

Visa 'overstays' often blend in

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Kathleen Chouinor got up from the sofa and returned from her bedroom clutching an Arizona driver's license and a Social Security card.

Both documents were forgeries, Chouinor said, purchased on the black market in Phoenix for \$150.

"I went to the guy's house. He took my picture, and within two hours, I had my driver's license and Social," she said.

The documents looked authentic enough to fool the manager of a large retail store in the northeast Valley. Chouinor had no trouble landing a job a year ago making \$10 an hour as a salesperson.

But she had something more going for her than just fake documents. With strawberry-blond hair, blue eyes and the ability to speak English like an American, few would suspect the 39-year-old Canadian is an undocumented immigrant, especially in Arizona, where the overwhelming majority of unauthorized immigrants are Mexicans who crossed the border illegally through the desert.

Chouinor flew on a jetliner from Winnipeg to Phoenix as a tourist more than two years ago, needing only a Canadian driver's license to enter the United States. She hasn't gone back since.

Chouinor represents the millions of undocumented immigrants, many from Canada, Mexico and Europe, who have entered the United States legally with student, work or tourism visas and then remained after their visas expired.

Known as "overstays," they have received scant attention in the contentious debate over immigration reform and homeland security, even though the government estimates overstays make up at least a third of the nation's total undocumented population of about 11 million people.

Though most legal visitors from other countries return home, many decide to remain here illegally primarily because of better economic opportunities or family ties. Any attempt by Congress to create a large-scale guest-worker program or seal the border will have to take overstays into account.

The large number of overstays in the country also reveals weaknesses in the nation's immigration system beyond border enforcement. The 19 Sept. 11, 2001, hijackers are believed to have entered the country with student or other visas. At least three overstayed.

"The more you do focus on the border and the more successful you are at the border without focusing elsewhere, the more you exacerbate the problem of overstayers," said U.S. Rep. Jeff Flake, R-Ariz., a proponent of immigration reform that includes greater enforcement at the border and the workplace, along with a guest-worker program.

Chouinor asked that her full identity not be published out of fear of losing her job or being deported. But she asked to be interviewed in hopes that Congress will adopt a guest-worker program that allows undocumented immigrants like her to legalize their status.

Entered legally

The information-technology boom of the 1990s was still going strong in early 2000 when Chouinor posted her resume on an Internet job bulletin board.

At the time, Chouinor was divorced and living in Winnipeg, a city in central Canada, with her two children. She was barely making ends meet as a computer mainframe administrator. She hoped to land a better-paying job in the United States with one of the many companies hiring foreign workers with computer backgrounds.

Within three months, a financial services company in Phoenix saw Chouinor's resume. After a series of

interviews, Chouinor said, the company offered her an information-security job making \$75,000 a year, triple what she was earning in Winnipeg, plus \$5,000 for moving expenses.

Chouinor packed her bags.

With the company's help, she applied for a TN visa, a special temporary-worker permit created under the North American Free Trade Agreement that allows Canadian and Mexican professionals to work in the United States.

Chouinor's loved her new life in Phoenix. She moved her children into a nice apartment building in Ahwatukee with a pool and tennis courts. She bought a car, settled into her job and made new friends. One day, a co-worker and his daughter showed up unexpectedly at her door bearing a Christmas tree and gifts.

"They just said they wanted to make sure our first Christmas in the United States was one to remember," Chouinor said.

By the end of 2002, the information-technology boom had collapsed. In the wake of 9/11, many companies were skittish about hiring foreign workers. Chouinor was told that her TN visa would not be renewed. Her job in Phoenix ended.

Chouinor sent her children back to Canada. She moved in with her boyfriend, an American, while she hunted, without success, for another IT job.

In April 2003, she rejoined her children in Winnipeg and job-hunted there. Chouinor discovered jobs were scarce, and her U.S. work experience had tainted her in Canada.

Most companies wouldn't interview her.

"They knew I had been making a lot more money here (Phoenix), and they assumed my expectations were going to be a lot more than they could pay me," Chouinor said.

Lied at the airport

Chouinor missed Phoenix. She found people friendlier and more accepting here than in Winnipeg. Her boyfriend offered her a place to stay if she came back.

Because she is Canadian, Chouinor had no trouble re-entering the country. Canadians and visitors from 26 other countries, mostly European, are allowed to enter the United States for brief visits as tourists or for business purposes without visas. The only documents Chouinor needed: her birth certificate and a Canadian driver's license.

In August 2003, Chouinor bought two round-trip plane tickets from Winnipeg to Phoenix for herself and her son, 11-year-old Frank (his middle name). Her daughter remained in Canada with her father. Passing through a U.S. customs and immigration screening process at the Winnipeg airport, Chouinor lied and told the inspectors they were coming for only a two-week visit. She failed to arouse suspicion even though she was carrying four suitcases and a garment bag, far more luggage than needed for a two-week visit.

No one has a good handle on how many overstays there are in the United States or which countries they are from. The majority of undocumented immigrants who cross the U.S.-Mexican border illegally are from Mexico and Central America. Overstays, on the other hand, tend to come from all over the world and tend to be better educated and financially better off, experts say.

The Department of Homeland Security estimates the overstay population at 2.3 million as of January 2000, according to congressional auditors. Most overstays came on student, work or tourism visas. In 2000, they accounted for about a third of the total undocumented population, auditors said.

The 2.3 million estimate, however, did not include overstays from Canada and other visa-exempt countries who entered legally without visas, or overstays from Mexico who entered legally with border crossing cards.

Earlier reports by the former Immigration and Naturalization Service estimated overstays accounted for as much as 40 to 50 percent of the nation's undocumented population, auditors noted.

For months after returning to Phoenix, Chouinor lived in fear of being deported. With her TN visa expired, she no longer was authorized to work legally in the United States. She had a Social Security card, but it said "unauthorized to work" without approval printed on the front.

Marrying her boyfriend could have provided a way to legalize her immigration status. But the relationship fizzled.

A scary phone call

Then one day she had a scare. Her daughter, Amber, was coming from Winnipeg for a visit. Chouinor received a telephone call from a U.S. immigration officer at the airport wanting to verify her visit.

"He asked me point blank, "Are you here legally?" " Chouinor recalled.

Chouinor told him the truth. No.

"He said it would be in my best interest to leave the country immediately, and it was up to him whether he was going to file a report about my status," Chouinor said.

Chouinor was surprised by what happened next. Her daughter, who was 16 at the time, was allowed to enter the country for a three-week visit, even though Chouinor was living in the United States illegally. Her daughter returned to Canada at the end of the three weeks. But she could have easily stayed.

After her daughter's visit, Chouinor waited for immigration officials to contact her again. They didn't.

A friend who owns a business knew someone in an industrial area of Phoenix who sold fake documents to undocumented workers from his home. The man created a false Arizona driver's license for her and a new Social Security card.

The fake documents helped Chouinor rent an apartment and get hired in retail. When filling out job applications, Chouinor checks the box for U.S. citizen.

Most undocumented immigrants work in construction, agriculture and manufacturing. But Chouinor said her fair skin and American accent have made it easy to blend in.

"I've never had an employer even blink when I presented my documents," she said.

Working retail, Chouinor struggles to pay her bills. Her son needs dental work, but she has no health insurance and can't afford a dentist.

To save money, in November she moved in with a sympathetic couple, the parents of her son's best friend who own a large home.

"It doesn't matter if she is here legally or not. She's a human being, and she needs help," said Kevin, 45, who asked that his last name be withheld.

Deportation unlikely

U.S. officials say they are doing a better job of tracking and deporting foreign visitors, especially those who pose a national-security threat.

In June 2003, U.S. Immigration and Customs Enforcement created a special unit to investigate foreign visitors who violate the terms of their visas. Since then, the agency says, it has arrested more than 1,417 overstays nationwide, a small fraction of the total.

The government also is phasing in an automated tracking system that collects digitized fingerprints and other data from foreign visitors at U.S. consulates abroad and at the border. The US-VISIT Program is designed to help inspectors screen out potential terrorists and criminals and determine whether foreign visitors overstay.

The system has been implemented at airports, seaports and 50 of the largest land ports, including five ports in Arizona.

A June 2005 study by the Migration Policy Institute in Washington, D.C., however, said the US-VISIT Program is riddled with holes. Less than 2 percent of the 360 million entries through land ports annually are currently tracked by the system, the report said.

Most Canadians and 7 million Mexicans with border crossing cards are exempt from the program. Together, they account for about 155 million entries through land ports a year. Visitors who enter the country by air but leave by land also are not tracked.

The government is "only scratching the surface," said the study's author, Rey Koslowski, a political science professor at the University at Albany in New York.

Tracking overstays still won't significantly slow illegal immigration.

"Even if you (identify) an overstay, then what? How do you find that person and deport them?" Koslowski added.

Chouinor doesn't know how much longer she will remain illegally in the United States. She is waiting to see if Congress adopts a guest-worker program that could give her a shot at a legal immigration status.

She doesn't worry much anymore about deportation. Overstays who otherwise abide by the law are a low priority for immigration agents busy trying to root out foreign terrorists and criminals.

"The longer I'm here, and the more I come to know how the whole immigration system works, I've come to be less afraid," Chouinor said. "I realize there is no such thing as the immigration police who are going to come and kick my door down and take me away."

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