

Advocates

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of those who are most likely to be undocumented. "Those who aren't coming are the farmworkers, the uneducated, the non-English speaking," he said. "They are a silent group, easy to ignore, but they are some of the most desperate among us."

Through the Spanish Apostolate, Father Tracy has organized and trained a dozen bilingual volunteers who offer counseling and help in filling out the initial applications.

Because Flaminio knows the fear of being undocumented firsthand, he was among the first to sign on as a volunteer at the Spanish Apostolate.

Flaminio suspects that fear of the INS is the major factor keeping potential applicants away. But based on his own experience with the INS, he believes that people's fears may be unfounded.

"I know there have been more abuses in the South and with farmworkers," he said. "But I also know it is not easy to live denying who you are and where you come from, never trusting anybody... This can be a great opportunity."

Mario Escalante, another volunteer counselor who also works as a community organizer for the Spanish Action Coalition in Rochester, has seen another side of the INS. During the years he worked with migrants in the Brockport-area camps, INS agents would occasionally park their cars outside the camps and arrest workers on their way to the fields

in the morning. "How can you forget those pictures?" he asked. "The INS has to take more aggressive steps to erase an image like that."

Because of such experiences, illegals are reluctant to trust the INS, despite assurances that agents cannot use information provided on the legalization applications to build deportation cases. "I have to promise people that the information is confidential, but to be honest, I am not completely sure myself," Escalante said. "Who can tell what will happen after a year or two? A lot of things can happen."

The INS application fee of \$185 per individual or \$420 per family is also a huge obstacle for many potential applicants. That cost does not include additional charges such as those for medical examinations, photographs and fingerprinting. To date, there is no outside source of funds for those who do not have or

cannot borrow that much money.

"The bottom line is that everybody who wants to apply has to pay, and a lot of them are destitute or nearly so," Father Tracy said.

Escalante believes that by simply reducing the fee, the INS could attract more applicants. Not only would more people be able to afford the process, he observed, but the gesture would be interpreted as a sign of good faith.

Although Barrus concedes that the fees are steep, he said that the INS has no plans to reduce them. "These people are supposed to be self-supporting, and the program is supposed to be self-supporting," he said. "Besides, these are the same fees we charge legal applicants. Why should we make it any easier for illegals than for legal?"

Some of the illegals who have not applied are just not interested in legalization since they don't yet feel threatened by the new legislation, Father Tracy observed. Once the INS begins next June to enforce sanctions against employers who hire illegals, however, the danger of discrimination against anyone who is foreign-looking or speaks with an accent will increase.

Father Tracy believes that Puerto-Ricans in particular are likely to be affected. Although they are U.S. citizens, he explained, they are well-known for failing to keep records and documents of that fact.

"It's not a problem now, but in a year, it will be," he said. "Documentation will become a burden for all agencies that work with Hispanics, but that is not a need that is funded. I doubt that any agency right now has an employee hired to help Hispanics get documents."

What Father Tracy and other legalization workers are struggling with is a lack of persistent, well-spoken volunteers to help track down the documentation applicants need. "Nobody wants to spend time writing letters or making copies unless they have to," he said.

In the meantime, applicants and counselors are anxiously awaiting the INS regional office's response to the initial applications. Barrus expects that to come within the next several weeks.

No one is more anxious than Flaminio. He has thought about the possibility that the INS will deny his application, and supposes that he would appeal. But he prefers to be optimistic. "I have no reason to believe they'll deny it," he said.

Preguntas y respuestas relacionadas con la nueva ley

1. ¿Quiénes obtendrán la legalización bajo la nueva ley?

Los inmigrantes indocumentados que llegaron a los Estados Unidos antes del primero de enero de 1982, y que hayan residido en forma continua en estado ilegal durante este período (con excepción de viajes cortos fuera del país).

Para que puedan llenar los requisitos de la legalización, un inmigrante debe:

- no haber sido declarado culpable de un crimen o de tres delitos de menor cuantía en los Estados Unidos;
- demostrar un historial de empleo en los Estados Unidos y no haber recibido asistencia pública en efectivo;
- pasar el examen médico, el cual será costado por el inmigrante;
- no haber asistido en la persecución de otra persona o personas;
- estar inscrito o mostrar deseos de inscribirse para el servicio militar.

2. ¿Cuándo empezará y terminará la legalización?

Habra un período de registro de 12 meses, empezando dentro de los seis meses siguientes luego de que el proyecto se haga ley cinco de mayo de 1987. Los inmigrantes indocumentados que llenen los requisitos, inicialmente se convertirán en residentes legales temporales. Luego de permanecer en esa categoría por 18 meses, ellos podrán solicitar su residencia permanente. Un in-

migrante podría solicitar ciudadanía norteamericana después de cinco años como residente permanente.

3. ¿Cómo pueden los inmigrantes solicitar la legalización?

Los inmigrantes que reúnan el criterio de elegibilidad pueden presentar su solicitud a través de organismos voluntarios competentes y grupos eclesiales designados por el Fiscal de la Nación. Además, las solicitudes pueden hacerse a través de abogados o directamente con el Servicio de Inmigración y Naturalización. Se recomienda que los indocumentados busquen asesoría antes de presentarse directamente al INS.

4. ¿Qué documentos serán necesarios para establecer su elegibilidad?

Se puede presentar documentos como comprobantes de salario, formularios de retención de impuestos, recibos de pago de la renta, recibos de servicios públicos (agua, luz, gas, teléfono) o estados de cuentas bancarias. Debe de presentarse también corroboración independiente de la información contenida en los documentos, como por ejemplo, un affidavit del dueño de la casa, empleadores o compañeros de trabajo. Se dará preferencia a documentos relacionados con su trabajo.

5. ¿Que sucederá si un inmigrante es detenido por el INS antes o durante el período de registro?

No sería deportados si aparentemente

pueden probar que llenan los requisitos de elegibilidad para la legalización. Sin embargo, deben de proseguir con su solicitud para la legalización.

6. ¿Se mantendrá en forma confidencial la información en su solicitud?

Si. Ni el Servicio de Inmigración y Naturalización podrá ver los archivos de una agencia voluntaria a menos que el inmigrante dé su consentimiento. La información en la solicitud sometida al INS no podrá ser usada para deportar al inmigrante si es que éste no llena los requisitos para la legalización.

7. ¿Existirá castigo penal para los extranjeros que mientan sobre su elegibilidad para la legalización?

Si. Los inmigrantes declarados culpables de fraude o falsificación serán sujetos a multas, un máximo de cinco años de cárcel y deportación.

8. ¿Serán los inmigrantes legales elegibles de inmediato para los beneficios de asistencia pública?

No. No por espacio de cinco años después de haber conseguido su residencia legal temporal (excepto en los casos de cubanos o haitianos o los ancianos, ciegos o personas incapacitadas). Los estados también podrán negar muchos de los beneficios de asistencia pública. Pero los servicios médicos de emergencia estarán a disposición de la mayoría de inmigrantes, niños o mujeres embarazadas.

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