

The Invisible Children of Illegal Aliens

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Body

SPURNED by caseworkers at the County Department of Social Services and threatened with deportation, Luisa L., an **illegal** Mexican immigrant, worries where to turn next. Eleven years after arriving in the United States with the hope of work and a promising future, she spends her days performing odd jobs and struggling to feed and clothe her three American-born **children**.

Like other **illegal immigrants** -- uncounted and **invisible** except in their covert world -- Mrs. L.'s life in recent years has often been marked by fear and poverty.

Although her **children** are eligible for public benefits because they were born in the United States, Mrs. L. said she has been unable to obtain either food stamps or Medicaid for them. When she applied, she said, county Social Service workers threatened to report her **illegal** status to the United States Immigration and Naturalization Service - in effect sending her away empty-handed.

"I would never ask for help for myself," said the petite, dark-haired woman, "but it has been a struggle for us, and my **children** need help." To augment her husband's earnings as a kitchen worker -- he too is an **illegal immigrant** - she occasionally cares for neighbors' and friends' **children** in the family's tiny apartment on the west side of this city.

The 30-year-old woman agreed to be interviewed only on the condition that her full name not be used. She said she feared that immigration authorities would track her down otherwise.

In nearly every respect, life in this country -- with its unrelenting financial struggle -- has been the antithesis of what she had thought it would be. What troubles her most, however, she said recently through an interpreter, is that her **children** -- her hope for the future -- are being discriminated against.

Many of the American-born offspring of **illegal immigrants** have become part of a growing subclass of citizens, said Harold Lasso, housing director for the Westchester Hispanic Coalition, a nonprofit social services organization for immigrants here. Mr. Lasso described the **children** as living in "a type of exile" -- often suffering from hunger and a lack of medical services because of their parents' **illegal** status. "The parents aren't looking for a free ride," Mr. Lasso said, "but sometimes they have no choice but to seek help."

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He also said that in addition to going without food and medical care, some of the children of illegal immigrants have been unable to attend school because administrators demand proof of residency. Often, when new immigrants first settle here, they rent rooms and are unable to produce a utility bill or a lease. And until the Hispanic Coalition or another advocacy group steps in, their children often remain at home. "I've known of children not being educated for months," Mr. Lasso said.

On the east side of this city, Carmen A. told a similar story of an immigrant experience. Ms. A. came to the United States without a passport, visa or entry permit, working for a decade without a raise as a domestic employee for a married couple who promised to sponsor her application for residency. "I was desperate to get legal status, and they offered to help me," she said. "My story wasn't unusual."

But when Ms. A.'s immigration lawyer told her employers that they should pay her minimum wages and deduct taxes, they balked. Their solution, Ms. A. explained, was to continue paying her \$120 a week in cash for full-time employment and having her report income of \$250 a week and paying taxes on that amount.

"In essence, I was earning nothing, but what could I do?" she said. "Sometimes I would cry and call my lawyer, who told me my only alternative was to leave the job. But if I did, I would lose everything."

Ms. A., who agreed to be interviewed on the condition that her full name not be used, eventually got legal papers with the couple's help, although she no longer works for them.

There have, however, been other problems since then. When Ms. A.'s son was 2, she sought Federal day-care aid for him. But to be eligible for such assistance, she needed proof of her income, which her subsequent employer refused to provide. That employment agreement was a cash-only deal, she explained, and the employer had not filed related tax information.

With day care costing \$195 a week and Ms. A. earning \$315 as a domestic employee, she has not been able to afford to enroll the child in a preschool program. Besides freeing her to work more, day care would have helped the child develop skills along with his English-speaking peers.

Ms. A's case, Hispanic leaders said, provides yet another example of the ways vulnerable immigrants have been discriminated against not only by the Government but also by their American employers -- and how the children suffer as a result.

Both Mrs. L. and Ms. A. said they hoped that their stories would help other immigrants experiencing difficulty.

Mr. Lasso said that he has on several occasions accompanied women to the County Department of Social Services, where he witnessed their being threatened with deportation. "Once they said they were not citizens, they were not treated well," Mr. Lasso said.

Westchester officials say that caseworkers are only following state law, which requires counties to ascertain the parents' immigration status. "Our intent is not to detect illegal aliens but to insure the integrity of the system," said Jack Madden, a spokesman for the State Office of Temporary and Disability Assistance. "First of all, we need to insure that the individual is not seeking to avoid work requirements, alcohol or drug screening or income guidelines." Mr. Madden said that illegal alien status per se did not preclude the state's providing benefits to their children who were born here. That means that illegal aliens can get their children's benefits but only if they disclose their immigration status.

But Robin Bikkal, a White Plains immigration lawyer and the chairwoman of the Westchester Hispanic Advisory Board, said that laws requiring families to admit they lack proper documentation "scare the immigrants away and don't really permit them to apply."

She continued: "All of these children who were born in the U.S. are being denied services that another child born at the same time and the same place with the same or similar needs would be fully entitled to. It's a terrible situation."

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The county said it would investigate whether actual threats of deportation had been made.

Robert Graziano, director of the Hudson Valley Poverty Law Center at Pace University in White Plains, said he was investigating why "the county and the state feel compelled to gather information on the parents." The law center serves immigrants who are not eligible for assistance from Legal Services and certain other organizations because of their alien status. "We're waiting for answers that make sense," Mr. Graziano said.

At the offices of the National Immigration Law Center in Washington, a nonprofit public interest law firm, Joshua Bernstein, a policy analyst, reported that Federal law requires states to ask about immigration status only when the applicants are seeking public benefits for themselves. New York and some other states -- although not all -- have adopted their own requirements, which in essence "deprive U.S.-born children of benefits they are entitled to," the policy analyst said.

"If a parent is applying for benefits for a child, the immigration status should not be relevant," Mr. Bernstein said.

Graciela Heymann, the executive director of the Westchester Hispanic Coalition, also criticized the state and county laws. "Such list gathering has a tremendous chilling effect when undocumented immigrants run the risk of having their names given to immigration authorities," she said.

Nationally, it is estimated that nearly 25 percent of immigrants who have not become citizens are in the United States illegally, a figure that most likely approximates the percentage in Westchester. In 1990, census figures showed that there were 86,194 people of Hispanic origin living in Westchester, up from 45,566 in 1980.

It is not known, however, how many illegal immigrants live in the county, although the overwhelming majority of them are of Hispanic origin.

Putting aside the concern of residents' legal status, officials in County Executive Andrew J. Spano's office said they were similarly concerned that Westchester is spawning a subclass of American citizens.

"We're caught in a very difficult situation," Susan Tolchin, a spokeswoman for the County Executive, said. "The Federal Government is telling us one thing, and the state is saying something else." She said that the issue has been referred to the county's legal department, which will determine if there is a way to circumvent or override state requirements.

New York City by a city regulation does not require parents to reveal their immigration status when seeking benefits for their American-born children, James Whelan, a spokesman for the city's Department of Social Services and Human Resources Administration, said.

Some progress has been made since Hispanic leaders first brought the situation to the county's attention several weeks ago. Dennis Packard, the Deputy Commissioner for the Department of Social Services, said "it was recently made clear" to social workers that when a parent was not requesting cash assistance but only food stamps and Medicaid for their American-born children, the immigration status of the adults was irrelevant, according to state law. But if the parents seek cash assistance, which the children are also entitled to, they must reveal their status, under state requirements.

Mr. Packard said that since some Hispanic parents and officials had complained about the rude way in which clients had been treated by caseworkers, the department had "redesigned how we greet our customers when they walk in."

Meanwhile, members of the Westchester Hispanic Coalition, the County Hispanic Advisory Board, the Board of Legislators and the Hudson Valley Poverty Law Center at Pace said they were seeking changes in state law.

"There's going to be no dodging of this issue," said County Legislator Clinton I. Young Jr., Democrat of Mount Vernon and chairman of the Board of Legislators' Committee on Minority Affairs. He said he first learned of the problem several weeks ago and would be meeting with the County Executive's office and the Social Services Department. "We're trying to find a solution. No doubt this is extremely scary for these women."

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Graphic

Photo: American-born **children** of **illegal immigrants** are entitled to health care but their mothers are often afraid to apply, fearing deportation. Above, a White Plains resident at her son's crib. (Rebecca Cooney for The New York Times)

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