

U.S. House of Representatives
Committee on the Judiciary
Subcommittee on Immigration, Citizenship,
Refugees, Border Security, and International Law

Testimony of
Tony Wasilewski

September 6, 2007

My name is Tony Wasilewski. I am an immigrant from Poland, a long-time resident of the Chicago area, and in another two weeks, a proud citizen of the United States.

I am also a husband and father. Unfortunately, my family is one of the many families who suffer due to irrational immigration law in our country.

I have been married to my wife Janina for 14 years and never had been separated from her. However, since June 8 of this year, I am living by myself because my wife was deported to Poland. Despite my legal status and the support of our community, I was not able to stop her deportation.

Janina came to the United States in 1989 fleeing communist Poland. She immediately applied for political asylum. In 1993, we got married. Later that year, she lost her asylum case and received an order for deportation instead.

In 1995, during an immigration court hearing, Janina was ordered to “voluntarily depart” the United States. However, she did not understand what happened at the hearing. There was no one there to translate the proceedings. And the judge never addressed her directly or explained to her the consequence of not going through with the voluntary departure.

Not knowing what happened or was going to happen, we decided that Janina would stay with me. I was starting the process of getting my green card through work sponsorship, and hoped that Janina could get hers with me. Another reason why Janina did not leave the United States was that she was undergoing fertility treatment. Here, in the United States, my wife received adequate care, which would not have been available to her in Poland at that time. During this time we suffered three miscarriages. Finally, six years ago, our son Brian was born.

We tried to get Janina’s case reopened and reviewed. In 2005, the Seventh Circuit Court of Appeals ruled that it was unable to review her case under a law passed in 1996.

Meanwhile, we became an example of a model immigrant family. We learned English, bought a house in suburban Chicago, and started our own business. We were living the American dream.

On March 8 of this year, the dream turned into a nightmare when Janina received her final order of deportation. She was to report to the immigration office ready for deportation. She could bring a maximum of 44 pounds of baggage with her. At that moment, we learned that after 18 years of living the American dream, her life in this country would be reduced to 44 pounds.

We were able to postpone the deportation in hope finding a solution for this difficult situation. Janina was able to stay and see our son’s kindergarten graduation, just two days before her deportation. But despite huge support from the community, our church, and local officials, we were not able to keep Janina in the United States for good.

Immigration officials said she broke the law. But my wife has never done anything wrong in here; she has no criminal record, not even a parking ticket. And it was because Janina tried to

follow the legal procedures for staying in the US by applying for political asylum, she exposed herself to the immigration system and was deported.

After 18 years in the United States, we have nothing in Poland. Janina had nothing to go back to. And I would have nothing there, either.

We decided that Brian would go with his mom to Poland, because a small child needs his mother. I stayed to wait for my citizenship interview, take care of our house, and run our business, which is the only source of my family income.

This was the hardest decision of my life. I had to see my family go without me, and to let Brian think that he was just going on a vacation. We don't know what the future holds for us, and particularly for the child that Janina and I wanted with so much love for so many years. Will Brian lose his country, his friends, and his school? Will he have to grow up to become a teenager in a country that is not his own, without his father by his side? Will I have to continue to struggle to travel back and forth in hopes of keeping my family united? This outcome has been devastating to Brian.

I feel like my life was destroyed.

I am the father. I am the husband. Now, I feel lost.

My only chance to get them back is to get a waiver for Janina; otherwise, she is barred from returning to the United States for ten years. Our community and local officials have already offered their help with the complicated process of applying for this waiver. Will that support help? Will my pain be enough "hardship" for immigration officers to grant Janina a waiver? We can only pray for that.

I feel obligated not only to share my story but also to be a voice of countless broken families who suffer due to our irrational immigration laws. I wonder whether our country any safer or any better now that Janina is gone. What good has been done from my family being broken up?

I hope this hearing and my testimony will help all the separated families so they can be united again. I also hope that my testimony will move you, members of this committee, to fix our immigration laws so that no more families need to be torn apart. Thank you.