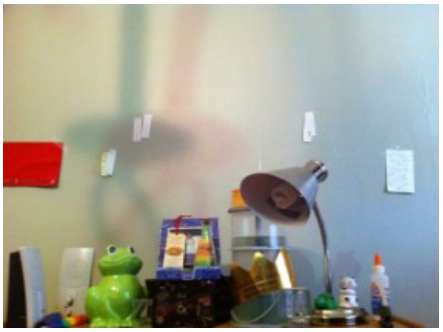
A life in limbo: One young girl's journey

Natalia keeps the Serenity Prayer in Spanish in a keepsake box:

"Dios, concédeme serenidad
Para aceptar las cosas que no puedo cambiar,
Valor para cambiar aquellas que puedo,
Y sabiduría para reconocer la diferencia entre estas dos cosas."

"God grant me the serenity
to accept the things I cannot change;
courage to change the things I can;
and wisdom to know the difference."

This handkerchief is a keepsake from a religious retreat she attended when she was 12. She says that although she doesn't go to church as often anymore, she doesn't forget about God.



Above is a photo of Natalia's desk, where she keeps various keepsakes. The paper crown is signed by some of her

"I don't want to study; I don't want to go to school. Tomorrow I don't know what I'm gonna do when I finish high school," Natalia told her mom, at a point when other high school seniors were looking into college.

"I'm going to clean the floors, but you do the best in school," her mom, Maria, told her again.

Natalia, an immigrant who has lived in the United States for 18 of her 21 years, knew that there was only a small chance that she would be able to follow her dreams after graduation. She is one of more than approximately 8,000 immigrant children who enter the United States yearly and grow up facing many immigration-related hardships as they attempt to make a life here.

Natalia and Maria, whose names have been changed for their protection, came to the United States on Aug. 3, 1993. Natalia was three years old and suffered from Hirschsprung's disease, a rare illness that creates a blockage of the large intestine due to improper muscle movement in the bowel. It is a congenital condition.

By the age of two and a half, Natalia had already had six surgeries in Ecuador, her home country. Maria says that at that moment the doctors told her they didn't know what was wrong with her daughter, and weren't sure how to proceed. Maria then decided to ask for help, and bring Natalia to the U.S. for a second opinion. "I told the doctors in Ecuador, 'No, no more. Six surgeries is enough'," she said.

Maria, then a short, skinny 32-year-old, gave up her career as a pharmacist in Ecuador to bring her daughter back to health. "It doesn't matter I had to clean floors [here], doesn't matter I went to college [there]," said Maria during an interview.

She first tried to bring Natalia to the Presbyterian Hospital of Pittsburgh.

"We had all the papers, and the doctor sent me an answer, he said 'Okay, we can do this case. But who is going to pay for it? This is really expensive, is Ecuador going to pay for it?' "

With the help from the president of the college where Maria went to school, she sent letters to different organizations, and went to various places to try and raise money. In a stroke of luck, an Ecuadorian woman, living on Long Island, saw a television interview in which Maria asked for donations.

"She said, 'I'm interested in helping you, I'm from Ecuador too, I work in a U.S. hospital and I know a doctor, I think I can help you.' " The woman, whom Maria knew only as Adriana, worked at Schneider Children's Hospital, and had already asked a doctor to take their case.

"She said that Dr. Peña can take the case, but I had to bring $10,000 because it's a private hospital. She also spoke to the manager of the hospital, and the manager said because this is a private institution they want to see that I worked, they don't give everything for free," Maria said.

Between May of that year, when she first spoke to Adriana, and August, when the first surgery was supposed to happen, Maria, with the help of the president of her college, sent all the necessary papers, and raised $10,000. "They even donated the dress, the luggage, everything, everything. Even the ticket," Maria said.

Maria and Natalia entered the U.S. with a humanitarian visa, and were told that after the surgery they could go back to Ecuador.

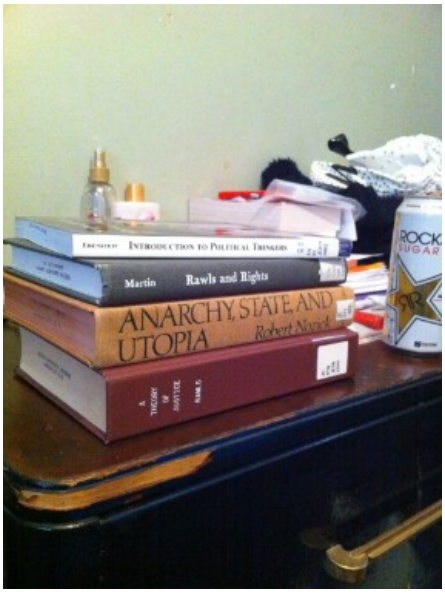
"The first surgery was 12 hours. They connected everything. They closed everything. And they said, 'I think there's no problem. I think that you can go back at the end of the month'," Maria said. "But then, five days before we were supposed to go back, she developed a fistula [an abnormal connection between two organs], she had a lot of fever, and I brought her back to the hospital." Maria explained that after that Natalia had another surgery.

After three more surgeries, the doctors told her that they could return to Ecuador, but would have to come back for more surgeries at the end of one year. At this point, Maria came to a realization.

"I decided to stay here."

keepsakes. The paper down is signed by some of her friends.

Natalia [her reflection seen in the mirror] bought this guitar last year, and hopes to learn how to play after graduation.



For one of her political science classes, she has to write a 25 page paper about the Alabama immigration law. "I'm sorry I haven't called you," Natalia told her mom during a phone conversation.

Above is a photo of Natalia's bicycle, which she uses as her number one form of transportation.

"I think here she had an opportunity. I knew it was going to be hard when we started. We had no family, without money, but I decided I wanted to stay here with her," she said.

During their first year in the U.S., Natalia and Maria lived at the Ronald McDonald House of Long Island. At some point during their stay, one of the workers suggested that Maria work for a senior-secretary of the Ronald McDonald House. "This is a good opportunity for you," Maria remembers the worker telling her.

Maria agreed to work for this family as a live-in domestic worker. The family would provide a home for both Maria and Natalia, and pay Maria $100 per week. "I worked with them 15 years, and I had to say thanks, because at least I'm not in the street," said Maria.

The payments, however, didn't come every week. Maria says they paid her too little, and at one point it took the family 12 weeks to pay her. However, the family had agreed to help her and Natalia obtain a visa.

Natalia always knew she was an undocumented immigrant, but it wasn't until the age of seven that she fully understood what that meant. At the time, she says, her mom was very upset about a law that the California government was trying to pass. The law would potentially ban undocumented children to go to school.

"That's the first time I remember her saying, you know that's not fair," said Natalia.

Natalia, like her mom, believes that the immigration laws in the U.S. are not fair, because, she says, the country is labeling immigrants as illegal. "Not everyone here is a criminal, some immigrants, a lot of people, come here for good reasons," Natalia explained.

In 2000, when Natalia was about nine years old her mother tried to apply for the Section 245(i) of the Legal Immigration Family Equity Act. At the time, Maria says that she went to see a lawyer in Manhattan who told her she had to pay $1,000 and get some papers signed by her employer explaining that she was a specialized worker employed by them.

According to a press release from U.S. Citizenship and Immigration Services, dated March 23, 2001, this provision allows certain persons who "violated their status and thus are ineligible to apply for adjustment of status in the United States, to apply if they pay a $1,000 penalty." To be eligible, the applicant also had to petition for a Worker Visa, or other similar visas.

First the family agreed to help Maria. "But then when my mom gave the lawyer $1,000 to represent her with everything, that's when they were like, no, we're not going to help you out," said Natalia.

Maria felt as if various doors had closed on her. "My real concern was that I made $1,000 in eight years, saving dollar by dollar. Oh my goodness! This was very sad for me. I mean I understand that first is their family. Okay I understand that, but the worse for me was that I lost everything. I lost the opportunity, but I also lost my savings, my money," said Maria, afraid that the lawyer in Manhattan would not return her money.

Natalia remembers that incident well. "My mom started freaking out. She was crying. She didn't really tell me anything bad about [the family], she just said that it was unfair."

However, after weeks of pleading with the lawyers' office, and getting free advice from the Loretto Law Office in Hempstead, she was returned the full amount of the money.

This family, who now live in Garden City, was not contacted at the request of Maria and Natalia, for fear that they might take negative action against Maria. According to Natalia's mom, at the time the boss tried to minimize Maria's fear of deportation by telling her "immigration doesn't know you live with us, so you are safe..."

The hurt is obvious in Maria's eyes when she speaks of her former employer. However, she is thankful that Natalia was able to get a good education in a good school district. "I'm a Christian person and I bless that at least I had the opportunity that she could get a really good education. If they don't want to help with that, it's okay. They lost the blessing," she said with a resigned shrug.

Today, Natalia is 21 years old. She has had a total of 18 surgeries, and has lived with a colostomy bag since she was 4. It hasn't always been easy, especially when it came to health insurance. Maria says that most of the surgeries were paid by applying for medical help. "But for example the private appointments, for the pediatrician, I paid for that. And for the bags, I paid for that. So the little money that I made, all the money was for her," she said.

When Natalia was in second grade, she developed pneumonia. While staying at Nassau Medical Center, on Long Island, Maria was asked what kind of insurance she had. Maria, afraid that they could be deported, told them that she didn't have any insurance for her daughter.

"They told me, 'you know because she's younger, doesn't matter she's undocumented, she can have medical insurance.' If I didn't get her insurance, the nurse said she was going to accuse me of negligence," Maria said.

From that day on, and until she was 19, Natalia received Child Health Plus, a New York State health insurance plan for children. Most children of low income families who reside in New York are eligible for this plan.

Natalia keeps her helmet on a shelf in her room. She says that her mother bought it, but she rarely uses it.

Since April 2011, Natalia has lived with Val, and his daughters, in a modest one-story house in Garden City, NY.

Although Natalia didn't have any money to go to college, she graduated high school with honors. Her mother says that she tried to apply for scholarships that didn't require the student to be a U.S. resident, or citizen.

It was an essay, however, that helped her get into Nassau Community College. The essay, called "An Unseen Hero," was written by her and her best friend, Valerie, for a high school scholarship competition. Their essay won first place, and Natalia received $3,000. Her first year at college, including her books, was paid for by donations and scholarships.

"Everyone helped us," she said.

As the time passed, Natalia knew she had to do something about her immigration status. She said that she kept telling her mom that they should look for help, that maybe she "could get her papers."

One of the first people Natalia spoke to about her immigration problems was a librarian at the Hempstead Library, where Natalia was a volunteer. "First, I didn't even want to tell her, because that's the one thing, besides my illness, that's the one thing that I didn't like talking about. Or tell anybody," she said.

After the librarian asked Maria permission to ask people about their situation, the librarian got them the name of a child advocacy clinic, and a lawyer.

"When she came through with the information, I was rather surprised. I thought, well, this lady really wants to help me," Natalia said.

It took Natalia and Maria a little more courage to contact the lawyer. Natalia says that they were afraid that, if things didn't work out, they would both be deported. But after much thought they contacted Theo Liebmann, a lawyer, and director of the Child Advocacy Clinic at Hofstra University.

When they went to their first meeting with Liebmann, who is also a professor of law at Hofstra University, he gave her three options. The first would be to marry an American citizen; the second would be that she petition for a visa for medical reasons; and then the last option would be to request a Special Immigrant Juvenile Status.

Special Immigrant Juvenile Status was enacted as a section of the Immigration and Nationality Act as part of the 1990 immigration reform. This status provides lawful permanent residency to children who are under the jurisdiction of a juvenile court and cannot be reunified with one or both parents due to abuse, neglect, abandonment or a similar basis in state law.

To qualify for this status, Natalia needed to find a legal guardian, to sponsor her. Although Maria had never abused her daughter, she did not have legal status, and could not help her. Another factor that helped Natalia gain Special Immigrant Juvenile Status was the fact that Natalia's father was never present in her life.

In the end Maria had to make the ultimate sacrifice by signing a consent form that allowed someone else to be Natalia's legal guardian.

Maria says that at the end of the meeting, Liebmann told her "if you can find someone that wants to help you, then come back. This is not going to be easy."

Natalia thought of asking her best friend Valerie, and her father Val, for help. And they agreed to help her.

Val, the father of three girls, became Natalia's legal guardian last year, but is modest about his role in her life. He doesn't see himself as a hero, although Natalia's mom might disagree. "It was a miracle," said Maria.

"It was the Christian thing to do, the good thing to do," Val said about helping Natalia.

"The other factor that makes someone qualify for Special Immigrant Juvenile Status is if it is in their best interest to stay here in America, rather than in their best interest to return to their home country," said Liebmann. "And in [Natalia's] situation it was clear that it would be best for her to stay here, not because she lived here her whole life, but because she had achieved so much here, and because of her unusual medical condition. She was going to get much better medical care here."

Special Immigrant Juvenile Status has been around since the 90's. However, it wasn't until recently that advocates and immigration lawyers found ways to use this status. In a teleconference hosted by the American Immigration Lawyers Association, Chris Nugent, a senior counsel in the pro bono department of Holland and Knight, said that in 2004 there were only 500 applications for this status.

"I don't know the exact number, but I believe it is significantly higher now, because more people are aware of the law. There is more training for the judges. There is more training for the attorneys," said Liebmann, who has also given presentations to judges, hearing officers and referees regarding this status. He goes on to explain that "those kinds of things really help clarify, so that more and more of the youth who do qualify are able to come forward."

One of the reasons why many are confused with this kind of status is because it's a two-fold provision. First the child has to go to family court and be received into the custody of a guardian. Then they have to go to immigration court to apply for a U.S. Permanent Resident Card, commonly known as a green card.

According to Megan McKenna, Communications and Advocacy Director at Kids in Need of Defense (KIND), this status has some ambiguities.

“There are a lot of differing interpretations of the ways that different agencies enact the laws, or what they consider the directive of the laws to be,” she said in an interview by phone from the headquarters of KIND in Washington D.C.

However, McKenna explains that under the Trafficking Victims Protection and Reauthorization Act of 2008, the protections of this status have been extended. “We see many children who are gaining important protection through that status,” she said.

Liebmann explains that it is not necessary for a lawyer to have a specialization in immigrant juvenile issues.

“Attorneys DO need to have the ability to understand their own limitations. If you are going to be meeting with a child client you have to be aware of that limitation,” he said.

Liebmann believes that the most challenging part of working with child clients is often that the lawyer has to speak with the youth about aspects of their lives that are not pleasant.

“Who wants to talk about the fact that their father has abandoned them? Or that they were abused by their parents? Who wants to talk about that they had to take a harrowing trip from some Central American country, or from China, or from a country in Africa, to get here?”

McKenna says that one of the most challenging issues KIND has found is that the definition of unaccompanied child is open to some interpretation. Although the law says that having a legal guardian is one way of reaching legal status, McKenna says that even when the child is reunited with a guardian, the child is still deserving of unaccompanied child status. “Because they are still in a very precarious position and the guardian may not have the best interest of the child in mind, or may not be able to provide adequate protection.”

Because she still hears immigration cases, Judge Nicolett Pach, a semi-retired family court judge, declined to comment about these issues.

Val had to go to family court three times in order to become Natalia’s legal guardian. “They had to do background checks on him,” said Maria. But in the end, the family court agreed to award him custody.

Then it was all up to Natalia.

She had to go to immigration court and apply for permanent residency, which would allow her to apply for citizenship after five years of being a legal U.S. resident. Liebmann remembers that Natalia was full of energy throughout the whole process.

“From the moment that I reached out to her, she was very proactive about being involved,” Liebmann said.

The day that Natalia received her green card, Val said, “God is finally giving you back what you deserve.” Natalia remembers that, while growing up, her mom was always very religious.

“She was like, if it’s God’s will it’ll all work out… And it did,” Natalia said.

Now she can continue her college education without fear, and is able to apply for scholarships.

She is a student at Adelphi University, majoring in Political Science. She’s part of the Latin American Student Organization, and while sitting in the student center café, she socializes easily with other students.

She says her dream job would be working for Amnesty International, but for now she is focusing on finishing her studies.

After graduation she’s going to visit Ecuador, and her family. She speaks of this trip with excitement, and sadness. “I’m just sad my mom won’t come with me,” she said, because her mom is undocumented.

Ironically, once she becomes a U.S. citizen, Natalia will not be able to help her mother acquire legal status. “This one is specifically for me, I can’t help anyone,” she said, unhappy with her mom’s situation.

According to a document published by the American Immigration Lawyers Association, titled “Introduction and Overview to Special Immigrant Juvenile Status”, “Congress enacted this rule to make sure that parents who abuse, neglected or abandoned their children would not benefit from the fact that the children qualified for Special Immigrant Juvenile Status.” Even though under the Trafficking Victims Protection and Reauthorization Act of 2008 “a child may qualify for this status if only one parent is abusive, neglectful or has abandoned him or her, the other, non-offending parent still faces this same bar.”

Natalia’s mom has an optimistic philosophy about her situation.

“When one door is closed, another one is open... Even though I don’t have a job, I only clean two houses, and pick-up cans... I have my savings account, and I count my money for the rain, so everything is good. I have to be happy,” said Maria trying to articulate the American saying ‘save your money for a rainy day.’

Looking back, Maria says the most challenging moments for her were all the times that they were

alone.

“I remember in the surgeries, only the dogs and the clowns visit us. And I remember I spent over eight days in the hospital, and I wouldn’t go home to change, doesn’t matter if I were very dirty. I didn’t want to separate from her,” said Maria holding back tears.

Natalia remembers some of those times. “She would always cry to me, cry in front of me, and I just had no idea what to do. And that’s when I realized that I had to be there for her. And that was really hard for me, because I was still a kid, and I had to be there for my mom, and I had to be able to balance that out.”

In a recent interview, with tears in her eyes, Maria spoke of her future. “Maybe one day God says that I need papers, and I’ll get the papers. If not, I go back to Ecuador, I don’t know. But for now, the situation is good. Imagine, with 18 surgeries, without papers, without family, without money, she had a good education. So I gave the tools to her,” said Maria. “Nobody knows the end of the story. Maybe now I don’t have nothing, but you don’t know the tomorrow.”
