

For immigrants, the key to new home: A 245(i)?;

Under the Legal Immigration and Family Equity Act, they can apply for legal residency. But the deadline is Monday and confusion abounds.<

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Body

For years, Dorine Gono of Liberia was afraid to tell anyone that she had only temporary permission to be in the United States.

Sergio Carmona of Kennett Square was turned back by the U.S. border patrol three times before he crossed from Mexico in 1984 by wading - up to his neck - across the Rio Grande, all the time worried that he would still end up being deported.

A U.S. **immigration** law passed last year may offer relief from the fears and instability that they and millions of others here illegally or on temporary visas live with.

Under the **Legal Immigration** and **Family Equity Act**, about 640,000 such **immigrants** nationwide - most of whom have low-paying or hard-to-fill jobs - **can** start paperwork for permanent **legal residency**. The **act**'s criteria greatly limit the number of **immigrants** who are eligible to **apply**.

But a **Monday deadline** and the complicated limitations on who **can apply under** the provision, known as Section **245(i)**, are creating **confusion**.

Applying for **245(i)** forces illegal **immigrants** to reveal their status to the U.S. **Immigration** and Naturalization Service, and many worry that they would be risking deportation.

Vince Guest, director of the Camden Center for Law and Social Justice in **New** Jersey, said some **immigrants** were hesitant even to attend the center's information sessions on the law. "Some were scared that we, as **immigration** lawyers, were actually INS agents here for a raid," he said.

Carmona knows exactly how they feel. Now a U.S. citizen who advises **immigrants** working in Chester County's mushroom industry, he said the possibility of deportation was on his mind for years. "It is tough, but people still keep coming," he said.

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Like many who provide legal and social services to immigrants, Judy Claude, director of the Nationalities Service Center in Philadelphia, said: "The preference would have been for a general amnesty."

But 245(i) offers only the chance to request permanent residency. Applicants still face a wait of up to 10 years before getting a visa, whose availability is limited by Congress and varies depending on applicants' nationality and background. Congress has set preferences for different categories of immigrants, such as professionals with advanced degrees and the biological children of U.S. citizens.

To qualify, immigrants must have been in the country as of Dec. 21, 2000. They must pay a \$220 INS fee and, if they have been here illegally, a \$1,000 penalty.

Also, immigrants must be sponsored by a family member or employer. U.S. citizens can sponsor spouses, children, parents and siblings. Permanent residents can petition for spouses and unmarried children. Employers may sponsor a worker if they show there is a shortage of U.S. workers to fill that job.

There are no guarantees that applications will be approved. However, immigrants can stay in the United States while their requests are processed. Previously, illegal immigrants had to return to their home countries to wait and were barred from reentering the United States for three or 10 years, depending on how long they had been here illegally.

In 1996, the year for which the most recent statistics are available, the INS estimated that 37,000 illegal immigrants lived in Pennsylvania and 135,000 in New Jersey. The agency said about five million illegal immigrants were in the United States that year, more than half of them from Mexico.

Officials say that some immigrants are speeding up plans for marriage to U.S. citizens or permanent residents to take advantage of 245(i). And thousands are pouring into the offices of lawyers, social-service agencies and immigration consultants, seeking help filing the complicated paperwork.

In the Philadelphia area, as across the country, lawyers and agencies say they are finding it nearly impossible to keep up with the demand. The same is true for agencies that handle cases for free or nominal fees and for private lawyers who charge from \$4,000 to \$10,000.

"It is so overwhelming that we are starting to turn people away," said Phyllis Foreman, administrator of immigration services for the Roman Catholic Archdiocese of Philadelphia.

With legitimate lawyers and agencies booked up, many immigrants are turning to fraudulent or unscrupulous consultants who often charge thousands of dollars for a false guarantee of a green card, Guest and others said.

Some even charge fees for forms that are free from the INS.

Although she was here legally, Gono worried that her immigration status would scare off employers and acquaintances.

Worse, the West Philadelphia resident said, she knew her 1986 visa could be revoked at any moment, leaving her open to deportation to her war-ravaged homeland.

With no adult relatives here, Gono is being sponsored by St. Joseph's Hospital, where she is a registered nurse. Her chances of approval are good because of a nationwide nursing shortage.

The biggest impact will likely be felt among the estimated five million to seven million immigrants who are in the United States illegally, often working in low-paying, labor-intensive jobs, according to advocates for immigrants.

With the deadline looming, there is a proposal in Congress to extend it for a year. That proposal, however, is still before the House of Representatives' Judiciary Committee, which has a subcommittee on immigration.

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Yesterday, more than 20 members of Congress planned to send President Bush a letter Thursday, urging him to support legislation to extend the **deadline**.

Regardless of the **deadline**, Gono and other **immigrants** are putting their hopes on **245(i)**. "It's very, very important to so many of us," said Gono, who went to nursing school, bought a house, and is raising a 10-year-old daughter, yet said she still feels like an unwanted guest.

"If you don't have status, you are always insecure. You don't know what will happen to you in the next minute."

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Basic Facts on **245(i)**

Who **can apply**: **Immigrants** in the United States on temporary visas; illegal **immigrants**. Applicants must have been in the United States as of Dec. 21, 2000.

Application **deadline**: **Monday**.

What the law says: **Immigrants** who **apply under 245(i)** **can** reserve a place in line for resident visas. **Immigrants** **can** wait in the United States for resident visas to become available, which **can** take up to 10 years.

Graphic

PHOTO;

LAURENCE KESTERSON, Inquirer Suburban Staff - Sergio Carmona advises **immigrants** working in Chester County's mushroom industry. He is a native of Mexico.

JOHN COSTELLO, Inquirer Staff Photographer - Dorine Gono works as a registered nurse at St. Joseph's Hospital in Philadelphia. A native of Liberia, Gono was in the U.S. legally but worried that her **immigration** status would scare off employers and acquaintances. "If you don't have status, you are always insecure. You don't know what will happen to you . . .," she said.

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