

ELECTION 2016

Rubio's Policies Might Shut the Door to People Like His Grandfather

By JEREMY W. PETERS

MIAMI — Marco Rubio's grandfather was a man without a country.

Pedro Victor Garcia had left behind a home and a job with the government in communist Cuba, intent on never returning. But after his flight, Pan Am 2422 from Havana, touched down in Miami on Aug. 31, 1962, immigration officials stopped him.

It had been almost three years since he had last set foot in the United States, and he no longer had the proper credentials to enter. They told him he could stay for the time being, but if he wanted to avoid deportation, he would have to plead his case.

"I always thought of being here in the United States as a resident, living permanently here," the slight 62-year-old grandfather, speaking through an interpreter, said at a hearing five weeks later. He said that he had previously returned to Cuba because he did not want to be a burden on his family in the United States, but that the Cuban government had grown too oppressive and he feared what might happen if he stayed.

The immigration officer was unmoved. He did not see an exiled family man — just someone who had no visa, worked for the Castro government and could pose a security risk.

"It is ordered that the applicant be excluded and deported from the United States," he said matter-of-factly, according to an audio recording of the proceedings stored by the National Archives. He stopped to ask if Mr. Garcia understood.

"Yes, I do," Mr. Garcia said plaintively.

That easily could have been the end of his American story. But someone in the immigration office on Biscayne Boulevard that day — the paperwork does not make clear exactly who or why — had a change of heart. Mr. Garcia was granted status as a parolee, a gray area of the law that meant he would not get a green card but could remain in the United States.

As he campaigns for president,

Mr. Rubio, a Florida senator, says that the United States cannot accept refugees from Syria and Iraq because of the potential security risk. More broadly, he has called for a tightening of immigration law so that if the United States cannot identify with 100 percent certainty who immigrants are and why they want to enter, he says, "We're not going to let you in."

But under the stricter screening he now supports, his grandfather would most likely have been deported, depriving him of knowing the man he has called his mentor and closest boyhood friend. "I learned at his feet, relied on his counsel and craved his respect," the senator wrote in his 2012 memoir, almost 30 years after Mr. Garcia died. "I still do."

Despite Mr. Garcia's insistence that he was fleeing oppression, immigration officials raised suspicions that he might harbor communist sympathies, the records reveal. That charge, had they pursued it, could have led to a conclusion that he was a national security threat.

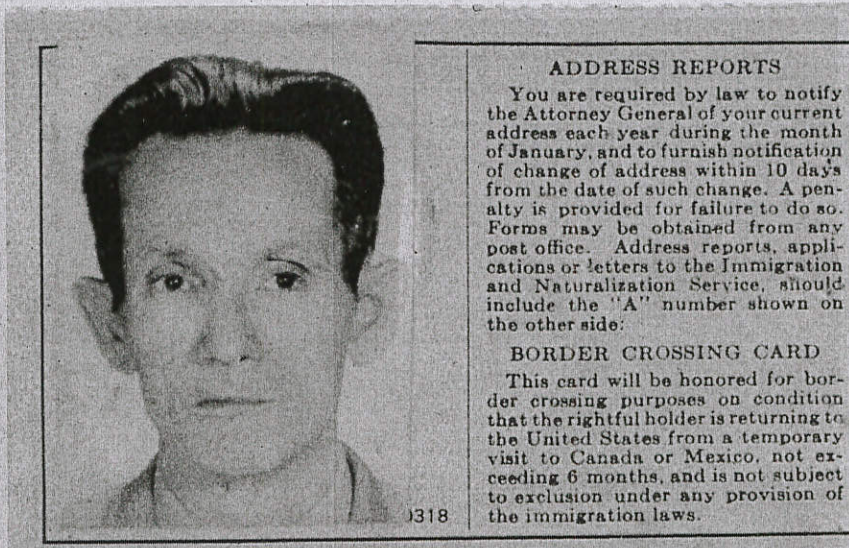
In an interview, Mr. Rubio acknowledged that some would see a conflict between the stricter immigration and refugee policies he supports and his grandfather's experience. Immigration records also show that other members of Mr. Rubio's family — two aunts and an uncle — were admitted as refugees.

But Mr. Rubio said the difference between then and now is how much more sophisticated foreign infiltrators like the Islamic State have become, and how dangerous they are.

"I recognize that's a valid point," the senator said, "But what you didn't have was a widespread effort on behalf of Fidel Castro to infiltrate into the United States killers who were going to detonate weapons and kill people."

"Times have changed," he said. "Policies have to change. If there's a conflict there, I think that's just a reality."

Mr. Rubio is not alone among the Republican presidential candidates in demanding a more vigilant refugee vetting process. So



The green card that allowed Pedro Victor Garcia, Marco Rubio's grandfather, to live in the United States in the 1950s. Mr. Garcia returned to Cuba in 1959, but later fled the Castro government.

has Senator Ted Cruz of Texas, whose own father left Cuba. And Donald J. Trump has called for stopping immigration of Muslims altogether.

When Mr. Garcia landed in Miami in 1962, Cold War paranoia was at its peak and American officials were on high alert for Cuban spies who might be trying to

A mentor to a candidate once faced deportation.

enter the country. The Cuban missile crisis was just weeks away.

Though Mr. Garcia had been issued a green card when he arrived in Miami six years earlier, he had forfeited his legal status when he returned to Cuba to look for work in 1959, shortly after the revolution, and remained there. He eventually got a job as a bookkeeper in the transportation min-

istry and remained until he felt the situation had become untenable. He asked for vacation time, and when his bosses granted it, he fled to Miami.

During Mr. Garcia's hearing, immigration officials pressed him for clues about whether he was a Cuban agent. Was he a member of any political party? What did he do for the Castro government? And why did he want to leave when it seemed he had a comfortable life?

"You were quite content then to remain in Cuba, is that correct?" a lawyer for the government asks him.

"No, no," Mr. Garcia tries to assure him, explaining that the creeping oppression of the government made him desperate to get out. "They're watching you every day, and they want to know if you're trying to go out of the country, if you want to come to the United States."

He says at the hearing that what made him decide he wanted to leave for the United States to join his wife and seven daughters, one of whom was Oria, Mr. Rubio's now 85-year-old mother,

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You are required by law to notify the Attorney General of your current address each year during the month of January, and to furnish notification of change of address within 10 days from the date of such change. A penalty is provided for failure to do so. Forms may be obtained from any post office. Address reports, applications or letters to the Immigration and Naturalization Service, should include the "A" number shown on the other side.

BORDER CROSSING CARD

This card will be honored for border crossing purposes on condition that the rightful holder is returning to the United States from a temporary visit to Canada or Mexico, not exceeding 6 months, and is not subject to exclusion under any provision of the immigration laws.

NATIONAL ARCHIVES

was when Castro confirmed suspicions that he was a Marxist. He insists he never registered with any political party.

Immigration law experts said that the government would have been justified in deporting Mr. Garcia. "That is not a temporary trip abroad," said Jeffrey Brauwerman, a former immigration judge in Miami, of Mr. Garcia's 1959 return to Cuba. "He has abandoned his residence. He is not a returning resident and in those days he was properly excludable."

Mr. Brauwerman added that any employee of the Castro government would have received additional scrutiny because of the fear that he or she could be a spy.

"We looked very carefully at people who worked in Cuba," he said.

Ultimately it may have been pity for Mr. Garcia's physical condition that swayed immigration officials. Five feet 6 inches and just 120 pounds, Mr. Garcia had injured a leg in an accident and suffered from a number of ailments. Medical records show he had polio, scoliosis and signs

of emphysema. He kept a three-cigar-a-day habit well into his old age.

Mr. Garcia's death in 1984 fell especially hard on a 13-year-old Marco. Mr. Rubio writes vividly of finding his grandfather on the floor of their home in Las Vegas after a bad fall. When the paramedics came and transported him to the hospital, Marco accompanied him, acting as his translator. When his grandfather passed away soon after — he had long suffered from bladder cancer — Marco fell apart. He started flunking exams. He quit his football team.

To this day, Mr. Rubio still invokes on the campaign trail the most important lesson he says his grandfather taught him: not to squander the opportunities his parents created for him through their sacrifice. Mr. Garcia's admiration for Ronald Reagan is the reason Mr. Rubio says he became a Republican. There is an entire chapter devoted to him in the senator's memoir called, affectionately, "Papá."

Mr. Rubio said that refugee policy, even today, cannot be hard-and-fast and that some exceptions need to be made for people who are obviously no threat. "If it's a widow, or somebody in their 70s," he said in the interview, "common sense applies."

For years after he was allowed back into the United States, Mr. Garcia's legal status would remain unresolved. His designation as a parolee meant he would not have to leave. But he did not know whether he would ever get a green card.

That did not come until almost exactly five years to the day after he was stopped in Miami. He filled out a form specifically designed for Cubans, who were granted special status for residency under the Cuban Adjustment Act of 1966. He listed his occupation as "receiving public assistance from Cuban refugee program." In the thumbnail black-and-white picture attached to the form, he is smiling and wearing a suit.

His permanent residency was stamped "approved" on Sept. 13, 1967.