



By [Maria Cramer](#) and [Jenna Russell](#)

Reporting from Boston and Shirley, Mass.

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Marco Flores was months away from finishing his prison sentence when an immigration agent showed up last spring at the maximum-security Souza-Baranowski Correctional Center, west of Boston, and handed him a sheaf of papers.

The documents confirmed what he had long feared: Upon his release, the U.S. government planned to deport him to his native El Salvador — a place he had not seen since he was 6 years old.

He has been incarcerated since he was 17. Now 30, he had hoped to start a new life when his sentence ended — as an electrical engineer, a husband and a father. But on that day in May, he was forced to acknowledge that his dreams had next to no chance of becoming reality.

[His crime was violent](#): He killed his former neighbor and babysitter, Jaime Galdamez, 31, who was accused of raping Mr. Flores for years beginning when he was 9.

Mr. Flores pleaded guilty to voluntary manslaughter in 2013, not understanding what it would mean for his immigration status. Federal law prioritizes deporting people convicted of crimes, especially those found guilty of killing someone.

Still, he hoped that given the circumstances that led him to to kill Mr. Galdamez, a judge might allow him to stay. His mother and brother both have legal residence in the United States. His sister is a citizen and so is his wife, Diana Flores, a childhood friend who had begun writing to him after his conviction, eventually leading to a wedding in the prison visiting room.



Souza-Baranowski Correctional Center in Shirley, Mass., where Mr. Flores recently finished serving his sentence. Credit...Lauren O'Neil for The New York Times

But at a time when the country has hardened its stance on immigration as record numbers of people cross the border illegally, convicted felons like Mr. Flores stand little chance — no matter how much growth and remorse they demonstrate.

Immigration courts routinely deport people who have worked in the United States for years and have committed [no offense worse than a traffic infraction](#). Among them are parents forced to leave their families behind and beloved community members with successful businesses. Even the several million young immigrants known as “Dreamers,” who were brought to the United States illegally as small children and often have stellar records of achievement, still have no certain path to permanent residency.

And as record numbers of migrants cross the Southern border, a major political vulnerability for President Biden going into next year's election, lawmakers in Washington are discussing [proposals to](#) increase deportations and make it harder to win asylum.

### More on U.S. Immigration

- **In Texas:** Gov. Greg Abbott [signed a measure](#) that allows the state's law enforcement officials to arrest migrants who enter the state from Mexico without legal authorization. El Paso County and two immigrant rights groups subsequently [sued to challenge the sweeping new law](#).
- **Ukraine Funding:** Congressional Republicans [are seeking sweeping changes to U.S. immigration policy](#) in exchange for their [approval of new funds for Ukraine](#) in its war against Russia.
- **A Severed Link:** U.S. border officials said they had to close a port to legal crossings in Lukeville, Ariz., in order to focus on the surge of unlawful ones. The move has [cut off a lifeline for some nearby communities](#).
- **Where Different Rules Apply:** Thousands of people try to reach the United States by boat each year. But there is no right to asylum at sea, and nearly everyone caught in U.S. waters is sent back — [even children traveling alone](#).

"There are millions of people around the world who desperately want to come here legally to contribute something of great value, people with extraordinary abilities, and they can't do it because they're waiting in a yearslong backlog," said David J. Bier, associate director of immigration studies at the Cato Institute, a libertarian think tank in Washington.

Mr. Flores "forfeited his right to decide where he wants to live for the rest of his life," added Mr. Bier, "when he took matters into his own hands."

The people with the best chance of avoiding deportation typically have no criminal record, a history of contributing to the community and a strong case that their deportation would cause an exceptionally high level of hardship for their American relatives, said Eliza Klein, who recently retired as an immigration judge in Chicago.

But even those cases are "extraordinarily complicated" to win, Ms. Klein said. And because the undocumented have no right to appointed legal counsel in immigration courts, few facing deportation ever get a lawyer.

Other immigrants convicted of similar crimes have at times avoided deportation.

Solange Anestal, a Boston woman who served 17 years in prison for killing a man who had abused her, faced deportation to Haiti when she completed her sentence in 2020. Terrified that she would be targeted by criminals there, she convinced a judge to let her stay, aided by a lawyer who took her case for free.

“It might sound sad or crazy,” she said in an interview, “but I would have chosen to stay in prison in America over being deported.”

Mr. Flores’s deportation hearing was initially scheduled for July. On the morning it was to take place, he reported to his prison job, cleaning the halls of the facility as he waited to be called before a Boston immigration judge via a virtual hearing.

The call never came; nor did any explanation. Neither the Justice Department, which oversees immigration courts, nor the Department of Homeland Security, which initiates deportation cases, would comment on Mr. Flores’s case.

Whatever happened, the delay benefited Mr. Flores: In September, a pair of lawyers agreed to take his case for free.



Mr. and his wife, Diana, had their wedding in the prison visiting room. He hopes to have a bigger wedding when he is released. Credit...Lauren O'Neil for The New York Times

Ms. Flores, who along with a friend had spent months searching for a lawyer for her husband between her job in a cafe and college classes, said Mr. Flores wants a bigger wedding when he is released and enough children to field “a soccer team.” She will follow him to El Salvador, she said, if it comes to that.

But they fear that Mr. Flores's life would be in danger there — from gangs, the corrupt government or relatives of Mr. Galdamez who might seek revenge.

“We would be looking over our shoulders our entire lives,” Mr. Flores said.

Jorge Galdamez, Mr. Galdamez's cousin, said his family does not want to hurt Mr. Flores.

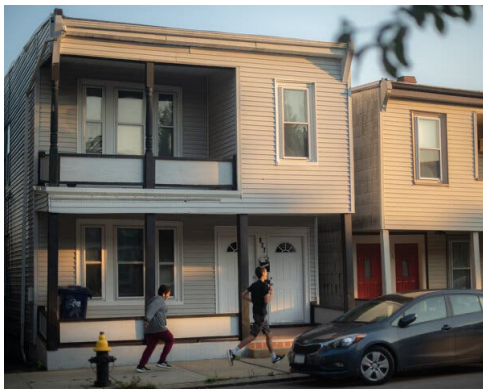
“He has done his time. It's now in the hands of the law,” he said in an interview in Spanish. “I have no hatred toward Marco.”

Mr. Flores was 3 when his mother left their small Salvadoran city of Metapan and set out to build a better life for them in America. Left in the care of his teenage brother, Mr. Flores pined for her until, three years later, she had saved enough from her office cleaning job to pay for his travel to Boston.

He was 8 when his mother began leaving him with Mr. Galdamez, then 21, who lived on their street in East Boston. A fellow immigrant from the same city in El Salvador, Mr. Galdamez offered to babysit the boy for free, bought him toys and ice cream, and eventually began to abuse him sexually.

Later, the police would confirm that Mr. Galdamez abused Mr. Flores, kept scores of photos and videos of young boys on his computer drive, and chatted online with other men about how to molest children without getting caught. Mr. Galdamez also acknowledged his wrongdoing to Mr. Flores and to other predators online.

The abuse ended when Mr. Flores was about 14. He kept silent for years afterward, believing Mr. Galdamez's frequent warnings that his mother would be angry at him if she found out.



The home where Mr. Flores killed his former neighbor and babysitter, Jaime Galdamez, in Boston. Credit...Lauren O'Neil for The New York Times



Then, when Mr. Flores was 17, he found a photo of his 6-year-old nephew in Mr. Galdamez's basement apartment. Soon after, his mother told him that Mr. Galdamez would be moving into their apartment to take care of the boy.

On May 23, 2011, firefighters responding to a blaze in Mr. Galdamez's apartment found his body. He had been strangled, then doused with lighter fluid and set ablaze.

Less than a day later, Mr. Flores turned himself in and [confessed to the killing](#).

[Prosecutors agreed to a 15-year sentence](#) for Mr. Flores. They told the judge they agreed with the defense that, in the teen defendant's mind, killing Mr. Galdamez was the only way to protect his young nephew.

Mr. Flores accepted the plea deal after his court-appointed lawyer convinced him not to risk a jury trial, with the possibility of a first-degree murder conviction and an automatic life sentence. He later came to regret his guilty plea, he said, and to wonder how a jury might have factored his victim's crimes against him into its verdict.

Schuyler Pisha, one of Mr. Flores's lawyers, said that he may be eligible to stay under forms of relief that are reserved for victims of certain crimes, including human trafficking. He must show, Mr. Pisha said, that when he committed the crime, he was "young, with a brain that was not fully developed in a situation that was very extreme and in a situation that he won't be in again."



Diana Flores said she would follow her husband to El Salvador if he is deported, but she hopes the couple can start a family in the United States. Credit...Ian C. Bates for The New York Times

Mr. Flores's best chance of staying in the country would be to convince a judge that upon his return to El Salvador, he would be arrested and placed in conditions so horrific they would be considered torture, said Dana Leigh Marks, who retired as an immigration judge in San Francisco at the end of 2021.

"It's a dicey long shot," she said.

A [report by Human Rights Watch](#) found that more than 200 deportees to El Salvador were killed, tortured or went missing there between 2013 and 2020. The country has imprisoned tens of thousands of men in a campaign to eradicate gang violence.

If a judge can be convinced that Mr. Flores faces more than a 50 percent chance of torture in El Salvador, then he cannot be deported back to the country under the United Nations treaty called Convention Against Torture, said Mr. Pisha, who plans to present expert witnesses to speak to human rights concerns.

Mr. Flores's sentence ended in late December, two years early because he earned time off for good behavior, his wife said.

He was immediately placed into Immigration and Customs Enforcement custody and sent to a detention center in New Hampshire.

He is still waiting for a new hearing date on his deportation.

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<https://www.nytimes.com/2023/12/31/us/marco-flores-massachusetts-deportation.html>