Written by U.S Immigration News Thursday, 18 July 2013 18:45 -

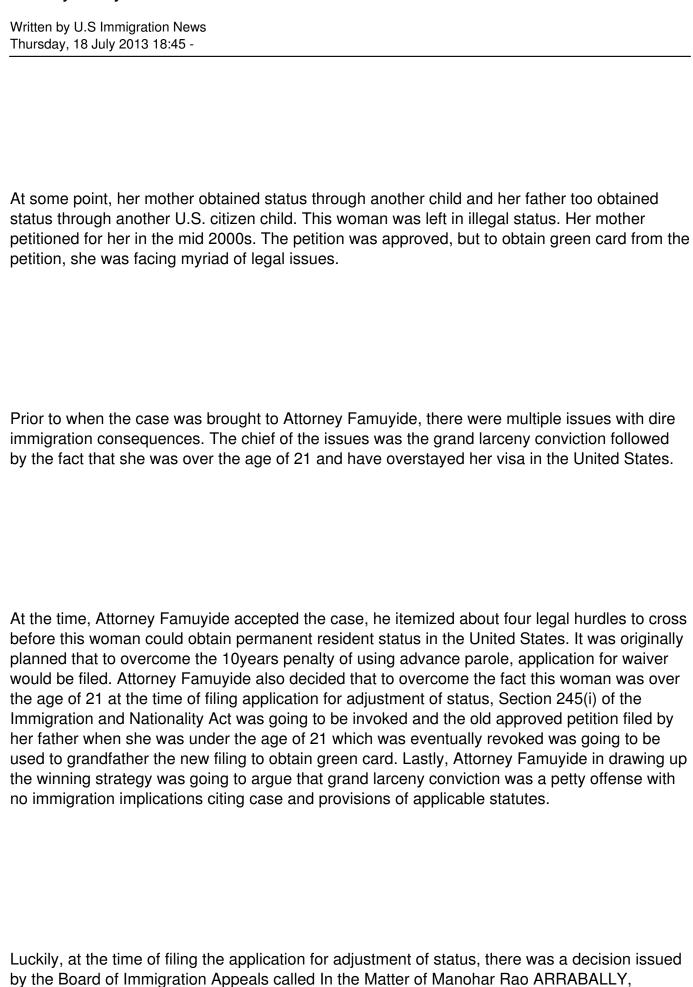


Like many previous years, in the year 2013, Attorney Famuyide has rescued many immigrants from the shackles of the Immigration and Customs Enforcement Agency and helped to bring relief and comfort to many hopeless immigrants that have very difficult and bad cases. The latest case was of a woman who had multiple complicated legal issues, but to the amazement of the jubilating family members, Attorney Famuyide was able to unknot all the issues one by one and succeeded to winning the case.

It all started when the woman was brought to the United States as a child in the early 90s. During her teenage years, the woman got mixed up with wrong crowd and as a result of the influence of friends, she was arrested and charged with grand larceny and sentenced to jail. This woman remained in illegal immigration status for many years until the case was brought to Attorney Famuyide last year.

Before, this young woman who was in the late 20s turned 21, her parents made several efforts to obtain legal status for themselves while including her in the applications.

In late 1990s, one of the parents attempted to obtain immigration status using one of the special routes to legal status. This young woman was included in the application. The case was initially approved, and all the family members obtained employment authorization and advance parole to travel abroad. They all traveled abroad with the advance parole, even this woman. The underlying case at that time was eventually denied and the entire family stayed in illegal status. The advance parole and the denial of the underlying case brought about two major legal issues for this woman.



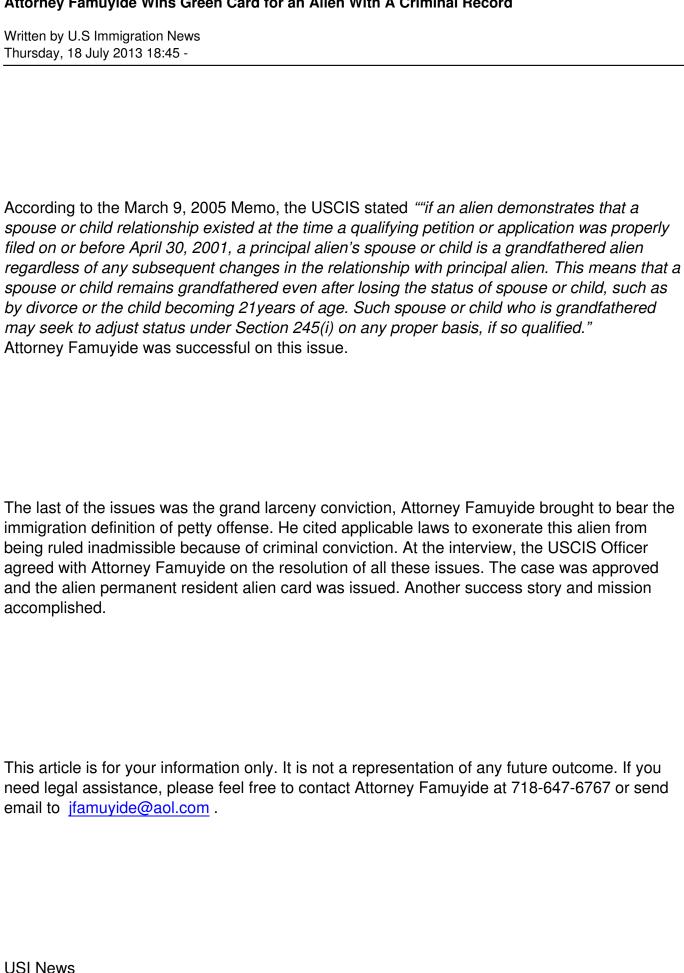
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Respondent and Matter of Sarala YERRABELLY, Respondent which was decided on April 17, 2012. In that case, the court held that an alien who leaves the United States temporarily pursuant to a grant of advance parole does not thereby make a "departure . . . from the United States" within the meaning of section 212(a)(9)(B)(i)(II) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(9)(B)(i)(II) (2006). According to the court "In light of the foregoing, we conclude that the respondents are *not* inadmissible to the United States under section 212(a)(9)(B)(i)(II) of the Act. Consequently, they are not ineligible for section 245(i) adjustment based on the rationale of Lemus I and Lemus II. In light of this disposition, we have no occasion to address the remaining issues raised in the respondents' appeal, all of which are premised on the assumption of their inadmissibility under section 212(a)(9)(B)(i)(II)." In essence, the decision removed the 10year penalty for traveling with advance parole and the first hurdle was passed.

The remaining major issues were whether or not the old approval could be used to grandfather the current petition, when the old approval was eventually revoked and also the grand larceny criminal conviction issue.

The general rule regarding adjustment of status in the United States is that an alien can only obtain legal status through adjustment of status in the United States if the alien is in legal status at the time of filing application for adjustment of status. There are two exception to this general rule namely when the alien is applying for adjustment of status through petition filed by an immediate relative and also when the alien qualifies to pay a penalty of \$1000 under Section 245(1) of the Immigration and Nationality Act.

In this case, Attorney Famuyide invoked a U.S. Citizenship & Immigration Services interoffice memorandum dated March 9, 2005 regarding the possibility of using an old approved or approval petition to grandfather a new petition to become eligible to pay the \$1000 penalty under Section 245(i) INA.



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