

BRIGHT MEXICAN PUPIL CAN STAY IN U.S. THE STANFORD STUDENT IS HERE ILLEGALLY. A JUDGE RULED HE WON'T BE DEPORTED.

The Philadelphia Inquirer

May 14, 1994 Saturday FINAL EDITION

Copyright 1994 Philadelphia Newspapers, LLC All Rights Reserved

The Philadelphia Inquirer

Found on Philly.com

Section: NATIONAL; Pg. A02

Length: 537 words

Byline: Michelle Locke, ASSOCIATED PRESS

Dateline: SAN FRANCISCO

Body

A decade after he slipped across the U.S.-Mexico border, Servando Molina Garcia is an all-American success story.

He graduated as co-valedictorian of his high school, maintains a B-plus

average at Stanford University and is looking forward to a bright future in civil engineering.

That future got even brighter yesterday, when an Immigration and Naturalization Service judge ruled against deporting Molina to Mexico. Instead, Judge Bette Stockton granted Molina permanent residency, saying he had made a significant contribution to this country and was likely to continue to do so.

Afterward, the 22-year-old Molina stood outside the courtroom beaming.

"I am just really grateful that I have come this far," said Molina, who entered the United States illegally nearly 10 years ago.

Molina's mother was granted permanent residency under the 1986 amnesty program. But, unlike other modes of legal entry, it did not automatically extend to children. Each family member had to qualify individually. Molina failed to do that because he came to the United States after the arrival cutoff of 1982.

Changes in the law allowed children to petition for status, but Molina's petition was still pending when he turned 18. That put him into the adult category, which meant a much longer wait.

Reluctant to spend six to eight years waiting - years in which he could not get married or travel freely - Molina decided to take his case directly to a judge.

"My whole family is here," he said. "If I went back to Mexico, I really don't think that I could live there again."

While INS officials argued that Molina's achievements did not change legal requirements, his supporters said sending him back would be the United States' loss.

BRIGHT MEXICAN PUPIL CAN STAY IN U.S. THE STANFORD STUDENT IS HERE ILLEGALLY. A JUDGE RULED HE WON'T BE DEPORTED.

"I always felt that Servando would make a difference in this world; he is such a good person and ideal citizen," wrote Jeffery Wiggam, a teacher and coach at Reedley High School in central California.

Molina spoke almost no English when he crossed into the United States on the night of his 13th birthday, walking all night to evade detection. But he was a quick study, maintaining an A average at Reedley while working summers picking grapes and peaches.

"He has an extremely bright future. For some technicality or other to stand in the way - it would be a real travesty," said Jeffrey Koseff, one of Molina's civil engineering professors at Stanford.

"Yes, maybe this person came into this country illegally," said Koseff, "but he's done everything right since then. We should be cheering him on, not penalizing him."

But INS acting District Director Philip Waters said that was not an agency option.

"We don't have the discretion to say, 'Well, we're going to let him in,' unless he qualifies under some section of law. We just don't have that authority," Waters said.

Molina's lawyer said the case "illustrates the Achilles' heel of the amnesty law."

"Why put an individual or a family through years of fighting like this? Who benefits from that?" he said.

The amnesty program was meant to bring a hidden population "into the light, out of the shadows," he said. "If you're going to make that effort, then it seems shortsighted not to include the children."

Classification

Language: ENGLISH

Subject: IMMIGRATION (91%); CHILDREN (90%); JUDGES (89%); HIGH SCHOOLS (89%); US FEDERAL GOVERNMENT (78%); TEACHING & TEACHERS (78%); CITIZENSHIP (77%); COLLEGE & UNIVERSITY PROFESSORS (77%); LITIGATION (76%); DECISIONS & RULINGS (71%); AMNESTY (68%); PETITIONS (66%)

Organization: STANFORD UNIVERSITY (91%); STANFORD UNIVERSITY (91%)

Industry: HIGH SCHOOLS (89%); COLLEGE & UNIVERSITY PROFESSORS (77%)

Geographic: CALIFORNIA, USA (79%); UNITED STATES (95%); MEXICO (93%); NORTH AMERICA (79%)

Load-Date: October 21, 2002