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The New York Times

Seeking Legal Immigration Status, Longtime New Yorker Can't Return to U.S.

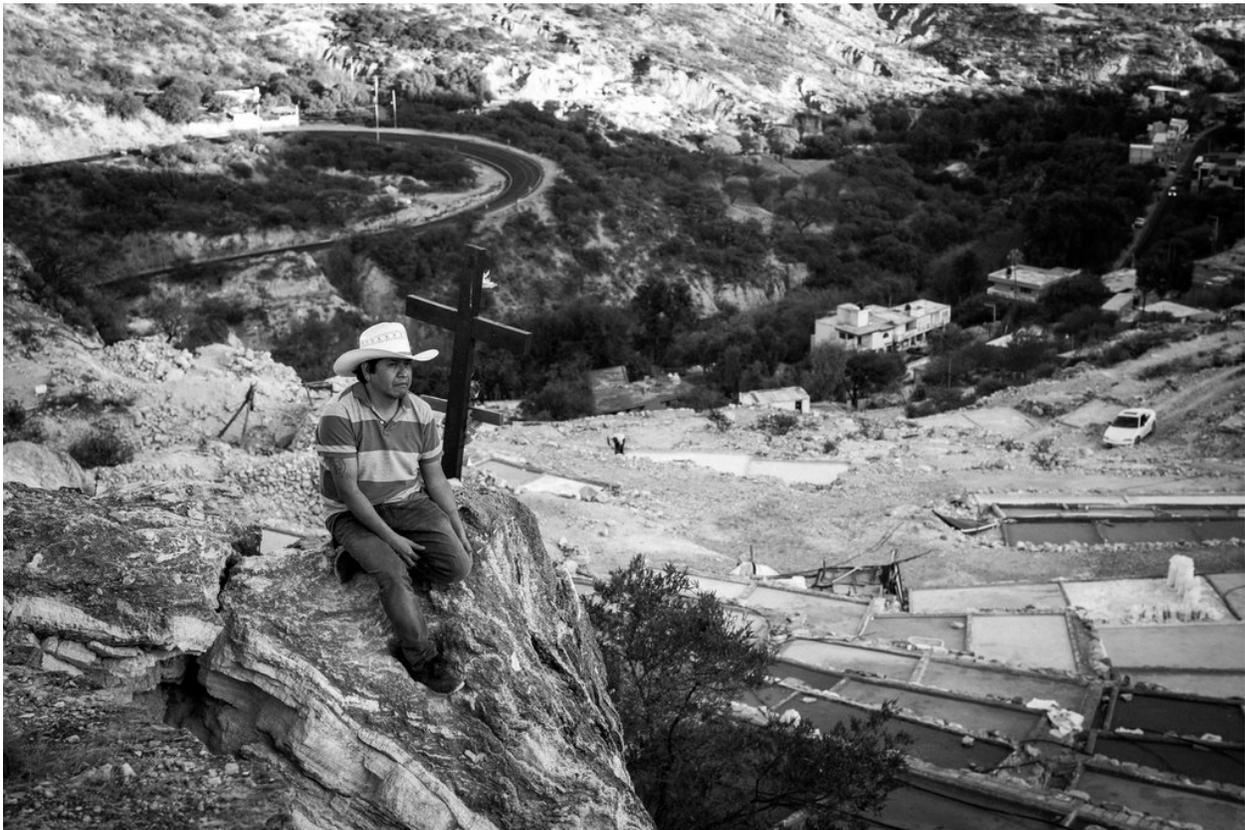


Photo by Maite H. Mateo

By **KIRK SEMPLE**----JAN. 16, 2015

Had everything gone according to plan, Angelo Cabrera would have been back in the United States by now, and this time on the right side of the law.

He would have resumed his life in New York, the city where he survived for 24 years as an undocumented immigrant by working menial jobs while also earning two university degrees and running

a volunteer social services group, an effort that earned him a wall of commendations and a profile in People magazine.

Instead, Mr. Cabrera, 40, is stuck in Mexico, barred by the United States from returning, and once again living with his mother and father in their humble cinder-block house in a rural village southeast of Mexico City.

“It hurts me the most that pretty much all of my life was in New York City,” Mr. Cabrera said in a telephone interview. “I always kept saying that I was ‘a U.S. citizen without the proper documentation.’ ”

For the American government, Mr. Cabrera got just what he deserved: He violated immigration law by living illegally in the United States for so long, and he had to pay the price.

But for Mr. Cabrera’s many supporters in New York, his circumstances are a reflection of the profound failings of the immigration system. The country cultivated a valuable and widely respected member of society, they say, but it has now excluded him from participating in it.

They also see a bitter irony: Mr. Cabrera returned to Mexico last year to try to legalize his status. But had he never left, he would most likely have been eligible, under the immigration initiatives recently announced by President Obama, to remain and work legally in the United States.

“He was committed to making New York City better,” said Robert C. Smith, a professor in the School of Public Affairs at Baruch College who became a mentor to Mr. Cabrera. “He can’t do that now because he can’t come back.”

Mr. Cabrera first came to the United States in 1990 when he was 15, sneaking across the border and making his way to New York City to join a cousin. He was part of a wave of migration from the Mixteca region of Mexico that emptied villages and towns of their young men.

In New York, Mr. Cabrera lived hand-to-mouth, working low-wage jobs at grocery stores and delicatessens. For about half of his 24 years, he worked for one deli owner, maintaining the salad bar, his wages topping out at \$9.50 per hour.

A pivotal moment in his life came in the mid-1990s when a co-worker at a deli in Manhattan offered to help him pursue a high school equivalency degree. The colleague, a Korean student at the Fashion Institute of Technology, gave him \$280 to cover the cost of a preparation course at LaGuardia Community College. He lost touch with the student, but the gift set him on a new trajectory.

He went on to get a bachelor’s degree at Baruch College, majoring in political science, and then enrolled in a master’s program in public administration, also at Baruch.

At the same time, he became heavily involved in public service and advocacy, especially focusing on the underserved Mexican population in New York City. In 2001 he founded Mexican-American Students Alliance, or MASA, a community-based group in the Bronx that provides free tutoring and other education services to children, mostly Mexican and Mexican-Americans, and English-language classes to their parents.

He also started helping numerous civic initiatives to promote education and leadership in the Mexican diaspora, working closely with the City University of New York and the Mexican Consulate, among other organizations. But all of that work was voluntary, and he continued to support himself on his deli wages.

“He did not know the word ‘no,’ ” Mr. Smith said.

Early last year, Mr. Cabrera finally had a chance to legalize his immigration status. Baruch needed a community and social service specialist to work on initiatives to increase the enrollment of Mexican immigrants and Mexican-Americans in the CUNY system, in prekindergarten programs and in a federal program that grants deportation reprieves to certain undocumented immigrants.

Mr. Cabrera, who had already become an integral part of Baruch’s outreach to the Mexican population, applied and was selected for the job. But before he could fill the post, he needed to return to Mexico, declare himself to the American immigration authorities and fix his immigration status.

Under immigration law, people who have lived illegally in the United States for a year or more are subject to a 10-year prohibition to re-entry unless they qualify for a waiver. Most waivers are granted to applicants who can argue that their exclusion from the country would cause hardship to certain American citizen relatives.

But Mr. Cabrera is not married and has no children, so he applied for another sort of waiver that is given to applicants for a variety of reasons, including for humanitarian purposes and medical treatment.

The decision-making process is highly subjective, but Mr. Cabrera and his supporters hoped that the strength of his résumé, coupled with letters of support from CUNY, the Mexican Consulate in New York and several elected officials in the city, would sway the adjudicators.

“I wanted to think there was no risk,” Mr. Cabrera said. “But you hear so many stories about immigration, and based on those stories, I had a feeling that it was a risk.”

He decided to return to Mexico on March 6. He packed his few belongings in boxes and stored them at a friend’s house in the Bronx.

The night before the flight, Mr. Cabrera stayed at the home of another friend, Maite H. Mateo, a freelance photographer who was planning to accompany him on his trip. He barely slept as he thought about his gamble, and about returning to his hometown, San Antonio Texcala, for the first time in 24 years.

From her bedroom one floor down, Ms. Mateo could hear Mr. Cabrera’s footfalls as he paced back and forth in the guest room.

In San Antonio Texcala, a trying time for his parents was coming to an end. Not only had they not seen their son for more than two decades but they also had been taunted by villagers. While other families had built new houses with the remittances from relatives in the United States, Mr. Cabrera had barely made enough money to survive in New York amid his academic and community work, let alone send much money home.



Mr. Cabrera on the subway after receiving his master's from Baruch College in 2013. To fill a post there doing outreach to Mexican immigrants, he had to return to Mexico and fix his immigration status.
Credit Maite H. Mateo

“There were people here that were trying to humiliate me: ‘Your son — why isn’t he sending money? Why don’t you have a nice house?’ ” Mr. Cabrera’s mother, Irma Rodriguez Pacheco, said in a telephone interview.

Ms. Rodriguez, who lost her eyesight in recent years, would think to herself: “When he comes, I’m going to show the people who my son is. I’m going to show them Angelo Cabrera.”

Mr. Cabrera arrived in San Antonio Texcala after nightfall and was greeted by his family, a mariachi ensemble and nearly the entire town’s population. He stepped from the car, and he and his mother fell into a tearful embrace. The party went late into night.

Mr. Cabrera waited five months for the American government’s response to his waiver petition. The email from the United States Embassy in Mexico City arrived on Aug. 13, carrying the news he dreaded. His reasons for returning to the United States, the letter said, “do not outweigh” the seriousness of his illegal presence during all those years. The letter offered no further explanation for the denial.

“I felt like I was dying at that moment,” he said. “I was not prepared for the rejection.”

Making the outcome even more painful, had Mr. Cabrera not returned to Mexico last year, he would probably be eligible to remain legally in the United States under changes, announced in November, to the

deportation deferral program for immigrants who arrived in the country as young children, known as deferred action.

Under the old rules, Mr. Cabrera was too old to apply. Under the new rules, which are scheduled to go into effect next month, Mr. Cabrera would have qualified, allowing him to get a Social Security number and permission to work.

Now, however, beyond a reconsideration of his case by the Department of Homeland Security, or a private bill in Congress — extremely rare — there is nothing Mr. Cabrera can do.

He is researching doctoral programs in Mexico and has rededicated himself to the education of children and young adults, including starting up an after-school program in San Antonio Texcala, serving as a lecturer in immigration studies at a university in the state of Puebla and developing an international student exchange program between that university and CUNY.

He also hopes to change national education policy in Mexico to improve the lives of Mexicans who grew up in the United States but, unable to legalize their immigration status, were compelled to return to Mexico.

“I still want to go back to New York,” he said. “There were so many things I left without concluding. But I believe that there is a purpose for me being here. I have an opportunity to support my community.”

He added, “This is my duty.”

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