

Immigrant widow says her marriage was no sham

By Guillermo Contreras

San Antonio Express-News

Web Posted : 10/27/2003 12:00 AM

In March 1989, Dina Korb met Raul "Paul" Correa while on an extended visit with her brother in San Antonio.

The attraction was swift.

"We clicked," said Korb, who is from Israel. "We got along together. He was a very friendly person."

They started dating almost immediately and got serious that summer.

Just six months after meeting, the pair married in a simple wedding. Correa then began wading through the bureaucratic process to try to gain his wife legal residency while they lived in San Antonio.

They were married for nearly six years before Correa died, on Valentine's Day 1995 at age 37, of AIDS.

But eight years later, federal immigration authorities still consider the marriage a sham because they concluded Correa was gay and that Korb Correa is a lesbian.

The case illustrates the latest challenges immigration examiners face when considering whether to grant visas or other immigration documents to foreigners who marry U.S. citizens. But critics charge that the standards the immigration service follows are outdated.

Ernestine Pfofbs, a spokeswoman for the U.S. Citizenship and Immigration Services in Washington, said her agency won't comment on specific cases. But she said immigration officers rely on immigration law, and that cases may be investigated if something in the file piques their interest.

It was not clear why the Correas' case garnered officials' closer scrutiny, but records indicate that callers reported suspicions to the immigration service that the marriage was a sham.

And the probe may be rooted in the pervasiveness of immigration fraud.

In a report in January 2002, the General Accounting Office, Congress' investigative arm, said that in the 2000 fiscal year the Immigration and Naturalization Service opened some 4,000 cases involving fraud, and almost half of those involved fraudulent marriage claims trying to keep someone in the United States.

However, the statistics were based on sketchy reporting, the audit noted, because immigration officials do not keep detailed statistics on marriage fraud cases.

Overall, since 2001, less than 10 percent of petitions to stay here have been rejected, the immigration service says.

The couple denied the marriage was a ruse.

Correa "happened to be bisexual," said Simon Azar-Farr, Korb Correa's lawyer. "The (immigration service) concluded that based on that, that neither Mr. nor Mrs. Correa could have possibly intended to enter into a bona fide marriage."

Korb Correa, 42, said her marriage to Correa was based on love and denied it was for legal immigrant status. She also said she had a happy life with Correa that included watching soaps and sports on TV, outings at Canyon Lake and spending time together when Correa would cook or the couple would eat at restaurants.

And in his last years, she described her willingness to tend to him like a loving wife — cleaning his wounds, changing his dressings and intravenous solutions, bathing him and persevering through his pain and anguish.

She recounted his love of strawberry soda, pizza and songs by the band Enigma. She spoke more softly when she described the food and drink she would carry to his deathbed even though he couldn't eat it. He simply craved its sight and smell.

In a sworn statement, Correa also denied the immigration service's allegations.

"I state unequivocally that I love my wife, that I share a bed with her and do sleep with her as married couples do," Correa said under oath on Sept. 13, 1991.

Immigration officers rejected their claim, relying on various criteria to determine if the marriage was bona fide. It includes looking at whether couples commingle their assets and if they live together.

"From the agency's standpoint, it's not necessarily easy to show one way or the other," said Assistant U.S. Attorney Gary Anderson, who helped defend the immigration service in the court case.

The probe of the Correas went beyond the basic queries that go along with most reviews of immigration petitions. Immigration officers interviewed neighbors and co-workers, followed the Correas and made an unannounced visit to their house in April 1991 — a visit the couple claimed was not thorough and resulted in wrong conclusions.

In court filings, officials said they determined Correa shared a bedroom with his wife's brother, and that she shared a separate bedroom with another woman. The two women kept their clothes in one bedroom while the two men had their clothes and possessions together in another bedroom, the immigration service claimed.

The Correas claimed the other two people were roommates and insisted that the immigration officers did not ask for more information during the visit, but rather reached their conclusions by speculating.

Korb Correa filed a lawsuit, appealing the immigration service's decision. In a recent ruling on the suit, U.S. District Judge W. Royal Furgeson found authorities lent more credence to hearsay from other witnesses and other circumstantial evidence.

Saying he was "puzzled" by the agency's decision, Furgeson also concluded the immigration service abused its discretion in denying Korb Correa's request that, if approved, would result in her obtaining permanent residence.

Azar-Farr said the judge will send the case back to the immigration service, and it could finally mean

legal status for Korb Correa. But there is no telling how much longer the process will last.

Azar-Farr said immigration officials also should change the way they look at marriage.

"The INS has an understanding of what is a bona fide good faith marriage, for immigration purposes, that is for the most part rooted in the 1950s," Azar-Farr said. "At some point, they have to be brought into the 21st century."

Mark Krikorian, executive director of the Center for Immigration Studies, a think tank in Washington that supports tighter immigration controls, said social policy is not something for immigration examiners or lawyers to make up on their own.

"Marriage is what people understand it to be — a man and woman living together with the intention of staying together, exclusively," Krikorian said. "If society as a whole wants to change the meaning of that, then the immigration service no doubt will be informed. But until that happens, these people are enforcing the law as it exists, not as some immigration lawyers would want it to change."

Korb Correa, however, said she would do it all over so she could live with her late husband. Although she said she can't bring herself to visit his grave in New Braunfels, she points to the final two years she spent with him as proof of her devotion.

"I was the one who helped care for him all that time," she said. "I was the one there when he took his last breath."