



Lilian Cardona (center) and her family pray during a March 11 vigil at William Chapel A.M.E. Zion in Angier. PHOTO BY SARAH WILLETS

THE WAITING

Lilian Cardona, a pregnant woman who has called North Carolina home for twenty years, could be among the first victims of Trump's hard-line immigration policies

BY SARAH WILLETS

On March 11, a Saturday afternoon, in William Chapel A.M.E. Zion, a bare-bones church in Angier, Lilian Cardona is watching her children play. They weave among the rows of seats that had been filled moments before and run circles around the keyboard and the legs of standing adults. Cardona, nearly thirty-five, turns her head behind her husband's shoulder and quietly cries.

A minute later, she wipes her eyes, adorned with a stripe of bright blue eye shadow, and resumes talking about how, within a few weeks, maybe even a few days, she may be ripped from her husband, her four young children, and her home of twenty years.

For the last month, since she got the word from Immigration and Customs Enforcement that she could soon be deported, Cardona's life has been filled with uncertainty—and its excruciating partner, waiting.

The family will wait five more days until they can leave for Charlotte, where Cardona must answer to a six-year-old order for her removal from the country. On March 16, they'll drive three hours to the ICE field office, not knowing if she'll make the trip back to Angier. They'll huddle in the cold for more than an hour outside of the ICE building before Cardona's appointment, unsure if she'll be detained once she opens its heavy glass doors. And they'll wait another hour to learn that she's been granted something of a reprieve from

deportation, at least during the couple of weeks it takes ICE to accept or deny her application to stay in the country.

With no criminal record, a valid work permit, and a baby due in May, Cardona is one of many immigrants who have been caught in a wide net cast by the Trump administration in the name of making America a safer country. If Cardona is eventually deported, it will show that the government is willing to break apart a family to further that goal, sending a mother—and a baby who would be an American citizen given a slight shift in timing—to a country that has not been hers for decades.

"How would [Trump] feel being separated from his children?" Cardona asks.

Soft-spoken but confident, Cardona is open about the unease facing her family, the unbending faith in God that has helped her through it, and her life in Harnett County. But the violence she endured as a young girl in Guatemala—and at the hands of a smuggler during her month-and-a-half-long journey to North Carolina—is a subject she prefers to leave in the past.

When Cardona left Malacatán, Guatemala—a city of about seventy thousand people thirty miles from the Pacific Ocean—in 1997, the country had just reached a peace deal with guerilla fighters, bringing to a close more than three decades of bloody civil war. She was fifteen. Her memories of her family are among the few bright spots of her time in Guatemala. In a part of the country central to the flow of migrants and drugs between Central and North America, killings were indiscriminate. Food was sometimes scarce.

"It was a very sad life," Cardona says.

Seeking higher wages and a better life for her family, Cardona's mother left for North Carolina when Cardona was thirteen. The family knew the journey would be dangerous, but so was staying in Guatemala.

Violence, particularly against women, has permeated Guatemala's history, perhaps as a symptom of the war and the drug trade. The country still has the world's third-highest rate of femicides—the gender-motivated murder of women and girls. According to UN Women, 98 percent of those who commit femicide aren't punished.

"The scholars who study Guatemala talk about the way in which violence becomes embedded in the structure [of the country]," says Deborah Weissman, a UNC law professor specializing in immigrants, refugees, and women's issues. "Murder and rape were weapons of war so often focused on women."

About two years after her mother left, Cardona and her sister followed, with a smuggler paid in borrowed money. They walked for a week in the desert, Cardona says, before boarding a train. They were deprived of food for fifteen days.

"The smugglers treat them like animals. They don't feed them, they lock them up and they abuse the women," says Triangle-based attorney Yesenia Polanco-Galdamez, who has represented Cardona since 2013.

A year after that, Cardona's father and brother followed. The family would be part of a postwar boom of emigration from Guatemala to the United States, aided in part by the loosening of a Reagan-era policy that denied the entry of nearly all asylum-seekers from war-torn Guatemala and El Salvador. Today, an estimated 723,000 undocumented Guatemalans are living in the United States—

about 7 percent of the U.S.'s unauthorized immigrant population and second in number only to immigrants from Mexico.

"Typically we see people from the northern Triangle literally running for their lives," Weissman says, referring to the region containing El Salvador, Guatemala, and Honduras. "We know that when they're returned, their persecutors know they were unsuccessful. They're even more vulnerable, so we hear about people who were targeted by the very same groups that drove them to leave in the first place."

The Cardona family's first American home was in Fuquay-Varina. They came here to work, Cardona says. "It was a very focused life," she says.

Instead of enrolling in school, Cardona began working with her mother in a tobacco field. As a result, her ability to read and write is limited. Both her parents today live in Harnett County. Her father and husband work in construction; her mother, who doesn't read, installs underground cables. Cardona's oldest daughter, age sixteen, has lived in Mexico since the girl's father, who had been abusive to Cardona, absconded there with her, Cardona says. Cardona's youngest is five. She and her husband, Juan De Dios Alvarez, have been married since 2006.

Cardona moved to Angier three years ago. She is now a busy mom who works Monday through Friday cleaning houses and working at a Mexican restaurant in Holly Springs. Saturday is reserved for spending time with her children before the family heads to church, where services last until eleven p.m. Sunday morning, it's back to church until late afternoon.

"She is my family," says Cardona's pastor, William Arreaga. "She is a human being. The kids need her, the church needs her, and this nation needs her."

Her daughter Kayli, twelve, says her home is usually filled with laughter. And while that hasn't entirely changed in the last month, since they found out that deportation was looming, there has been a lot more anxiety. "I feel what she feels," Kayli says. "Sometimes she's sad, and I feel sad."

The thought of Cardona returning to Guatemala, where she has no home, family, or doctors to monitor her pregnancy, makes her parents nervous. But even if she was deported, Teresa Cardona told her daughter last week, it would be worth it for the time she's spent in America.

According to her attorney, Polanco-Galdamez, Cardona had no issues with ICE until 2010, when her landlord claimed she had stolen, rather than purchased, the Fuquay-

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Varina trailer in which she lived. The case was dismissed by the Wake County District Attorney's Office, but not before it landed Cardona on ICE's radar. The Wake County Sheriff's Office is one of five North Carolina law enforcement agencies that participates in the 287(g) program, which allows local police forces to enforce immigration law and lends local jail space for detentions.

"Because of 287(g), she is immediately screened by ICE and placed in removal proceedings," Polanco-Galdamez says.

Polanco-Galdamez says a notice telling Cardona to appear in immigration court in early 2011 was sent to an old address, so she missed the hearing. In her absence, the court issued an order for her removal. Still, because Cardona was never convicted of anything but traffic violations, her deportation wasn't considered a priority under the Obama administration. In 2011, she was granted an order of supervision, which allowed her to stay in North Carolina. As part of the supervision order, she was issued a work permit that she can renew each year.

However, a January 25 executive order by President Trump made more undocumented immigrants a priority for deportation, including anyone an immigration officer determines is a risk to public safety, anyone facing criminal charges that have not been resolved, and, like Cardona, anyone with an outstanding removal order.

She was now a target. And so, during a routine ICE check-in last month required by her supervision order, she was told her baby would not be born in America. Cardona was given an order to appear before ICE one month later, travel arrangements in hand, or else be removed from the country no later than March 31.

Cardona's attorneys are seeking to have her removal delayed for one year while they work on different remedies to keep her in the country. Because she came to America as a minor, Cardona could qualify for protection under the Deferred Action for Childhood Arrivals program, also known as DACA, if she can enroll in school after her baby is born, according to Polanco-Galdamez.

But her attorneys are focusing now on securing a U visa, reserved for victims of a crime that occurred in the United States, which they see as the most likely form of potential relief. To qualify, the applicant needs a form from the law enforcement agency investigating the crime certifying that he or she is helping in the investigation.

Cardona's U visa application is tied to an attack in December 2015, when four unidentified men tried to force their way into her



Cardona hugs her daughter Kayli before her ICE check-in March 16. PHOTO BY SARAH WILLETS

car while she was in it. The stress landed her in the hospital.

"At the time, she was pregnant," says Polanco-Galdamez. "We can't confirm whether or not she lost her baby as a result of this attack, but she did end up losing her baby."

The Harnett County Sheriff's Office has certified Cardona's form, Polanco-Galdamez says, but that's just one step in getting her application approved. (Getting this form was not a given. Fourteen agencies in North Carolina have a blanket policy to never certify the form, according to a recent study by Weissman and her colleagues.)

It can take more than two years for ICE to reach a decision on a U visa application, says Raul Pinto, an attorney with the N.C. Justice Center. Once an application is approved, there's an additional waiting period before the applicant gets a visa number. While she waits, the applicant may be given a work permit but not necessarily protection from deportation, Pinto says. Just ten thousand U visas are awarded each year. At the end of fiscal year 2016, nearly eighty-seven thousand U visa applications were pending.

For Polanco-Galdamez, Cardona's deportation would be among the most egregious miscarriages of justice to come from the Trump administration's policies.

"They're spending their resources on deporting a woman who has been consistently, responsibly, and continuously reporting to them," Polanco-Galdamez says.

The state and Harnett County chapters of the NAACP have been among Cardona's biggest advocates. They organized a March 11 vigil opposing her deportation at William Chapel A.M.E. Zion in Angier, called for supporters to come to her ICE check-in in Char-

lotte last week, and have started an online petition calling for a halt to her deportation.

"There's a time when a picture speaks a thousand words," said the Reverend William J. Barber II, the state NAACP president, standing alongside the family at the vigil. "You don't see felons. These are not criminals. This is a family, a working family—a husband and a wife and children. A pregnant woman in the third trimester. This is who you are being told to fear."

Because of the NAACP's involvement in the case, as well as her attorney's efforts to bring awareness to what she sees as an unjust deportation, Cardona has been thrown into the media spotlight. In addition to North Carolina media, the Associated Press, CNN Español, and Univision have all reported on the case. Along with messages of support, Cardona has noticed online comments from those who say she broke the law in coming to America and must face the consequences.

Jesse Jones, who has known Cardona for about five years, says that's the initial impression of many people in Harnett County, where he has a law office. About 65 percent of the largely rural county's residents are white. Trump won about 60 percent of votes there in November.

"Most people think she did something really wrong or that she shouldn't be here and doesn't pay taxes," he says. "But when you get them alone and tell them the facts of her case, they say, 'That's not right.'"

Going into her March 16 appointment with ICE officials in Charlotte, Cardona had no intention of complying with orders that she pack up her life into no more than forty pounds of luggage and arrive

"completely ready for deportation." Relying on her faith that God would see her through, she also had no plan for what to do if she were deported.

"They don't have a plan because all of a sudden it just happened," said Lourdes Pereda, the family's pediatrician, translating for Cardona. "They are trying to stay here because the kids don't know anything but the United States."

On that frigid morning, Cardona's family arrived wrapped up in blankets, waiting in their silver minivan for nine o'clock to come. No one would be allowed in the building with Cardona except her attorney, and although they were careful not to say it too loudly, no one was sure if she would come back out. Tightly encircled by news cameras, the family, friends, and a handful of supporters prayed in English and Spanish.

When Cardona emerged from the ICE office about an hour later, the same group strained, detecting a smile from across the parking lot.

Inside the ICE office, there had been more waiting. During the appointment, attorneys filed an application for a stay of removal on Cardona's behalf. They also presented a brief explaining the hardship her children would face if she were deported and the effect her deportation could have on her unborn child and her ability to recover from her delivery, says attorney Pooyan Ordoubadi. Ordoubadi says he spent about ten minutes summarizing Cardona's application for an ICE officer and that she was not present for that conversation.

As part of a request for a stay of removal, an applicant can include medical evidence for why he or she should not be deported. In Cardona's case, that was a note from her doctor saying she is being "followed closely" for pregnancy complications and cannot safely travel.

Asked about the agency's policies on detaining pregnant women, ICE spokesman Bryan Cox says that "custody determinations are made on a case-by-case basis based on the totality of the circumstances," including a pregnancy.

News of Cardona's fate will arrive in two or three weeks, Ordoubadi says, via fax or email. By the time ICE decides whether to grant a stay of Cardona's removal or deport her to Guatemala, she will be about four weeks from her due date.

Ordoubadi says Cardona is not necessarily protected from deportation while her application is considered.

"We did buy some extra time," Ordoubadi says. "We don't have the final response yet, so right now all we can do is wait."

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