

Posted on Tue, Jul. 17, 2012

Gap in policy forces woman to deport herself, reluctantly

This is the only home she's known, but Lauren Gray is "aging out" of visa, and system is slow to respond.

By ERIC ADLER
The Kansas City Star

To be clear, no one is threatening to deport 20-year-old Lauren Gray.

No federal agents have rapped on the door of her family's home, or at the Lakeview Motor Lodge and Restaurant they've owned for 17 years in Trenton.

She's received no phone calls or letters from the Department of Homeland Security telling her she needs to get out of the United States.

Yet at 9:30 a.m. on July 31 — if the miracle Gray and her family have been working for does not come through — she will board an American Airlines flight that will take her to Dallas and then Houston and, on that same day, out of the U.S. and away from her mother, father and teenage sister, who are here on a visa, and her grandparents, both of whom are naturalized citizens.

It will take her away from the only home she has known since her parents, both British citizens, brought her and sister Gemma here from England when they were ages 4 and 1.

It will take her away from her friends, from the town where she said the Pledge of Allegiance and rooted as a high school cheerleader, and from the state where, at Stephens College, she graduated with distinction in May as a dancer.

Lauren Gray wants desperately to stay in the United States and become a citizen. But on Aug. 8, her 21st birthday will bump her off her parents' visa.

"My lawyer has informed me that as of midnight on my birthday, I am here illegally," she said.

So she is leaving — heading to live with relatives in London, unsure what the future holds, and sending this northwest Missouri town of 6,000 residents into a last-ditch petition-signing frenzy to keep her home.

The odds seem long.

“It’s not fair. It’s not fair. They’re absolutely getting the raw end of the deal,” said Judy Schlarb, 71, a lifelong Trenton resident, sitting inside the Grays’ restaurant. “They do a lot for our community. They take part in the community. They’ve been very, very good citizens. Do you know how many people they employ here? I don’t understand what’s going on.”

Lauren Gray’s problem comes at a significant time in the debate over immigration and immigration reform.

On June 15, President Barack Obama announced that the Department of Homeland Security would stop deportation proceedings against, and begin granting temporary work permits to, law-abiding immigrants who as children were unlawfully brought to the U.S. by their parents or others.

The new rule, known as a [“deferred action request.”](#) was meant to address as many 800,000 illegal immigrants who have known no other country as their own.

To be accepted, applicants must prove they arrived in the U.S. before age 16 and, as of June 15, were not over age 30. They must have resided continuously in the U.S. for at least five years and be law-abiding residents, showing they are not felons, not threats to national security and have never been convicted of a significant number or type of misdemeanors.

An applicant either must be enrolled in school, have graduated from high school, have earned a general education development (GED) certificate or be an honorably discharged veteran of the U.S. Coast Guard or Armed Forces.

The deferred action request is not a route to citizenship, but those granted the requests are considered to be in the country lawfully and are eligible for two-year work permits that, upon review, could be renewed indefinitely.

Lauren Gray meets all the criteria — except one. She didn’t come to the U.S. illegally.

She is far from resentful of illegal immigrants who are being allowed to stay.

“I mean, don’t get me wrong,” she said. “I don’t want to seem like I don’t agree with those giving immigrants rights. I think that is great. Good for them. They are fighting the same fight I’m fighting. They were brought here by their parents.”

At the same time, she feels she is the victim of a basic inequity.

“I’ve done everything right,” she said. “I’ve been part of every community I’ve belonged to. Then to be told you’re not welcome anymore? I definitely think it is my right as a human being to live here and stay here. Isn’t it supposed to be a welcoming country, a melting-pot country?”

It’s complicated

It is unknown exactly how many individuals enter the U.S. on their parents' visas and, once no longer dependents, "age out" and must leave the country.

Doug Stump, a Tulsa, Okla., lawyer who is president-elect of the [American Immigration Lawyers Association](#), said Congress in recent years has changed immigration rules to attempt to prevent a preponderance of such cases.

"The problem used to be much more prevalent than it is today," Stump said. But cases still occur.

Being unfamiliar with Lauren Gray's situation, spokesmen for various federal departments and agencies that deal with immigration could not speak specifically about it, but did speak on background about the intricacies of immigration policy and the "spirit" under which some individuals are allowed into the U.S.

One problem that may be at play in Gray's case, a spokesman suggested, is the fact that when her parents, Ali and Ian Gray, entered the country with their two young daughters as a family in 1995, they did so under an [E-2 Treaty Investors](#) visa. The E-2 is a "non-immigrant" visa — meaning that recipients enter the U.S. with the understanding that the visa is temporary and is not to go on to lead to permanent immigration or citizenship status.

The E-2 is for people who are coming to the U.S. to invest in or start a business that will employ U.S. workers. E-2s are renewable, often indefinitely, but they apply only to individuals and their dependent children. Once a child reaches age 21 and is no longer a legal dependent, the visa no longer is valid for that individual.

In 1983, Ali Gray's parents, Nora and Colin Withers, entered the U.S. and made a home in Missouri under exactly this kind of visa. Now in their 70s, they both grew up on farms on England's southern tip. Looking for a better life, they made their way to Trenton and bought a farm to grow wheat and soybeans.

In 1984, Nora Withers fell beneath a tractor, leading to the medical amputation of her left leg.

For a year, the then-20-year-old Ali Gray came to the U.S. to care for her mother, but then returned to England in 1986 when she was 21. There she met her future husband, married and started a family, giving birth to Lauren and Gemma.

After the birth of her second daughter, Ali Gray wanted to be close to her mother again. The family sought out an investment in Trenton to help them come to the U.S. They received an E-2 visa and bought the struggling Lakeview Motor Lodge and Restaurant.

They pumped more than \$250,000 into the business, a 46-room motel whose restaurant on some Sundays serves Yorkshire pudding. They employ 28 people.

"It was a huge investment — a crazy, foolish undertaking," said Ali Gray, now 47, speaking with a soft yet pronounced English accent. "For a small town, it is actually a large employer. No one is getting rich, but we try to eke out a living for our employees."

The employees are as caught up in the drama as anyone.

“They’re like family to everyone who works out here,” said Jeanie Spencer, 55, who has worked at the Lakeview Motor Lodge for 35 years, long before the Grays became owners. “I don’t really get it. Her (Lauren’s) grandparents are even U.S. citizens now.”

Lauren Gray’s grandparents became naturalized U.S. citizens in 2003. Aware that their grandchildren could eventually age out of their E-2 status, the grandparents immediately put in applications for Ali Gray and her family to obtain “green cards” that would allow them to forever live and work in the U.S., as legal permanent residents.

That was when Lauren was 12.

At the time, the Grays thought it could not possibly take nine years for the family and the girls to receive their green cards. They didn’t think they had to worry about either Lauren or Gemma “aging out” of the country.

“We thought we had plenty of time,” Ali Gray said.

They were wrong.

Going for green cards

In 2011, a little more than 1 million people received “green cards,” the term for visas that transform immigrants into legal permanent residents of the U.S. These visas allow immigrants to permanently live and work in the U.S., which is what Lauren Gray and her family desire.

Just fewer than half of green card recipients, about 480,000 in 2011, were new arrivals to the country from outside the U.S. A little more than half, 580,000, were already in the country and were able to get — through marriage or other means — whatever kind of non-immigrant visa they possessed adjusted to permanent, legal residency.

The bulk of green card recipients, nearly 70 percent, fit into the category known as family-sponsored immigrants. This means they get green cards because they are related to someone in the U.S. who is already a citizen or permanent resident. Because Ali Gray’s parents are naturalized citizens, the Grays fit into this category.

The problem, however, is that that family-sponsored category is also broken into subcategories that assign “preferences” for green cards to some relatives over others. And, by law, the U.S. allots only a small number of green cards to specific groups.

Lauren Gray falls into the “third preference” category: married sons and daughters (and their minor children) of U.S. citizens. Only 23,400 a year are granted green cards.

Right now, federal authorities are working on getting green cards to third-preference people who applied in May 2002, more than 10 years ago. The Grays’ application is dated September 2003.

The Grays figure it could be a year, or even two, before their names roll around. By that time, Lauren Gray will be living more than 4,000 miles away with her aunt Sue, sleeping on a couch in her London flat. Not bad during the 2012 Summer Olympic Games, but not where she wants to be.

“I don’t know the government over there. I don’t know the country. I don’t know its geography,” she said. “Everything is getting uprooted. Everything is heartbreaking.”

Ali Gray estimated that over the last 17 years, her family has spent more than \$20,000 on at least six lawyers trying to find a way for her daughters to eventually live and work in the U.S. They said they have contacted their lawmakers in Washington.

“Customers are used to me being in a flood of tears,” Ali Gray said.

She and her daughter said they pray for immigration officials to hear their pleas and allow Lauren to stay on the same kind of two-year work permit that will soon be granted to the children of illegal immigrants.

Lauren knows that she could opt to stay in the U.S. illegally, but she also knows that doing so would likely be frowned upon by immigration officials in charge of one day considering her for a permanent “green card.”

Right now, Ali Gray said, the best hope may be for immigration officials to work their way down the waiting list, so that Lauren won’t be away long. In three years, she said, Gemma also will turn 21. They don’t want to have to face this again.

“It seems like every door I have had open has been closing,” Lauren Gray said. “Now, my only option is to leave.”

<http://www.kansascity.com/2012/07/17/3710415/gap-in-immigration-policy-forcing.html>