

Michael de Yoanna



Nick Ortega was dismissed from his job after he discovered he is not a U.S. citizen.

If you were going to suggest a cast for a reality show about life in the suburbs, you might pick Nick Ortega and his family. His house in Loveland is the stereotypic American dream: two-car garage, neatly trimmed lawn and family pictures in every corner of the living room. Downstairs, in the basement, you'll find Ortega's "man cave," a couch facing a big screen TV, a foosball table and a couple of guitars from Ortega's rock band days in the 1990s.

There are pictures of Ortega when he was a kid on a baseball team, and photos of his son's team with Ortega standing to one side as coach.

Beyond this slice of Americana is the "living nightmare" that Ortega has yet to tell his neighbors about.

After more than four decades in Colorado, Ortega was shocked to learn that he's not an American citizen, as his parents had always told him.

"I still wake up and can't believe it," he says.

He's worked for decades in the United States without any problem. He's filed income taxes since 1983. He has a driver's license. He bought a house. For two decades he has lived with his common-law wife, a multigenerational U.S. citizen from Montana. Both of his children are citizens.

Ortega may have never found out he wasn't a citizen if United Parcel Service, his employer of more than a decade, had not in 2010 run his name and the names of his coworkers through E-verify, the Department of Homeland Security's internet-based system for determining whether employees are eligible to work in the United States. UPS told Ortega that his Social Security number identified him as someone born outside the country.

"That's strange," I said," says Ortega.

So began a frustrating and emotional journey where Ortega, now 47 years old, began to unravel family secrets that

nobody had ever told him.

"My parents just never talked much about the past," he says. "It was very difficult to get answers out of them."

Eventually, he did. Ortega discovered that he was born in Mexico in November of 1966. That made him a year older than he'd always been told. He learned that he migrated from Chihuahua, Mexico to the United States with his mother and siblings in 1972 around the age of five. They traveled on a bus that was waved through a U.S. border checkpoint in El Paso. From there, the family traveled to Colorado to be with Ortega's father, a Texas-born U.S. citizen from a family with a long tradition of farm laboring. Ortega has been in the United States ever since.

His upbringing in Greeley, Colo., was modest. His family was poor, working hard for subsistence wages. After he graduated from high school, Ortega did some construction as well as gigs with his rock band. He settled into a job at a rent-to-own store and later worked several years for a furniture sales ware-

house. One day, he set his sights on a job that would provide a more secure foundation for his family — driving a truck for UPS. He began as a seasonal driver, but worked constantly, punching the overtime clock every time his managers said there were extra hours to fill.

"I knew there were a lot of drivers who wanted to go full time, so I made myself stand out by working the hardest," he says.

It paid off. He was hired as a regular driver with benefits, joined the Teamsters Union and over the years steadily inched his way up to a payday of about \$90,000 a year. He shows a stack of honors he received from UPS, including nearly a decade of safe driving awards and honors for "Total Quality Service."

When the news came that UPS was letting him go, Ortega was devastated.

"It was like my whole world was crumbling around me," he says.

Only a handful of states require E-verify checks as mandatory for all employers. Colorado is not one of them. In Colorado, only contractors for

the state and the city of Denver are required to undergo the checks that critics say may unfairly target workers and can be open to fraud. A Homeland Security Department study found that about half the undocumented workers checked by E-verify were deemed eligible for work.

The Teamsters Union Local 705 in the Chicago area chided UPS for using E-verify to check 340,000 workers around the time Ortega was let go. In the Chicago area, at least 280 employees, including possible U.S. citizens, were reportedly dismissed, according to a statement by the union.

UPS failed to return a request for comment by deadline.

After his dismissal, though Ortega is unclear about whether he can work in the country, he launched his own business.

"I had to do something to keep the bills paid," he says. "This is about my family."

Yet the money from a startup isn't as good as his old job. The family piggy bank is dwindling, Ortega says.

"When I lost my job, it was like the government took away everything I worked for," he says. "They took away the foundation for my life and family."

For his wife, Stacy Hicks, Ortega's dismissal from UPS means she can't be a stay-at-home mom anymore.

"I feel like my son's life has been robbed," Hicks says.

She has taken employment in the catering department of a hospital and has had to say no to her son's requests too often lately — on holidays, on birthdays, regarding participating in sports teams.

Adding to the struggle, Hicks has been diagnosed with cancer. Last winter, Hicks' gall bladder and thyroid were removed. Amid all the medications and blood draws, Hicks feels tired often, but works at least part time in an effort to help the family make ends meet. She cries when she speaks about how hard

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Events

6/2-6/28

40th Annual Summer Writing Program:

Anthropocene

Arapahoe Campus,
2130 Arapahoe Ave., Boulder

Naropa's fortieth Summer Writing Program centers on the "anthropocene," the age where everything is affected and conditioned by humans. Through four weeks of workshops, panel discussions, and readings, we will explore shifting the frequency in our writing and communities, emphasizing the urgency of guardianship of our planet's stability and sanity.

naropa.edu/swp

6/22 | 4:00 p.m.

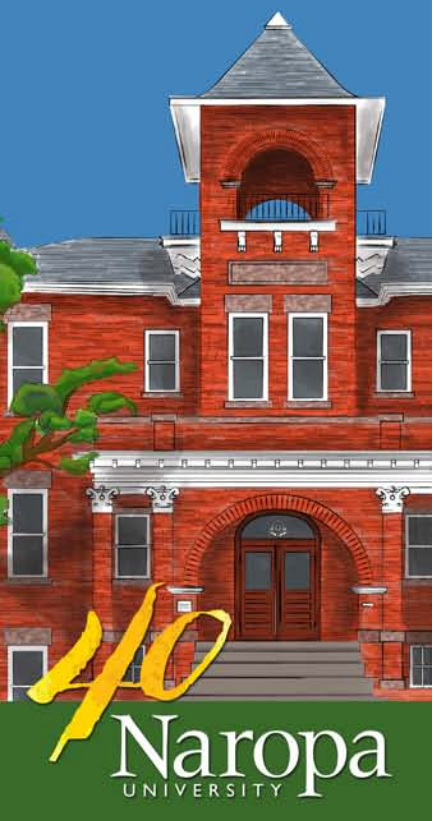
Peter Orlovsky,

A Life in Words Intimate Chronicles of a Beat Writer

Performing Arts Center,
2130 Arapahoe Ave., Boulder

Book launch with author Bill Morgan and special guests. Free & open to the public.

naropa.edu/lifeinwords



Courtesy Nick Ortega



Nick Ortega's all-American family is hopeful that his documentation problems can be resolved.

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Courtesy Nick Ortega



Nick Ortega with siblings and cousins as kids in Greeley in the 1970s.

life has become for her and her family.

"I really think all the stress is starting to eat away at my body," she says.

Initially, Hicks expected Ortega's legal troubles would be resolved quickly and that her family would return to the lifestyle they had worked hard for decades to establish. With a sigh, Hicks notes that her husband's legal troubles began when their son was in Kindergarten. Now the boy is in the fifth grade.

"And we're still waiting," she says.

Cases like Ortega's appear to be isolated, but not unheard of. Last week, The New York Times reported the story of Mario Hernandez of Tallahassee, Fla., a Cuban refugee who came to the United States in 1965. Hernandez, who married and raised a family as a longtime worker for the federal government, learned that he was not a citizen as he had long thought after he was unable to provide the right documentation for a U.S. passport. *Boulder Weekly* has also identified a third case with a similar theme — a man who was adopted abroad by Americans as a child who always thought he was a citizen but was told by officials he is not and is now working with an attorney to stay in the country.

These cases come against a contentious political backdrop where efforts to reform immigration laws have stalled for years, mainly in the Republican-led House. Critics argue current immigration laws are piecemeal, confusing and unfair while opponents of reform claim that too many people enter the country, settle in and work without respect for the law.

Alex McShiras, an attorney with the Denver-based Chan Law Firm, is trying to get Ortega declared a citizen. Ortega has no criminal record and an impeccable work history, McShiras notes. One strategy: to have Ortega apply for a passport. The Office of U.S. Secretary of State John Kerry, which oversees passports, has the power to grant such a request, essentially making

Ortega a citizen. Yet Ortega was denied a passport.

Now McShiras is taking another approach, arguing in the U.S. District Court for Colorado that Ortega has derived citizenship based on the fact that his father is a natural-born American citizen. That fact alone hasn't been enough to sway immigration officials who demand that Ortega also prove that his father resided in the United States for many years before Ortega was born.

Strangely, it is easier for Ortega to show that he has resided continually in the United States than it is for his

father. Ortega's father didn't keep good track of personal records over the years, prompting McShiras to turn to a private investigator for help. Through an extensive search, McShiras and Ortega produced a handful of documents showing Ortega's father's connections to the nation he was born in. Many of those records were from Ortega's father's childhood in Texas, including a birth certificate, a baptismal record from 1945, an elementary school promotion certificate from 1953 and an immunization form from 1962. Because his father was a laborer who often worked for cash or even for no pay at all just to contribute to the family, there were no tax records to be found. The

only thing that was found was a copy of an Internal Revenue Service notice that was sent to Ortega's parents in the tax year ending in 1973.

"We did what we could to piece the past together," McShiras says. "All the people who employed his father and who could vouch for his presence in the United States have been dead now for many years. The government is saying that what we provided wasn't enough."

On Dec. 23, 2013, Ortega received a letter denying his request for citizenship from U.S. Citizenship and Immigration Services.

"The documents you submitted are insufficient to establish that before your birth, your father, Marcelo Ortega Beltran, was physically present in the United States or its outlying possessions for a period or periods totaling not less than ten (10) years, at least five (5) of which were after attaining the age of fourteen," Denver Field Office Director Andrew Lambrecht wrote in that letter.

Ortega recalls a meeting with officials in the immigration office in Denver at the time of the denial. He had brought his father with him, but officials would not agree to meet with his father.

"I worked hard on my notes, researching and putting things together," Ortega says. "I waited three years for that interview. I thought they were going to work with me to sort this out, but they said I didn't provide enough. I broke down crying in the office and the woman with immigration was like, 'Didn't you know?' I was like, 'What do you think I'm doing here.' I feel like I'm just a number in a file to them. They don't care. There's no sympathy. It's all about getting rid of people."

It's not fair, McShiras adds, for immigration officials to require Ortega to submit documents on behalf of his father that likely don't exist.

McShiras is appealing the Denver immigration office's decision in district court, leaving Ortega's wife feeling anxious. On one hand, the family has waited so long that it seems that "it is cruel and unusual punishment" to her family, Hicks says. On the other hand, Hicks doesn't know what might happen in court. Though there's no indication her husband could be deported, she "worries about that every day."

If deported to Mexico, Ortega would be at a loss for what to do. He doesn't have strong ties to the country. He speaks some Spanish, but he doesn't read or write in the language.

"It's like I'm a man without a country," he says. "What am I going to do? Roam around?"

Ortega also fears he could be denied

the Social Security benefits from the system that he has paid into his entire working life.

And he doesn't know how his neighbors will react when they find out. When the story of Hernandez, who is also an Army veteran, made national news, Ortega watched closely. Some of the responses he saw were negative.

"I can't remember exactly how it was said, but it was something along the lines that the man was trying to blend into America," Ortega says.


"Blending in would be like saying someone did this on purpose or was sneaking around. I hate when they say that."

Ortega voices his concerns in a typical Colorado working-class accent surrounded by the mementos in his man cave — Denver Broncos helmets, a poster of his favorite player, New England Patriots quarterback Tom Brady, and a weathered New York Yankees baseball.

Outside his house, a brown UPS

truck stops down the block. Ortega squints his eye at it and announces, "I know that guy!" He walks up to the truck, beaming a smile, shakes hands with the driver and asks how work is going for everyone. It's good, the driver says. He asks Ortega, "Are you coming back to work with us?"

Ortega scratches his neck, grins and looks the driver in the eye.

"I'm definitely working on it," Ortega says. "You know I want to." 

Respond: letters@boulderweekly.com



Did You Know?

Truth about Antibiotics

The drugs we have relied on for 70 years to fight bacterial infections—everything from infected cuts to potentially deadly pneumonia - are becoming powerless. Why? Because antibiotics are often misused by doctors, patients, and even people raising animals for meat. And that misuse, which includes prescribing or using those drugs incorrectly, breeds "superbugs" dangerous antibiotic-resistant bacteria that can't be easily controlled.

About 80 percent of the antibiotics sold in the U.S. are fed to livestock to speed growth and prevent disease in healthy animals. But that breeds superbugs, which can spread in the environment, contaminate our food, and undermine the effectiveness of antibiotics.

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