

# Brazilian family takes a gamble for legal U.S. residency

## DEPORTATION

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the Bragas now see deportation proceedings as their only chance to emerge from the shadows. They're banking on a provision of the Immigration and Nationality Act that allows a judge to confer legal status on deportees if they can prove their removal would cause "exceptional and extremely unusual hardship" to their U.S.-born children. The Bragas have four U.S.-citizen children and have lived in South Florida for well over a decade.

Marco Braga came to the United States 20 years ago, starting off as a chef at Harvard University and climbing his way to a middle-class existence as a handyman and painter. Rosa joined him six years later. They quickly anchored their lives here, buying a home with a yard big enough to play soccer and filing income taxes every year through a social security number Marco obtained by presenting his passport to authorities. They sent their children to both private and public schools, and have saved enough money for their oldest daughter to attend college in the United States. She is 11.

But when Marco's driver's license expired last year, he couldn't drive himself to jobs

and had to turn down large contracts. Rosa's license expired too, forcing her to rely on a sister to take her speech-impaired five-year-old to therapy sessions.

Opponents of legalization say such cases point to the federal government's weak enforcement of immigration laws.

"The likelihood of being encountered by an immigration agent if you're an illegal alien is about the same as the likelihood of winning a lottery ticket," said Michael Cutler, a fellow at the Center for Immigration Studies, which supports curbing immigration.

Cutler says the government should do more to make the United States inhospitable to illegal immigrants, by guarding against visa fraud, closing off the border, and going after employers who hire undocumented workers. The Pew Hispanic Center estimates the number of "unauthorized migrants" in the United States grew by 850,000 a year from 2000 to 2005, despite initiatives to boost border security and deport immigrants with criminal records.

Even for the Bragas, who are asking to enter deportation proceedings, it has been difficult to catch the attention of immigration authorities. They filed their request a year ago, but have yet to receive a court



**AMERICAN DREAM:** Sabrina Braga, 11, jokes around with her father, Marco Braga, while he barbecues with his family in the backyard of their home. The family has set aside enough money to send Sabrina to college. **Staff photo/Carey Wagner**

date.

The process used to take a few months, said their lawyer, Jeffrey Brauerman. But after the Sept. 11, 2001 terrorist attacks, the former Immigration and Naturalization Service vanished as the federal government reshuffled immigration

responsibilities. Federal immigration officials now place heavier emphasis on rooting out wrongdoers, he said.

Officials can take more than a year to process deportation cases in which the applicants do not have criminal records, such as the Bragas.

Authorities "have a mandate to go after terrorists and criminals. We think that's a proper priority," said Brauerman, a former immigration judge. "But that doesn't mean they shouldn't get to folks like these."

Brauerman said such strat-

egies as the Bragas' used to be more common and easier to pursue. Before changes in 1997, deportable immigrants had only to prove they had been in the United States for seven years, and that deportation would bring hardship on them, if not their American dependents. With today's tougher standards, lawyers say, removal proceedings and appeals for relief represent a much more hazardous course. Brauerman hasn't filed a case like the one for the Bragas in several years.

"It's not a slam-dunk," Brauerman said of their petition. "But what they've said to me is, 'We don't want to live like this anymore. . . . We'd like to try to do this.'"

If they have to leave the United States, the Bragas said, they will know, at least, they exhausted their options. For now, they say, the climate is too tense to remain in limbo.

Last month, for example, a teller asked to see Rosa Braga's driver's license, then shoved the expired card back at her.

"She said, 'That's garbage. Throw it away,'" Rosa recalled.

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