

September 27, 2009

## Undocumented UM student's hopes hinge on DREAM bill

By JOHN S. ADAMS Tribune Capitol Bureau

MISSOULA — Carlos Rivera wants what just about every other university student in the United States wants: to earn his degree and set off into the world in pursuit of the American Dream.

But before Rivera can realize that dream, he's going to have to get through a nightmare most college students can't even fathom.

That's because Rivera is on the verge of being deported to Mexico, and unless Congress moves past the health care debate and on to immigration reform — specifically a bill known as the DREAM Act — Rivera's chances of staying in the country beyond winter are slim.

"I try not to think about it," Rivera said of the possibility of returning to his native city of Guadalajara, a sprawling Mexican metropolis of 1.6 million that he doesn't even remember.

"It's one of those things that I think, 'what's the point about worrying about it 'til it happens?' I want to keep a smile on my face," he said.

Rivera, a 27-year-old international business student at the University of Montana in Missoula, spent the past 21 years living his life as though he were just another American citizen. That was until he came to the attention of federal immigration officials last year.

Rivera said he was unaware of his status until he was in high school. Until recently, he never understood the consequences of being an undocumented alien living in the United States.

However, when he opened his mailbox in June and found a letter from Immigration and Customs Enforcement ordering him to appear at its office on July 14 to be deported, the severity of his situation sunk in fast.

### The DREAM Act

It's impossible to say how many people around the country are facing the same dilemma as Rivera.

Immigration officials declined to comment on the specifics of Rivera's case, but Dallas-based ICE spokesman Karl Rusnok said it's not uncommon for immigrant children to learn later in life that they're not citizens and then find themselves facing serious consequences.

"It is not unusual for somebody to be in this country for a lengthy period of time, since they were 2 years old for example, and not realize that they are undocumented aliens until they come to the attention of the police or something like that," Rusnok said.

However, he added that living in the country illegally for most of their life does not give people any more right to stay in the country than someone who just walked across the border.

"You could be here 10 minutes or 10 years. You still need to have some means of being able to legalize," Rusnok said.

Children who immigrate to the United States with their undocumented parents currently have no method of achieving citizenship.

Some members of Congress have set out to change that with their support of the Development, Relief and Education for Alien Minors Act, known as the DREAM Act.

The idea behind the act is simple: immigrant students who arrive in the country as children, graduate from a United States high school, stay out of trouble with the law and have been in the country continuously for at least five years prior to the bill's enactment, can have the opportunity to earn conditional permanent residency.

The Senate debated a version of the bill in 2007, but it fell eight votes short of the number needed to overcome a filibuster by senators opposed to the measure.

The act has been introduced again, but it's unclear if or when Congress will resume debate on the measure. Supporters of the bill estimate that they still are eight votes shy in the Senate.

Rivera's immigration attorney, Shahid Haque-Hausrath of Helena, said the DREAM Act could hold the key to Rivera's future in the United States. Rivera is scheduled to appear before an immigration judge in January, at which point he could face deportation.

"Carlos has a serious girlfriend, and they are considering marriage, but right now the only thing that would help Carlos is the DREAM Act," Haque-Hausrath said. "If there is no serious discussion of the DREAM Act by the time of Carlos' hearing, he may very well be removed. If things are moving, the judge may agree to give us a few months to see what happens in Congress before removing Carlos."

If the judge orders Rivera removed from the country, he would be barred from returning for 10 years, Haque-Hausrath said.

Critics of the DREAM Act say the primary intent of the bill is to create broad amnesty for illegal aliens, rather than paving the road to citizenship for people such as Rivera.

Roy Beck is executive director and founder of Washington, D.C.-based NumbersUSA, an organization that lobbied against the 2007 version of the DREAM Act and opposes amnesty for illegal immigrants.

Beck said he's sympathetic to Rivera's situation, but added that the DREAM Act is not an appropriate path to citizenship for immigrant children who were brought to this country by undocumented parents.

"You can take a lot of these individuals and you can make a compelling case for their story," Beck said. "If it was just this guy, I've got no problem with this guy being given amnesty. But there are apparently about 500,000 of these people in this country."

Beck said the DREAM Act, as written, contains loopholes that would allow people who receive amnesty under the law to apply to have their family members put on a path toward citizenship.

He said that would lead to massive fraud and open the door to thousands of new immigrants who could pour into the country in order to take advantage of the amnesty provisions in the law.

"When you allow people to break the law, and then allow them to harvest what they broke the law to get, you encourage more illegal activity," Beck said.

Rivera's mother brought him to the United States on March 15, 1988 — three weeks before his seventh birthday.

"We were on our way to Canada," Rivera said. "But, at the time, my mother was a devout Mormon, so we stopped in Salt Lake City. My mom fell in love with it, so we ended up staying."

Rivera's mother enrolled him in school soon after they arrived in Utah. After first grade, they moved to Oakley, a small town about 45 miles east of Salt Lake City.

There Carlos continued his schooling while his mother worked at a nearby ranch. Carlos said he doesn't believe his mother ever intended for the two to live in the United States permanently.

"We left Mexico because I don't think my mom had a lot of family support, and there were a lot of economic hardships," Rivera said. "Mostly she wanted us to have a better education than what was offered in Guadalajara. She heard Canada had better opportunities. At the time we were traveling to

Canada as tourists, but we never made it to Canada."

Rivera completed most of his schooling in Utah, but just before his senior year, his mother moved to Montana for a new job. That same year Rivera, who developed an interest in business at a young age, earned a scholarship to study business at a company in Florida that trains financial brokers. He and his mother moved to the Sunshine State, where he finished high school while working as a certified diversified cash-flow specialist.

"I got a lot of recognition from industry at a young age," Rivera said.

After graduating from high school, Rivera worked from Florida for Utah-based August Hill Capital, a real estate consulting firm founded by a former classmate of his.

Kurt Walker, a managing partner and co-founder of August Hill Capital, said Rivera worked for the company for more than two years and played a pivotal role in securing one of its most valuable clients.

"Carlos actually successfully landed one of the most important relationships we have today," Walker said.

He declined to name the client because of sensitive business dealings, but said Rivera's professionalism, combined with his enthusiasm to learn the complexities of the financial brokerage world, paid dividends for the company.

"Carlos was able to do a fine job of not only weeding through relationships, but he was very much becoming more and more somebody that we depended on," Walker said.

After working for August Hill Capital for more than two years, Rivera returned to Montana to pursue a college degree.

If he's allowed to remain in the country, he expects to graduate by the end of next year.

But that's a big if at this point.

"Worst-case scenario, I'm not able to finalize any form of relief or rescue from deportation, and I'll have to go back to a country that I'm not familiar with — I don't know anyone, and I haven't seen any relatives since I was 6 years old," Rivera said.

Beck sees Rivera as a victim who is forced to pay a hefty price because his mother, who is still in the country, illegally overstayed her visa by more than 20 years, and the federal government failed to do anything about it.

"In this case, this guy's mother put him in this position — she's the criminal. By giving the DREAM Act amnesty under current conditions, you just encourage more of this behavior," Beck said. "If you give an amnesty to this guy, in five years he can become a U.S. citizen, and then as soon as he becomes a U.S. citizen, he could immediately petition for his mother to get a green card. That is absolutely untenable. There's no way this woman should be rewarded for doing everything she's done, including put him in this bad situation."

For Carlos, who is facing the prospect of being thrust out of the only world he knows and into what amounts to a foreign country, his situation is hard to grasp, but he's not giving up hope.

"There's a little bit of disbelief that this is happening. I've established my home here. My whole life is in this country," he said.

---