



- ▶ **Site Search**
Search Metroland.Net
- ▶ **Classifieds**
View Classified Ads
Place a Classified Ad
- ▶ **Personals**
Online Personals
Place A Print Ad
- ▶ **Columns & Opinions**
Comment
Looking Up
Reckonings
Opinion
Letters
Rapp On This
Best Intelligencer
- ▶ **News & Features**
Newsfront
Features
What a Week
Loose Ends
- ▶ **Lifestyles**
This Week's Review
The Dining Guide
Leftovers
Scenery
Tech Life
Profile
The Over-30 Club
- ▶ **Cinema & Video**
Weekly Reviews
The Movie Schedule
- ▶ **Music**
Listen Here
Live
Recordings
Noteworthy
- ▶ **Arts**
Theater
Dance
Art
Classical
Books
Art Murnur
- ▶ **Calendar**
Night & Day
Event Listings
- ▶ **AccuWeather**
Enter ZIP Code or City, State:
 GO
- ▶ **About Metroland**
Where We Are
Who We Are
What We Do
Work For Us
Place An Ad

▶ **FEATURE**

Immigrants' Dilemma

Saugerties restaurateurs Emilio and Analia Maya wanted a chance to get legal immigration status and run their own business, so they cut a deal with the feds. By all accounts, they did good work as informants—and now may be deported anyway.

By **Steve Yoder**

Photographs By **Alicia Solsman**



Photo: Alicia Solsman

Main Street in Saugerties, about 50 miles south of Albany, has the look of a place that has struggled but is on its way back: vintage hotel on the corner, antique shop with a hand-lettered sign on the glass, upscale tattoo shop and thriving True Value Hardware. It also has a few essential, cheery gathering spots for gray winter days. One is the Tango Café, with its wood paneling, menu on a blackboard, warm lighting, and steady stream of chatting customers.

Inside, retiree Mary Jo Brightley, who lives down the block at the senior housing complex, walks to the end of the counter to a stroller holding two babies, the owners' children. "I can't believe how big she's gotten," she says picking one up. "The Mayas are like family. I really like that this restaurant is family owned and that they're down to earth, not so chi-chi."

But of late things are different at the Tango Café. As a customer leaves, she says, "We're keeping our fingers crossed for you." A clipboard next to the cash register holds a petition full of names. A business owner from down the block is having a long talk in hushed tones with the cashier. Something is afoot, and it's not the usual troubles facing any family-owned restaurant in small-town America, like competition from strip malls or difficulty paying taxes during a downturn. Café owners Emilio Maya, 34, and his sister Analia, 30, are up against something far bigger: deportation.

Their story is a window into one government agency's treatment of undocumented immigrants enlisted to fight crime and thwart terrorists on behalf of the country where they live.

Flashback to 1998. The nation is focused on a presidential sex scandal, unemployment is at its lowest level in 30 years, and after the Oklahoma City bombing, terrorism seems as likely to originate at home as abroad. Emilio Maya came to Saugerties from Argentina that year, entering under a visa-waiver program; his sister, Analia Maya, followed in 1999. They didn't understand that such waivers, granted to citizens of certain countries, allow entry without a visa in exchange for giving up the right to ever contest a deportation order.

They were following the dream of living and working in the United States. They went to a lawyer, who told them about section 245(i) of the immigration code. Under that law, they had two choices before they could apply for a green card: Either pay a penalty or leave the country and then apply. They chose the former, filling out a ream of paperwork and handing over \$2,000. But their application was rejected for missing information, and by the time their lawyer notified them, Congress had allowed the law to expire.

For the Mayas, obtaining a green card was, and remains, nearly impossible.

Hoping for a change in the law, they stayed in Saugerties, each working two jobs, seven days a week, saving so that someday they could open their own restaurant. Analia worked 7 in the morning to 3 in the afternoon behind the counter at a deli. Then she'd come home, take a shower, and wait tables from 5 to 11. Emilio cooked at two different restaurants, working 90-hour weeks.

Somewhere in that punishing schedule, they managed to build relationships and become part of the community. Analia translated for the local police in arrests of Spanish speakers. Emilio volunteered for the fire department.

Analia says that in late 2004, a friend of hers, police officer Sidney Mills, had an idea—she should meet with officials from the Department of Homeland Security. "Homeland Security?" she said. "I don't want to work with Homeland Security. If I talk to them they're going to deport me." But having Mills as intermediary reassured her. So she met at the police station with two agents of Immigration and Customs Enforcement (ICE), Kelly McManus and Morgan Langer. They asked whether she knew anyone who was selling green cards or issuing fake Social Security cards. She did. Could she tell them which factories were smuggling in people to work illegally? Yes. Would she wear a wire? Yes. In return, they offered her a work authorization and promised to fix her "legal status."

She would make the deal on one condition: Emilio had to be involved as well. She wanted legal status for both of them and didn't want to be involved with ICE alone.

So in June 2005, the two started doing jobs for ICE, they say, even though they were never paid.

ICE spokesman Brian Hale said that he can't comment on the Mayas' situation, in keeping with agency policy. However, U.S. Congressman Maurice Hinchey's office has been looking into the Mayas' case. Jeff Lieberman, his chief of staff, says, "Based on the information provided to us by the Maya family, and ICE's response to what we've talked to them [the agency] about, we believe they are informants."

Analia and Emilio would each wear a wire—at parties, at the bar, at the grocery store—probing for activities about which ICE wanted to know more, such as weapons trafficking, drug or gang activity, companies

Advertising Sponsors
NYT Bestselling Erotic Fiction



You never know

I had my good life, and suddenly, there's something more. A chance to be deliciously, amazingly, exuberantly happy.

This is my choice, and I don't know how to stop.

Or even if I want to.



[Read more...](#)

[See your ad here](#)

smuggling in illegal workers, and people involved in issuing fake identity and Social Security cards.

On the basis of ICE's promises to get them legal status, in October 2005, Analia and Emilio began using their savings to rent a vacant restaurant space outside town. It offered them the possibility of escape from working multiple jobs and a chance to run their own business. But they knew that without legal authorization to work, it was just too risky to actually open, so they paid month after month of rent while waiting for their permits.

Finally, in February 2006, they were told to drive to Manhattan to get their work permits. Ecstatic, they opened the restaurant in April. It was a huge risk: "If people had not showed up that first week, we would have had to close," says Analia. But customers did come—60 people the first day—and they made \$1,000. They were off and running.

In October, they bought a house outside town.

And by June 2007, the restaurant was doing so well that they moved it to Saugerties' main downtown corner. Since then, both siblings have begun families of their own: Analia, a single mother, has a 7-month old son; Emilio and his wife, here from Belarus on a student visa, have an 11-month-old daughter.

Meanwhile, they kept up their undercover work for ICE. On one job, Analia posed as an illegal Mexican immigrant for several weeks at a factory in Port Jervis, getting information on who was issuing fake IDs and whether managers were intentionally hiring undocumented workers.



The Tango Café

ICE was pleased, they say—their agents' supervisor, James Mooney, congratulated Analia after the Port Jervis job. "I was doing the best I can," says Analia. "I was never trained to do this kind of stuff."

Later, the Mayas helped identify a Saugerties safe house for a leader of the violent Central American gang Mara Salvatrucha. Though the house was empty by the time law enforcement arrived, their agents told them the intelligence helped authorities track him to Miami, where he was arrested.

The deal with ICE started to go bad last summer. The agency had decided not to work in Saugerties anymore—the action was now in Newburgh, an hour away. And because Analia was now pregnant, ICE had decided that they didn't want her wearing a wire. And with the operation moving south, McManus said that ICE wasn't going to renew the Mayas' work permits. According to Analia, McManus told them they weren't needed anymore and that the only way that they could renew their work status would be to help the agency identify terrorists, drug dealers and weapons smugglers in Newburgh. The agent suggested they take time off of work to pursue leads there.

Not long after, Congressman Hinchey, who was raised in Saugerties, had lunch at the restaurant. Analia and Emilio explained their situation to him. Hinchey's staff started inquiries, and in August sent a package of information about the Mayas to ICE. In late October, the Mayas contacted Hinchey's office and were told to expect some news in about two weeks.

What happened next shocked the town.

Early on November 17, Emilio left his house to head for the café and spotted several ICE agents approaching. "I knew every one of those guys," he says. "I just thought we were going out to do some kind of task." Instead, they handcuffed and arrested him and entered the Mayas' home with a search warrant, he says. When he asked why he was being detained, they would say only that he and Analia were "out of status." Their work authorizations, which ran until April 2010, had been canceled.

Emilio was taken away in a car, with another trailing. The agents, one of whom was McManus, entered the house. "We were all crying, the babies were screaming, but we couldn't go to them," says Analia. "Every time we'd move, they'd tell us to stop."

Then McManus brought Analia a deportation order. Analia says she first refused to sign, telling McManus, "We did everything you told us to! Everything!" In the end, she gave in and signed.

Within three hours, Emilio found himself alone in a cell at the Pike County Correctional Facility in Pennsylvania. A few hours before, he'd been on his way to work. Now he was shivering from cold, scared, crying and confused. "At that moment," he says, "I wished I was back in Argentina, because I didn't know what was happening. It was the worst day of my life."

After 15 days behind bars, he was taken to Manhattan to be deported. But Hinchey stepped in to negotiate his release and a 90-day extension. Emilio returned to Saugerties to a happy reunion with his family and went back to the café.

Today though, the Mayas are two weeks away from probable deportation—Emilio is to present himself to ICE's New York field office on March 1, and Analia has a court date set for March 5.

The Mayas soon found out that their experience wasn't unique. ICE informants nationwide claim to have taken risks for ICE to later become targets of deportation when the agency no longer has a use for them. While exact numbers are impossible to obtain, several recently reported high-profile cases indicate a potentially widespread problem.

There's the case of Salvadoran Ernesto Gamboa, a 41-year-old mechanic in Seattle who had been going undercover for ICE for at least 12 years. Gamboa helped secure at least 90 convictions of major drug dealers and other criminals, according to Washington State Sen. Maria Cantwell's office. In exchange, he had been promised help with his immigration status.

Gamboa's lawyer, Jorge Barón, says that Gamboa had left the United States to move back to El Salvador,

but in late 2008, ICE asked him to come back to continue helping on drug cases. Tom Zweiger, a retired Washington state patrol officer, told the *Seattle Times* last year, "He has taken more drugs off the streets than a lot of drug officers will in their entire careers."

When ICE suddenly stopped paying him in November 2008, he told the agency he wanted to quit, according to Barón. The agency's response was to arrest and prepare to deport him.

Under pressure from Cantwell's office and Gamboa's law-enforcement friends (who set up a "Help Ernesto" Facebook page), last August ICE released Gamboa and stopped its deportation proceedings. But the agency reserved the right to refile them.

There's also "Mr. A," a Pakistani immigrant living in the San Francisco area who has asked media to conceal his identity out of fear for his safety. Mr. A had overstayed his visa after entering the country more than 20 years ago. In 2004, ICE offered him a deal: Work with us, and we'll let you stay. "They told me if I helped them they would get me a green card, but later on they changed their statement and they said I can stay in the United States indefinitely," Mr. A told San Francisco's CBS television affiliate.

He actively cooperated with the agency during 2004, his lawyer, Katherine Lewis, tells *Metroland*.

That year, he provided information that led to the arrest of a Fresno paralegal, Akram Sabar Chaudhry, who had been filing false asylum claims for immigrants. ICE also asked Mr. A to begin visiting mosques to collect information on possible terrorist activity.

Incredibly, in December of the same year, he was called in for a deportation hearing. According to Lewis, he asked his ICE handlers if he needed a lawyer but was assured that he had nothing to worry about, that they'd talked with the judge. They told him to accept the removal order. He did, and in doing so waived all of his rights to appeal if the agency attempted to deport him. Even so, ICE didn't execute the order and continued using him undercover for the next five years. He says that his handler first told him that he could get a green card and then limited that to being able to stay indefinitely but without a promise of legal status.

With no change in his status in sight, in January 2009, he asked his father, a U.S. citizen, to petition for him to obtain citizenship. The next month, he got a letter from ICE telling him to come in for an interview—a meeting at which ICE detained and attempted to deport him.

Lewis was able to have the removal order stayed. Mr. A has a preliminary hearing in June to reopen his case in front of an immigration judge.

A few days after Emilio Maya was detained, Analia got a call from Gamboa, urging them to go public with their case. Perhaps he recognized a pattern—one that may serve as a caution to prospective ICE collaborators. An informant begins working for ICE in exchange for verbal promises of legal status being granted. The informant conducts several successful jobs. ICE ratchets up its demands. When the informant expresses nervousness or a desire to get out, ICE tries to get rid of the problem informant through deportation.

Such treatment of agents would be explained by ICE's characterization of its relationship with informants. Hale, the agency spokesman, says that when an informant who is undocumented works with the agency, they are provided a "significant public benefit and parole. . . . [which] basically allows individuals who become informants to remain in the United States in that capacity." It seems clear that ICE believes its undocumented informants are recipients of the agency's forbearance in not deporting them—which the agency doesn't as long as they are compliant and useful.

That tolerant, if condescending, attitude isn't unusual in other law enforcement agencies. Tod Burke is a former Maryland police officer and Radford University criminal justice professor who trains aspiring law-enforcement professionals. While not commenting specifically on ICE's practices or the Mayas' case, he notes that foreign informants are often easy for the police and others to manipulate because of language and cultural barriers, and fear of the law-enforcement system. The imbalance of power is made worse for informants who fear deportation: "Their negotiations—this is like a hostage situation. . . . You're a dime a dozen, and sometimes unfortunately, that's the way they're treated," says Burke.



ICE'd: Argentine immigrant and Saugerties restaurateur Analia Maya awaits her deportation hearing.

At ICE, disdain for collaborators may be translated into coercion and mistreatment, especially since the agency doesn't appear to have written guidelines for managing informants. Hale didn't know whether the agency has a completed policy manual on the subject. But he emphasizes that the agency does follow through on its promises if informants provide a "significant benefit to the government . . . in other words, do they come through for you?"

If they do, he says, the agency can reward them by applying on their behalf for a prized S-visa. Pejoratively known as the "snitch visa," it allows those who provide reliable information concerning a criminal or terrorist enterprise to stay in the country for up to three years.

In reality, law-enforcement agencies obtain fewer S-visas for informants than is allowed under the law. Up to 250 S-visas can be given each year across the federal government, but from 2002 to 2007, an average of only 59 were approved, according to a Congressional Research Service report and documents released to the nonprofit Judicial Watch under the Freedom of Information Act.

And as ICE's treatment of Ernesto Gamboa makes clear, the requirement of providing a "significant benefit to the government" may ultimately be impossible to fulfill. His cooperation leading to upwards of 90 drug busts apparently didn't suffice: The agency declined Gamboa's request that it apply on his behalf for an S-visa. Without legal status, he can't work and can be deported at any time.

ICE denies that it treats informants as disposable commodities. Hale says that he can't comment on the Maya case, but asserts that "it's in no one's best interest on the law-enforcement side to do anything other than uphold your end of the agreement." And Kumar Kibble, ICE's former acting director of criminal investigations, recently told National Public Radio, which conducted an investigative series on informants, "We have been successfully recruiting informants year after year, and I think they have a comfort level working with ICE. I mean, otherwise, we wouldn't be able to continue to bring the highly successful investigations that we have been bringing."

That claim is not borne out by these cases or others that have come to light recently. If those are any guide, confidential informants can give ICE information that results in nailing criminals and terrorists and still be treated like disposable property.

But that apparently doesn't hurt the agency's ability to find new informants, given that legal immigration remains nearly impossible for people of modest means, even those like the Mayas who start a business, buy a house and pay taxes. With 11 million undocumented immigrants desperate for documents, there always will be a pool of ready recruits who, with just a few promises, will do whatever it takes to stay.

It seems that most of Saugerties has rallied behind the Mayas. Former Democratic county legislator Gary Bischoff started a petition asking that they be allowed to stay, signed by 1,700 residents and counting. He also organized a fund-raiser to help with their legal bills, and 200 people showed up. A core group of supporters meets regularly to plan strategy. Town police Chief Bill Kimble, two of his officers, and fire Chief Terry Volk wrote letters documenting the Mayas' assistance to both departments.

And on February 5, Hinchey introduced a rarely used and difficult-to-enact private bill in the House of Representatives. It would allow the Mayas up to two years to apply for an immigrant visa. Residents wrote several hundred letters to Hinchey and are gearing up to communicate their support to members of the House Judiciary Committee, where the bill now sits.

Republican county legislator Robert Aiello says, "I still can't believe it. I'm in shock. . . . Even with this over their heads, you see them continuing to just load their little black truck and sweep the front and bring boxes in and out of the restaurant. The system is punishing people who are working hard trying to make something of themselves."

For all of that, there is one group in Saugerties that feels differently about the Mayas: Hispanic immigrants, who make up 12 percent of the population, according to the 2000 U.S. Census. Emilio says they've stopped coming to the restaurant, fearing the Mayas will report them to ICE.

A source in the Hispanic community (who asked not to be named for this story) confirmed that many immigrants have stopped going to the café. He says that they feel betrayed and repeats a rumor that the Mayas had recently fingered two illegal Mexican immigrants who were then deported. Analia says that isn't true and that ICE "knows about all the people here who don't have documents and don't care. They're after the big fish."

But a more menacing attitude toward the Mayas has arisen in recent days. On Feb. 15, Argentina's main conservative newspaper, *La Nacion*, published a story about the Mayas. Readers' online feedback ranged from personal insults to threats of violence. Among the worst:

"It's good that their photos were included so that we'll know who they are when they move back here."

"Who kills with steel will die by steel. We will kill them when they come back to Mendoza."

"I suppose that we won't let them return, no? We will kill them or kidnap their babies."

The Mayas at first dismissed those comments as the typical overreactions of people afforded the anonymity of the Internet. But then on Feb. 16, calls started coming to the restaurant from Argentina. "You rats, we know what you did. We're waiting for you," growled a male voice that morning, before launching into a 5-minute tirade describing what he will do to them if they are returned.

According to the Mayas, their uncles and aunts in Mendoza are receiving harassing phone calls and TV cameras are set up outside their houses.

Facing all of this, Emilio and Analia keep trying to have normal daily lives. They are still putting in 12-hour days at the café, the thriving business of their dreams. But with March 1 looming, the prospect of an end to another upstate winter holds no joy. Their last 10 months have become a trip down a long tunnel that's getting darker by the minute.

Those who would like to help the Mayas can contribute to the Mayas' legal fund: Maya Legal Defense Fund, c/o Key Bank, 258 Main St., Saugerties, NY 12477, or contact Jane Hirschman at (917) 679-8343, kaneji@gmail.com, or Gary Bischoff at (845) 246-9013, eccxray@verizon.net.

 [Send A Letter to Our Editor](#)

 [Back Home](#)