

Greeted at Nation's Front Door, Many Visitors Stay On Illegally

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Body

In the comfort of a flight from Belfast, Francis and Theresa S. arrived in the United States three months ago as tourists. But they had no intention of returning to their home in Northern Ireland after their sightseeing in New York was over. They were coming to stay on as illegal immigrants.

Unlike the thousands of Mexicans and Central Americans clambering over the flood-lit fences of the southern border, the couple merely walked through an inspection booth at Kennedy International Airport. An immigration official, checking their passports and plane tickets, smiled and waved them in.

"It was that easy," said Francis, who along with his wife did not want to be fully identified for fear of being uncovered. "They just stamped our passports and that was it," he said as he sat in a bakery in Woodside, Queens, taking a break from moving into a new apartment with his wife.

Slightly more than half of the nation's illegal immigrants, including the vast majority in the New York area, casually enter the country as tourists, students or business people, and then simply overstay their visas.

And although the Immigration and Naturalization Service spends millions to patrol the southern border, the agency virtually ignores those illegal immigrants who, like Francis and Theresa, have walked in through the nation's front door.

"There is absolutely no deterrence," said David Simcox, a senior fellow of the Center for Immigration Studies in Washington, which favors restrictions on immigration. "There isn't much there to stop anyone."

In fact, the I.N.S. has no specific programs aimed at seeking out and deporting the 150,000 visitors a year who end up illegally settling here. Last year, only about 600 people were deported for overstaying their visas, out of 39,000 deportations.

The estimates on illegal immigrants come from an I.N.S. study that uses air passenger data, census surveys and immigration service statistics. While the numbers provide only a rough approximation, they point out in broad strokes the magnitude of the problem with illegal immigrants who overstayed their visits.

Of the four million illegal immigrants in this country, about two million first arrived as visitors. Unlike those who sneak across the border, those who enter as visitors come from a broad range of countries, including Italy, the

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Bahamas, Poland and the Philippines. Together, they constitute a far more diverse population than the public debate, focused on the border, tends to include.

In fact, outside of the border areas, Mexicans and Central Americans often make up only a small part of the illegal immigrant population.

Cecilia Munoz, a deputy vice president of the National Council of La Raza, a national Hispanic lobbying organization, said the Government's focus on the border has distorted the debate on how to control immigration, turning it instead into a blind bashing of Hispanics.

"Ninety-nine percent of enforcement efforts are directed at Latinos when, in fact, illegal immigration is far more diverse," she said. "The border does need to be controlled, but it is just half the problem."

In New York, which has the largest illegal immigrant population -- 529,000 -- after California, the biggest groups are from Italy, Ecuador and Poland. Mexicans are barely noticeable at just 2 percent of the state's illegal population.

Similarly, in New Jersey, with its population of 137,000 illegal immigrants, the three top groups are from Portugal, Poland and Italy.

Indeed, for illegal immigrants from the vast majority of countries, the most popular method for moving to the United States has been through overstaying a tourist or business visa.

Nuccio R., for instance, a 24-year-old illegal immigrant from Sicily, still marvels at the ease with which he came to the United States.

When he arrived at Kennedy four years ago, he simply collected his baggage and headed for his uncle's house in Brooklyn.

He had just graduated from high school and only planned to stay for a few months. But as he began to settle into life in America, he decided to stay for good. He has a full-time job in a relative's delicatessen, a car, a driver's license, credit cards and his own apartment in New Utrecht, near Bensonhurst.

"My life is pretty normal," he said. "Everybody knows I'm illegal. It's not a big deal."

And the chance of Nuccio ever being caught in this country by immigration authorities is virtually nil.

The immigration service's efforts to arrest illegal immigrants outside the border areas concentrate largely on workplace inspections.

Under the requirements of the 1986 Immigration Reform and Control Act, employers are required to check the immigration status of all employees, and are subject to penalties for hiring illegal immigrants. The theory behind the act was that the flow of illegal immigrants would slow as it became more difficult to find work.

But the law has proven easy to circumvent through the use of fraudulent documents or through work in the small shops and family businesses that ignore the law. And the immigration service also devotes few resources to enforce the law. In the New York area, 15 agents are responsible for investigating workplaces in 14 counties with over 12 million people.

Chip Bogdanski, spokesman for the I.N.S.'s New York district, said that, in many ways, the agency can do little more to screen visitors as they arrive. Of 22 million visitors yearly, only a tiny proportion, fewer than 1 percent, end up staying in the country, he said.

"That's not a bad ratio," Mr. Bogdanski said. "I mean we can't detain people arbitrarily and sit them down for four hours until they break. If their documents are in order, they have the money and they have reason to come here, what are you going to do?"

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In theory, visitors who are likely to stay in the United States are screened out overseas by consular officials, who are responsible for issuing entry visas.

United States law requires that visa applicants be viewed as intending to immigrate permanently unless they can prove sufficiently strong ties, such as steady employment, family and property ownership, to their home country to insure return. A round-trip ticket is also required.

Nyda Novodvorsky Budig, spokeswoman for the State Department's Bureau of Consular Affairs, said that each year about a quarter of all visa applications are denied, although the rate can shoot well over 50 percent for some countries, including Bangladesh, Sierra Leone and Syria.

But even with the State Department's screening process, thousands still enter the country and stay on illegally. In the case of some countries, including Poland, Sierra Leone and Liberia, the overstay rate can shoot up to a quarter or more of all visitors, according to the immigration agency's estimates.

Visas have also proven to be fertile ground for a variety of smuggling schemes. In the last year, for example, Federal agents have discovered the growing use of temporary business visas by Russian illegal immigrants, who bank on the lesser scrutiny of visitors at ports of entry.

The problem with the screenings is that much of the consulate's decision is based on what applicants themselves present to their interviewers. Fraud is rampant and difficult to catch given the enormous number of applicants each year. And even such close ties to the homeland as children provide no guarantee that a visitor will return home.

A 50-year-old woman from India, who uses only the name Akka, left behind two young children when she came to the United States eight years ago as a tourist. She had no need to lie to a consular official, since leaving her children, who were 10 and 14, would be proof enough that she would return.

But instead, Akka found a job as a baby sitter and now believes she is close to winning her green card through the sponsorship of her employer.

Entering the country is even easier for residents of 22 countries in the so-called visa waiver program. All they need to come to the United States for up to 90 days is a round-trip ticket.

The countries, largely from Western Europe, were selected for the program based on their low rate of visa denials.

But the list also contains some significant abusers of the system, including France, Sweden and Italy. According to I.N.S. statistics, from 1988 to 1992 about 5 to 10 percent of illegal immigrants who overstayed their visits came from visa waiver countries.

Some of the illegal visitors eventually come to the attention of immigration authorities when they change their immigration status in some way, usually to become permanent residents through marriage, work or the visa lottery.

But even then, few suffer any serious penalty because of the difficulty in proving that they intentionally lied in coming to this country. Deportations for overstaying a visit are virtually unheard of. For example, in 1993, just 29 Polish nationals, out of a total illegal population of 107,000, were deported for violating their nonimmigrant status.

Many of the illegal visitors simply melt away into American society and bide their time until they can become legal residents, primarily through marriage, work or the visa lottery. Over just a four-year period surveyed by the immigration service's study, 246,000 visitors who overstayed their visits became legal residents. About 332,000 of those who overstayed their visits eventually returned home.

Francis, 26, and Theresa, 22, like many of those who want to stay, have pinned their hopes on the visa lottery and intend to apply every year until they win.

"If we got green cards, we'd be paying our taxes," Theresa said. "We only came to work and give our children a better future."

Greeted at Nation's Front Door, Many Visitors Stay On Illegally

But even if they fail, they said, it is no problem for them to continue living as illegal immigrants. They both have jobs, he as a construction worker and she as a bakery worker, and have settled comfortably into their new home in Woodside, one of the centers of the Irish community in New York City.

"It's just like back home sometimes," Theresa said. "This has been like a working holiday for us."

Graphic

Photo: Nuccio R., a 24-year-old illegal immigrant, has a full-time job, a car, a driver's license, credit cards and his own apartment in New Utrecht. (Linda Rosier for The New York Times)

Graphs: Page 1 graph compares the number of legal visitors to the United States who have overstayed their visits to the number of those who have crossed the border illegally. (Source: United States Immigration and Naturalization Service) (pg. A1); "ADDING IT UP: Illegal Immigrants in the U.S. . . ." shows estimated 1994 illegal immigrant population in the United States, nation of origin and method of entry. (Source: United States Immigration and Naturalization Service)

(pg. B2)

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