

April 12, 2008

Perfectly Legal Immigrants, Until They Applied for Citizenship

By JULIA PRESTON

SELINGROVE, Pa. — Dr. Pedro Servano always believed that his journey from his native Philippines to the life of a community doctor in Pennsylvania would lead to American citizenship.

But the doctor, who has tended to patients here in the Susquehanna Valley for more than a decade, is instead battling a deportation order along with his wife.

The Servanos are among a growing group of legal immigrants who reach for the prize and permanence of citizenship, only to run afoul of highly technical immigration statutes that carry the severe penalty of expulsion from the country. For the Servanos, the problem has been a legal hitch involving their marital status when they came from the Philippines some 25 years ago.

Largely overlooked in the charged debate over illegal immigration, many of these are long-term legal immigrants in the United States who were confident of success when they applied for naturalization, and would have continued to live here legally had they not sought to become citizens.

As applications for naturalization have surged, overburdened federal examiners, under pressure to make quick decisions and also weed out any security risks, prefer to err on the side of rejection, immigration lawyers and independent researchers said. In 2007, 89,683 applications for naturalization were denied, about 12 percent of those presented.

In the last 12 years, denial rates have been consistently higher than at any time since the 1920s.

Though precise figures are not available, an increasing number of these denials involve immigrants who believed they were in good legal standing, according to lawyers and researchers. Under the law, a number of grounds for naturalization denial can lead to an order of deportation, and appeals are more limited than in criminal cases.

“It’s no wonder there are so many illegal immigrants,” said Brad Darnell, an electrical engineer from Canada living in California who applied for citizenship but is also now fighting deportation. “The legal method is so intolerant and confusing.”

A legal immigrant since 1991, Mr. Darnell is married to an American and has two American-born sons. But after he presented his naturalization application last year, Mr. Darnell discovered that a 10-year-old conviction for domestic violence involving a former girlfriend, even though it had been reduced to a misdemeanor and erased from his public record, made him ineligible to become a citizen — or even to continue living in the United States.

Since 1996, when an immigration law overhaul first brought intensified scrutiny of citizenship applications,

at least 85,000 naturalizations have been turned down each year.

The record year was 2000, when 399,670 applications were denied, one-third of those presented, according to an analysis by the Migration Policy Institute, a nonpartisan research organization. More recent denial rates remain high, but have fallen from the peak because more immigrants have prepared with civics classes and immigrant advocates before applying to become citizens, researchers said.

In three recent cases in Florida, aspiring citizens thought their green cards entitled them to vote or register to vote before they were sworn in as Americans. When the immigrants reported their elections activities on their applications, not only were their naturalizations rejected, but they were also ordered to leave the country, according to their lawyer, Jeffrey Brauerman.

In a current Florida case, a British-born businessman saw his naturalization derailed and was detained for deportation because he forgot to update his home address with the immigration agency, Mr. Brauerman said. He was charged with ignoring a notice in which immigration examiners mistakenly accused him of a felony he had never committed.

In a case that drew Congressional attention this year in Illinois, Marin Turcinovic, an immigrant from Croatia, was twice denied citizenship because he did not show up at the immigration office to be fingerprinted. As his lawyer explained to no avail, Mr. Turcinovic was a quadriplegic, dependent on a ventilator and unable to leave his home.

Mr. Turcinovic died in April 2004 without becoming a citizen, creating an immigration crisis for his French widow, Corina, who had taken care of him. In January Representative Daniel Lipinski, Democrat of Illinois, presented a bill that halted her deportation.

Immigration officials say denials have increased in the last decade because naturalization applications are increasing. They note that approvals are rising as well. In 1996 naturalizations soared for the first time to more than one million, and they remained above 450,000 each year through 2007.

"Whenever we see a period when large numbers decide to apply, there tend to be larger numbers of people who are not ready or might not meet the requirements," said Chris Rhatigan, a spokeswoman for Citizenship and Immigration Services.

Officials said the majority of denials went to applicants who failed a required civics and English language test or fell short of residency requirements. Those immigrants generally can try again.

But as the case of the Servano family illustrates, some denials come as a shock to both the applicants and the communities they call home.

Dr. Servano's mother, five siblings and eight of his wife's siblings became naturalized citizens, including one brother and two brothers-in-law who made careers in the Navy. His four children are Americans by virtue of being born here. He has been a legal immigrant in the United States for 25 years.

Following an outcry from neighbors, patients and local officials, Department of Homeland Security officials in December temporarily suspended the Servanos' deportation. The Servanos and their supporters, including Senator Arlen Specter, Republican of Pennsylvania, are using the unusual reprieve to pursue new legal efforts to resolve the couple's case.

For the federal government and for many Americans, naturalizations — the legal process by which legal immigrants become citizens — are a measure of immigrants' willingness to join the society and embrace its civic values.

To become a citizen, a legal permanent resident must have lived in the United States more or less continuously for five years, or three years for the spouse of a citizen. The immigrant must demonstrate good moral character and allegiance to the Constitution, and pass a test of English ability and civics. Since 2002, citizenship applicants also undergo an extensive background check by the Federal Bureau of Investigation.

Applicants fail the moral character standard if they have been convicted of certain sex, drug or gambling charges or are "habitual drunkards." They also can fail if they give "false testimony," a term immigration lawyers say is subject to broad interpretation.

Dr. Servano and his wife, Salvacion, lived for years in the United States with no inkling they might have violated the law. They met in the Philippines when she was a nurse and he was a young traveling doctor. Her strict father insisted she marry, they said, but his family wanted him to wait.

In the early 1980s, their mothers came separately to the United States as legal immigrants and petitioned for residence visas, known as green cards, for Pedro and Salvacion under the category of unmarried children. But between the time the visas were requested and when they were issued in 1985, Pedro and Salvacion, hoping to escape conflicting parental demands, secretly married in the Philippines.

Unaware that their marriage could have violated the terms of their green cards, the Servanos settled in the United States. He completed a second medical residency here and began to practice in blue-collar towns where he made house calls and was known for attention to everyday ills. He and Salvacion married in New Jersey in 1987. They renewed their green cards punctually.

"My goal is to be fully functional and integrated into the society," Dr. Servano said. They presented their 1991 naturalization applications without seeking a lawyer.

Immigration inspectors reviewing their applications discovered a record of their Philippine marriage. Accused of lying, they were ordered deported. In years of immigration court appeals, the Servanos had no opportunity to present broader evidence of their character, their lawyers said.

People in Selinsgrove and nearby Sunbury, Susquehanna Valley towns where Dr. Servano practices, were surprised to hear in October that the couple had received a final order with a November date for their deportation. Aside from his medical work, he and his wife had bought two blighted buildings on the square in Sunbury, refurbishing them with apartments and offices. Mrs. Servano opened a store, selling lottery tickets, homemade Filipino bread and DVDs in Tagalog, a Philippine language.

In November, more than 100 residents gathered in the Sunbury square for a candlelight vigil on behalf of the Servanos. Thousands of Filipinos in the United States have signed petitions supporting them.

"The fact that they want to displace and get rid of people we here feel are exceptionally good citizens quite frankly just doesn't make any sense," said Mayor Jesse C. Woodring of Sunbury.

The Servanos, huddled on the couch in their home in a Selinsgrove development, seemed numb at the prospect of returning to the Philippines.

"I live here, so I like America now," Mrs. Servano said. "For 25 years we've been here; we didn't even visit the Philippines. So it's really hard."

Their son, Peter, 16, an American, expressed his siblings' anguish about being forced to separate either from their parents or from the only home they know.

"I want to stay here because all my friends are here, and I've grown up here, so it would be hard to leave," Peter said. "But it would be hard not to go."

Michael Gilhooly, a spokesman for Immigration and Customs Enforcement, which handles deportations, said the Servanos' removal had been suspended based on new information from Mr. Specter about their humanitarian role. Other immigration officials said the Servanos could recover their legal status by applying for new green cards as parents of citizen children.

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