovered a number of scenarios for how immigrants might qualify for residency, including asylum cases and U visas for victims of violent crime. They identified immigrants slated for deportation who potentially met the criteria to have their removal orders lifted. In one case, they discovered a man was a U.S. citizen through a family member's petition—unbeknownst to him.

Legality, moreover, is not a fixed status.

"The thing people don't realize about status is people are always coming in and out of it," says Donald Kerwin, executive director of the Center for Migration Studies and another of the researchers on the DACA study. Some start out as legal visitors, students or workers and overstay their visas. Others fall out of status, Kerwin explains, when they fail to renew their visas. A green card, for example, lasts 10 years; DACA is granted for two years at a time.

"It's kind of a riddle and upsetting," Kerwin says. "People will apply the first time and then not reapply."

It's impossible to know how many Southwest Florida immigrants potentially qualify for legal status. Some attorneys say they more commonly encounter people without recourse, but others, including Fort Myers attorney Indeara DeMine, see quite a number of potential lawful residents.

"It's about 50/50," says DeMine, who offers pro-bono services in her spare time and recently joined the Land of Opportunity efforts. "Immigration law is confusing—I get why people are not jumping on every opportunity. And then there is so much false information out there."

"The need for immigration attorneys, for pro bono services are greater than ever," she adds.

SOUTHWEST FLORIDA'S immigration law guru is Sister Maureen Kelleher, an attorney who has been in practice since 1984 and who runs Collier Legal Aid's Immokalee office.

"It's very clear that in Southwest Florida, there is a sizeable number of people who really don't know if they are eligible for any benefits under the law and where they would go to find out," she says. "We don't have enough immigration attorneys, and we also have a problem of (for-profit) immigration attorneys charging big fees, which keeps much of the population of immigrants from seeking help."

Services at places like Legal Aid and other nonprofits are offered at little or no cost. But there is no negotiating the government's fees. Kelleher ticks off samples of recently increased charges: \$535 to start a petition for a spouse; \$1,225 if that spouse had overstayed a visa and fallen out of legal status (the fees are higher if the spouse was never legal); \$930 if there's any sort of crime tarnishing the spouse's record. And the list goes on.

The average farmworker earns less than \$1 per bucket of tomatoes picked.

Aside from money, Kelleher says, fear is the biggest barrier to legalization.

"This very day, we had a U.S. citizen who married a Hispanic, and she's coming in in fear and trembling about whether she should make a petition for her spouse," Kelleher says. "They've been married a long time, there's no prior marriage that could be a block—nothing—and they're wondering if they should surface. Should they put his name and address into the system?"

Patricia, the mom at RCMA, has been married a long time, too.

"You want the truth?" she asks. She takes a breath and explains that her husband once

Dawn-Marie Driscoll, a trustee of the Southwest Florida Community Foundation, spearheaded the Land of Opportunity Fund to help area immigrants with their legal needs. She sees immigrants as essential to the region's economic well-being.

fell into the wrong crowd and ended up with a DUI. She told him bluntly that she wouldn't petition for residency until he straightened himself out. "My husband changed his life, everything is good, so, OK, you are ready to have this gift."

But now there's another layer of uncertainty: Could her husband's one-time mistake hurt his chances in this get-tough environment? Area attorneys and advisers are reporting a surge in detentions, even for minor traffic offenses once handled with a driving citation—not a deportation hearing.

"He has his rights. We have rights," Patricia, who speaks English, suddenly switches to Spanish to fully express herself. Kristina O'Hern, a certified immigration counselor at RCMA, translates. "We have a family. If we quit doing this ... we're stuck here, we're stuck in place, they've won. They have power over us."



TO FIND THE potentially legal, you need to get to them and then get them to attorneys or government-certified advisers.

And to do that, you need people like Margarita Comiskey.

Comiskey, a part-time LaBelle resident, has been visiting her community's migrant camps for almost a decade. Lately, her focus has been on resolving workers' legal quagmires—anything from helping workers get their Mexican passports (the first identification many have ever possessed) to tracking down birth certificates to helping parents secure dual citizenship for their U.S.-born children in case of deportation.

In her networking, battered women emerged as a subset of immigrants needing help, both to deal with the domestic violence and then to pursue the U visas, a special protection for crime victims.

"THE THING PEOPLE DON'T REALIZE ABOUT STATUS IS PEOPLE ARE ALWAYS COMING IN AND OUT OF IT."

—DONALD KERWIN

Comiskey pulls onto a dirt road one Saturday morning and into a tree-shaded migrant camp where Angelica Alaniz is raising her three American-born boys, along with supporting a fourth, her oldest, whom she was forced to leave behind in Mexico.

She and Comiskey met some nine years ago. "She was always smiling," Comiskey says.

"People here don't smile."

But the younger woman had been through heartbreak—the separation from her first son and then domestic abuse by her husband in LaBelle. Eventually, Alaniz went to police (a rare step among immigrant women), who in turn sent her to a battered women's shelter where a social worker connected her with an

attorney at the Ave Maria School of Law. The lawyer started her visa application but later moved out of state and left her case in limbo. Alaniz, now a single mom (her husband was deported), was even more fearful of her tenuous status.

"It's hard because we never know if we'll come back home. It's the uncertainty. If I don't come home, what happens to my children here?" Alaniz says in Spanish. Comiskey, a native of Colombia, translates. "Who will take care of my kids? Will the state take them?"

Comiskey found Alaniz a lawyer at another nonprofit, the Amigos Center in Bonita Springs. Attorney Lindsay Ray finalized the application, and Alaniz won approval last November. She officially received her visa in late March.

"Tranquility" is how Alaniz describes her new state of being.

COMISKEY'S WORK converges with the new Land of Opportunity Fund initiative.

The idea was born a couple of years ago—before the Trump candidacy—when the Amigos Center came to Driscoll seeking a grant to hire an attorney. The foundation at the time didn't have a means of funding immigration needs, but the request planted a seed.

In tandem with experts like Kelleher, a group of supporters and a deep-pocketed investor, Driscoll launched the Land of Opportunity Fund in 2015.

The fund attacks the legal services gap on two fronts: by expanding the reach of immigration attorneys; and by creating an app that offers immigrants an overview of legal pathways, helps them determine whether they might qualify for one and connects them with local not-for-profit legal services.

Driscoll went back to the Amigos Center, which had since come up with money to hire Lindsay Ray, and proposed sending her to immigrant-heavy neighborhoods that lacked access to attorneys, starting with Harlem Heights in Lee County. Newly announced immigration policy changes had rattled residents, struck fear among children and left staff members at the Heights Foundation determined to see what more they could do for families.

"What has happened to a number of families is they are technically here illegally because they haven't gotten things renewed when they needed to be renewed," says Debra

Mathinos, Heights' director of lifelong learning. The foundation refers parents to several legal assistance offices, but unreliable transportation, round-the-clock work hours and wait times for appointments complicate their ability to follow up.

Donors now support Ray's twice-monthly visits to the Heights Foundation. A few weeks after she started there, the fund's organizers added a second auxiliary site for her, at F.L.S.H., a community center serving Sanibel and Captiva.

More outreach is in the works, including an effort to hire an attorney to rotate among Hendry and Glades counties and Immokalee. Driscoll proposed that after meeting Comiskey and learning about her experiences in the LaBelle camps.

"People are sometimes walking around with a golden ticket and they don't even know it," says Ray. It's too soon, she says, to know whether the satellite locations will have impact, but she's sensing new urgency within the immigration community and a growing need for attorneys as more immigrants are detained.

Even with increased outreach, legal needs vastly outnumber the legal experts. Southwest Florida has a fair number of private immigra-

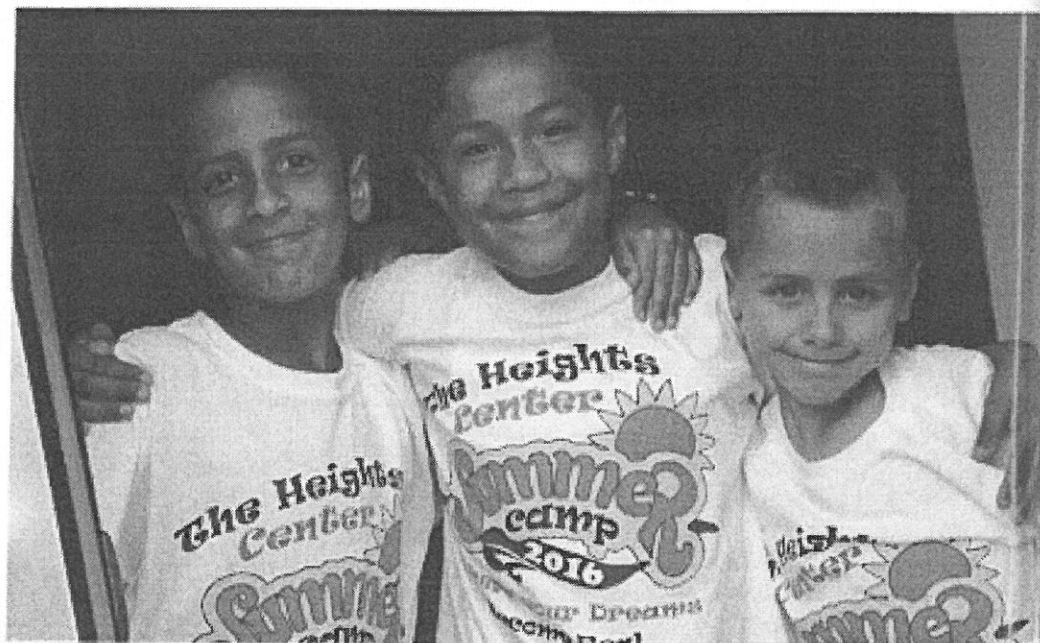
tion attorneys to assist business owners and those of means but only a handful of nonprofit legal aid services to help low-wage earners.

That's where technology comes in.

Developer Dan Bevarly is nearing completion on an app, dubbed "El Camino" or "The Path," that will walk immigrants through the four most common roads to legal status, including two categories of marriage petitions, and one each for asylum seekers and crime victims. There are six additional scenarios that could be added later, along with other information about immigrant rights.

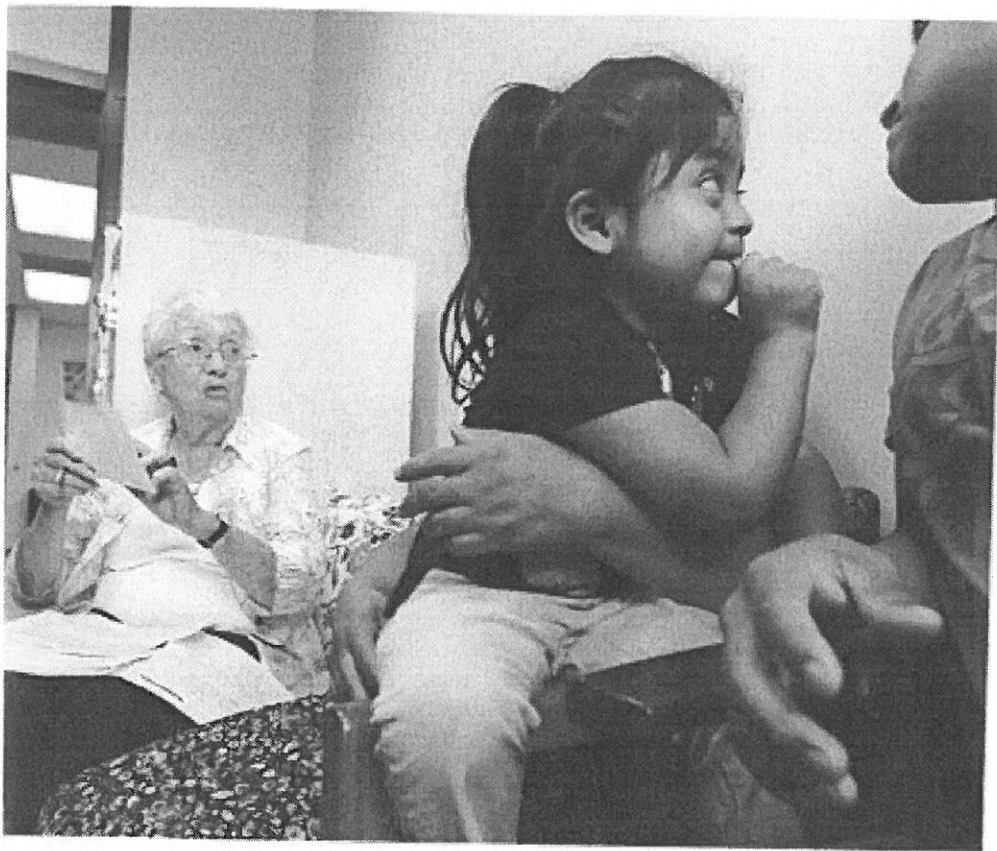
By answering a series of "yes" or "no" questions, immigrants will discover if they have a potential case, what documents they'll need to present and where to go for community-based legal help. The questionnaire will also reveal a more common scenario: that they have no legal right to be in the United States. Knowing the latter is nearly as important as identifying the former—fraud runs rampant in immigrant communities, making desperate immi-

Donors to the Land of Opportunity initiatives will pay for an immigration attorney to hold office hours at the Heights Center in Lee County, which serves many immigrant families.



"PEOPLE ARE SOMETIMES WALKING AROUND WITH A GOLDEN TICKET AND THEY DON'T EVEN KNOW IT."

—LINDSAY RAY



Sister Maureen Kelleher, an immigration attorney for Collier Legal Aid, counsels an undocumented young man. In spite of her efforts, it appears he will be deported. His little sister is a U.S. citizen.

grants easy prey for hucksters who promise to secure legal status. (See gulfshorelife.com/immigration-fraud for more on fraud.)

"The hope is the person who sees they're not eligible won't be wasting their scant resources. And the person who finds out they are eligible for something will see the whole picture. Unfortunately, it's my experience that when people come to us, they haven't got a clue about what's involved," Kelleher says.

THE 2016 presidential election stirred up an anti-immigration sentiment that more readily supports kicking the undocumented out rather than seeing if they have legal standing to stay in.

That's why Driscoll and her fellow immigration advocates keep stressing the region's economic reliance on foreign-born workers.

"Let's assume every adult in Southwest Florida, ages 17 to 64, wanted to work. ... It's still not enough people," Driscoll says.

The latest Workforce Now economic study identified a 1,763-worker shortage in the

region's top 10 industries, including retail sales, maintenance, grounds keeping, food service and construction. Nationally, the non-partisan Pew Research Center reported that immigration will drive population growth through 2035 and foreign-born workers or the children of immigrants will help offset a coming decline in the number of generational American workers.

Driscoll frames it personally: All six of her husband's home health assistants are immigrants.

Documentation can launch careers and pull families out of poverty.

"Education is our future—literally our future," says Maria Munguia Cortes, speaking by phone one evening from Wartburg College in Iowa where she is a freshman. Her parents left Mexico when she was a toddler because they feared their children would be doomed to the same fate as them—educated only through grade school and mired in poverty.

Cortes graduated top of her class from Immokalee High, and thanks to two area nonprofits—the Guadalupe Center, which

provided work and scholarship opportunities, and Catholic Charities, whose immigration experts helped her secure DACA—she was able to pursue a college education.

Having the reprieve from deportation offers a sense of relief; still, Cortes knows the program stands on shaky ground and doesn't lead toward citizenship.

"If I don't get DACA renewed, I will lose my ability to drive, my photo ID; things will get so complicated for me," she says.

She's studying public relations with minors in social work and Spanish. "My goal is to help people and do what was done for me. I had so much help through Catholic social services, and Guadalupe Center—they really changed my life."

Border security, an inability to track temporary visa holders, concerns about immigrant families straining the social safety net—these are all valid worries. There's no argument about the need for reform; the debate, of course, lies in where to start and what to do with those already here.

Patricia, the mom in Immokalee, says immigrant families don't exaggerate their value: "We don't feel more important than other people in the United States, but we are part of the United States."

But she and Alaniz in LaBelle stress their contributions—to the economy and to the fabric of their communities.

"I want them to know we work very hard to pick the vegetables and fruits—for them," Alaniz says. "If not for our work, who will do the farming here?"

And as the immigration reform debates intensify, Cortes offers this: "I just wish people understood—at the end of the day, we're just human, and I think people forget that." ♡

For more information, visit landsofopportunityfund.org.