

## **ILLEGAL IMMIGRATION; Happy ending not in script**

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**Highlight:** Actor in U.S. illegally, must leave by Jan. 24. He wonders what might have been as new film debuts.

### **Body**

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Tony Guerrero is celebrating a milestone in his acting career here and saying goodbye at the same time.

His success is tied to "Undocumented Executive," a low-budget comedy shot in the Atlanta area. Guerrero plays the main character, a naive illegal immigrant from Mexico who achieves his American dream of landing a top corporate job. It is the veteran actor's first lead role in a feature-length comedy film.

Like his character, Guerrero is an illegal immigrant from Mexico. But things are more complicated in real life: There is no happy ending in sight for the Dunwoody actor. He must leave the country by Jan. 24 or face deportation. So a screening of the film Saturday night at the Plaza Theatre was also meant to serve as a going away party.

Guerrero, 39, knows he got himself into this predicament through his own actions. He violated the nation's immigration laws and pleaded guilty to a simple battery charge here in 1999.

At the same time, he can't help wondering what could have been. "Undocumented Executive" could move him one step closer to achieving his American dream of getting noticed, starring in a Hollywood blockbuster and earning an Oscar. Meanwhile, it likely represents the end of his acting career here. He is also set to leave behind his family as well as an acting and modeling school he operates with his wife in Atlanta.

He describes his experience as a "nightmare" as he forces himself to remain positive.

"If you can pursue your dreams, they can become reality, just like mine," he said. "I came to America without papers and I made a movie. ... I followed my dreams and I did it. I did it."

Big break

Jose Antonio Jimenez-Guerrero got his first break while attending high school in Mexico City. At 18, he landed a job as an extra on a television program called "Muchachitas," a telenovela about a group of girls pursuing acting and singing careers. He was fascinated with how strong acting could make people laugh or cry. "It was like a dream," he said about being on the set for the show.

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In 1997, Guerrero met Christian missionaries traveling through Mexico and offered to serve as their translator. They invited him to visit in Atlanta. He came with a visa that same year and fell in love with the United States. He eventually went back to Mexico and returned with his first wife and their young son, George. They overstayed their visas, making Georgia their permanent home.

Guerrero supported his family by working as a busboy in an Atlanta-area Mexican restaurant. He later got a job selling advertising time on a local Spanish-language radio station. Customers complained about the quality of those ads, so he started writing scripts for them and acting in the commercials. They were a hit.

His career in commercials blossomed and he started landing parts in short films, including the award-winning "Moved." Guerrero plays a bumbling robber in the film. He also got a small role in last year's superhero hit "X-Men: First Class."

But it was his acting in "Moved" that caught Brian Kosisky's attention. The Newnan filmmaker was impressed with his comedic timing. He knew Guerrero was perfect for the role of Jaqi, the main character in his own film, "Undocumented Executive." Parts of the story are reminiscent of "Being There" and "Trading Places," films about characters who end up in similarly absurd situations. Long before he met Guerrero, Kosisky developed his script with Herschel Weingrod, who helped write the "Trading Places" screenplay. Kosisky said he did not know of Guerrero's legal status until after he finished shooting the movie.

"It ended up being perfect because he told me: 'I feel like I am the character. He is me,' " said Kosisky, who scheduled Saturday night's screening so Guerrero could attend before he must leave the country. "Every actor kind of says that, but for him a lot of it hits close to him."

Past catches up

Acting has helped Guerrero in subtle ways.

For example, he said, federal Border Patrol agents once asked him about his legal status when he was passing through a Texas border town from Mexico years ago. He told himself: "You are an actor. Soften your voice." He imitated a Southern American accent and claimed he lost his driver's license the night before while out drinking. He showed his Bank of America debit card instead. They bought his story and left him alone.

But Guerrero couldn't hide forever. In 1999, police arrested him for driving without a license in DeKalb County. He agreed to voluntarily leave the country and returned to Mexico. But he illegally re-entered the United States a month later to be with his first wife and son.

Guerrero finally saw his chance to come out of the shadows after he remarried two years ago. His new wife, Violeta Perez Subiaut, is a naturalized U.S. citizen from Cuba. Last year, Guerrero applied for legal status in Atlanta, citing his marriage to a U.S. citizen. Authorities arrested him on the spot because he had re-entered the country illegally. They sent him to a detention center in South Georgia. He was released a day later and is now required to check in with immigration authorities weekly.

In September, he agreed in immigration court to voluntarily leave the country by Jan. 24 in lieu of being deported. He is barred from returning for at least 10 years. Guerrero hoped the government would use its discretion and allow him to stay. But he doesn't qualify for such treatment because he pleaded guilty to simple battery in 1999, a spokesman for U.S. Immigration and Customs Enforcement said.

The misdemeanor charge stems from an altercation he had with his first wife, Jessica Castilleja. An arrest warrant accused Guerrero of punching her in the face and kicking her. He and Castilleja said the incident wasn't as serious as authorities describe it in court records. She said she did not wish to press charges and paid his bond so he could be released from jail the next day. The two divorced about five years later. Castilleja said she has forgiven Guerrero and now feels sorry about his predicament.

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In May, Guerrero asked a Gwinnett County State Court judge to reduce his battery charge to disorderly conduct, saying that would help him obtain legal status here. The judge approved his request. But immigration authorities won't budge, still citing his battery conviction.

Guerrero would have faced deportation even without the simple battery conviction because he re-entered the country illegally after agreeing to voluntarily leave the United States, said Charles Kuck, a local immigration attorney who reviewed Guerrero's case.

"He is still deportable, one way or the other," said Kuck, who teaches immigration law at the University of Georgia. "The result was going to be the same."

Meanwhile, Guerrero's supporters are signing an online petition, asking ICE to allow him to stay in the country. More than 800 have signed it so far. Tony Jones is among them. He was one of the Christian missionaries Guerrero met in Mexico years ago. Jones, who officiated at Guerrero's second wedding, said Guerrero's simple battery conviction should be looked at in context.

"He has matured," said Jones, the pastor of Cristo Vive in Tucker. "He has moved on from that relationship. He is in a stable relationship. He has been productive."

Others see Guerrero's case differently.

"I don't care if they are from Norway, Denmark or Sweden --- blond-haired, blue-eyed folks --- if they are caught in this country illegally, they need to be sent home," said John Litland of Marietta, a member of the Dustin Inman Society, which advocates enforcement of U.S. immigration and employment laws. Guerrero's simple battery conviction, Litland added, is "all the more reason" why he should leave.

What's next?

Guerrero spoke about his situation this month at his apartment in Dunwoody. He appeared tired and pensive, holding his head in his hands. His wife sat beside him on their couch, crying softly. She said her older son doesn't want to go to Mexico, and the father of her younger son doesn't want her to move away with him. She is torn about what to do. Guerrero gently patted her shoulder. He spoke soothingly to her in Spanish.

"I cannot be extremely sentimental because when you do that, you do not think clearly and you can make mistakes," he said evenly. "I want to stay positive. I can't afford to be negative."

Guerrero doesn't want to leave his family and his career here. The thought of starting all over again in Mexico is daunting. He has no contacts in the film industry there. And he is worried he could become a target for Mexican gangs because of his notoriety and success in the United States.

But at the same time, he said, he feels relieved. At least he knows his fate. He can let down his guard. Now that authorities know his legal status, he no longer has to put on an act.

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