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Facing deportation in days, Mexico native gets a year's reprieve

By JOHN NGIRACHU
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Jesus Torres Salayandia walked into the Immigration and Customs Enforcement office Wednesday morning with a one-way plane ticket in his pocket and little hope in his heart.

He emerged a few hours later and excitedly started calling people: his lawyer, his family, his fiancée. He posted on Facebook.

Instead of confirming that Salayandia was prepared to fly to Juarez, Mexico, on Friday morning, an immigration official informed him that his application for a stay of deportation had been granted.

His next date with the immigration agency is April 5, 2013.

“It’s a lot better than Friday,” he said.

Salayandia has been the subject of an extraordinary campaign to get the government to stop the deportation process on the basis that he is not the sort of person who should be spirited away from the United States.

The 21-year-old Belton resident was brought into the country without legal documentation by his parents at the age of 6.

He remembers his mother telling him that the family was going on a trip out of Chihuahua, realizing that he was leaving his loving grandparents behind and starting life in Missouri.

“At first it was hard, not knowing the language and not being able to communicate to people,” he said.

He longed to go back to Mexico to his grandparents as he struggled to fit in at school.

Salayandia soon blended in, improved his English and before long was playing baseball, participating in Scouting and living the life of a normal American boy.

When he was 14, his parents were victims of fraud as they tried to buy a house. FBI agents working on the case discovered the family’s illegal status, but it didn’t really affect Salayandia’s life.

The normalcy was disrupted when he turned 16 and found out that he couldn't get a driver's license.

"It was a tough life. There were times I didn't even want to finish high school, wondering what's the point," he said.

As a result of the earlier fraud inquiry, Salayandia was deported at 16 and went back to Mexico with his mother.

Three weeks later, he returned alone — illegally — to finish his education. He got used to living undocumented: Don't get arrested, don't get pulled over by police, stay on the right side of the law.

He finished high school and started studying at Johnson County Community College.

His current troubles began 11 months ago when police in Belton pulled him over for an alleged traffic violation and found that he did not have a license. Police reported him to the immigration agency.

The case sparked a wave of support from Salayandia's friends, neighbors and the community, all calling for the agency to halt deportation proceedings launched against him.

He was on his way back to Mexico until Wednesday morning.

Raymond Rico, his attorney, said Salayandia still hasn't won legally.

"He is ordered removed, which means they're just not going to execute the decision to remove him," said Rico.

Rico said the agency's letter indicated officials were guided in their latest decision by a June 2011 directive from agency chief John Morton. The directive asked agency personnel to exercise prosecutorial discretion and focus on deporting criminals, gangs and national security risks.

Immigration and Customs Enforcement also had ranked Salayandia as a low-enforcement priority for deportation.

Agency spokeswoman Gail Montenegro said Wednesday that she was unable to comment on his case.

For Salayandia, the decision means he can go back to college and finish his associate's degree in August. He also can marry his girlfriend, who was planning to join him in Mexico.

Rico said Salayandia's marriage would not necessarily give him residency status.

Whitney Buchmann, a community organizer at Communities Creating Opportunities, one of the organizations supporting Salayandia, said he "remains in limbo."

Buchmann said the directive from the head of Immigration and Customs Enforcement to grab and prosecute criminals rather than students, parents and workers doesn't seem to have reached agents at the local level.

"We understand they are just doing their job and don't want to let people go who would be fugitives or criminals, but they haven't had training nationally on the directive," Buchmann said.

Salayandia had not yet packed his bags for his trip back to Mexico. He'll get his Internet and phone service back up for another 360 days.

He'll also be closer to his brother and sister, who were born here and are U.S. citizens.

<http://www.kansascity.com/2012/04/11/3549894/facing-deportation-in-days-mexican.html>