

## **NANNY IN GRIP OF THE LAW 18-year-old crime could lead to deportation**

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### **Body**

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Maria Barry used to be a nanny for actor Eddie Murphy's family. Now, the Park Slope resident has gone back to school to pursue a career helping less fortunate children in developing countries.

Barry, 44, speaks Italian and French. She is on the dean's list at Long Island University.

But Barry, who moved from Britain in 1977, could be arrested today.

Under reforms to 1996 immigration laws, Barry, a slight woman with striking blue eyes, faces deportation because 18 years ago, she pleaded no contest to a charge of possessing a small amount of cocaine and a Quaalude, she says.

Amid a divorce, she served 1 1/2 years' probation and performed 100 hours of community service for the crime in Florida, she said. She thought it was all behind her.

But last Easter, Immigration and Naturalization Service officers at Kennedy Airport seized her green card and British passport on her return from a visit to her mother.

Ever since, she has lived in fear of July 10. She has an appointment today with an INS officer, who will probably present her with a charge sheet and place her in detention.

"I'm devastated, emotionally shattered," said Barry, who now cares for the son of two Brooklyn lawyers and runs a small business selling motorcycle paraphernalia. "I cannot believe it. I came here for the American Dream. I'm living the American nightmare instead."

Barry is among hundreds, if not thousands, of permanent residents nationwide who served sentences for nonviolent offenses decades ago and are now being prosecuted again under reforms Congress enacted in 1996 in a bid to crack down on illegal immigration.

Under the amendments, any legal resident convicted of an "aggravated felony," illegal drug possession or crimes involving moral turpitude must be detained and deported. Virtually erased was the discretion allowed INS judges to make exceptions for those who have led model lives since their transgressions.

So sweeping is the law that attorneys say they are trying to save from deportation permanent residents convicted of offenses as minor as jumping a subway turnstile or shoplifting.

In fact, the reforms' impact has alarmed members of Congress and INS Commissioner Doris Meissner, who, citing a drastic rise in detentions and deportations, wrote in an editorial that she believed the "new law went too far."

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Last year, the number of deportations of criminal aliens shot up to 62,800 compared with 36,200 in 1996, according to the INS. If detained, Barry could join 18,700 immigrants behind bars around the country, 2.5 times the number in 1996.

Several members of Congress have since introduced bills that would amend the laws, but it is unclear whether action will be taken before November's elections. Pressed by Congress, the INS has been drawing up guidelines that would give officers more discretion, but they have yet to be finished, a spokesman said.

"People's lives are being ruined over minor crimes they committed 20 years ago . . . and precious taxpayer dollars are being spent to deport people who are now living model lives," said Margie McHugh, who heads the New York Immigration Coalition. "It has been a principle of our laws that we don't reach back in time and change the rules. The right thing to do is . . . restore balance to the law."

Barry said, without documents, she could not return to Britain even if she wanted to, adding that she hoped her predicament would give a voice to less fortunate immigrants without lawyers who are trapped in jails around the country.

"I am using myself as an example to make people know that this could happen to your nanny, your chauffeur, your teacher, just because they made one mistake," she said.

After years of work as a nanny, Barry said, she is studying psychology and social work with the hope of working for an organization like Save the Children or the World Food Organization.

"This couldn't come at a worse time. . . . Just when my life is beginning to make the most sense," she said. "I have a worthy goal. I'm doing great in my studies. It doesn't make sense that they're saying, 'Because we didn't deport you 18 years ago, we're going to do that now.' I have nightmares."

## Graphic

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ROBERT ROSAMILIO DAILY NEWS THE PAST HAUNTS HER Maria Barry, a British nanny, could be arrested today because she pleaded no contest to a drug charge 18 years ago.

## Classification

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