

File with your Green Card and Your Husband will get His Green Card in Six Months

Q. Hello Sir,

My Uncle told me about you that you are an immigration Lawyer in the USA. I have been in here for over 3 years and my citizenship is due in 2011. My problem is that I have not been able to get my husband into the US to live with me. He tried visiting VISA last year but he was denied because he told them I am his wife and I reside in the U.S. as a permanent resident alien. I am afraid of filing for him as a green card holder because they said it will take a long time. How can you help me to get my husband here Sir? Do you have any advice for me? I will appreciate your help. Thanks and may God bless you.

A.

Let me say that you are the luckiest person in the whole world now. Something happened to the monthly visa bulletin especially family based category 2A which your spouse belong to. If you file with your green card for your husband now, it will be his turn to obtain his immigrant visa at the U.S. Embassy in your home country within six months from the date of filing. It is always important to consult with an immigration attorney rather than take advice from the street because immigration law changes daily. Some years ago, if you file with green card for a spouse or an unmarried child under the age of 21, it will take 5years before the priority date would be ripe for interview. Many people in immigrant communities know this fact, so they turned themselves into immigration lawyers discouraging others from filing. Go ahead and file now and your husband will be here in about 6months. The good news about your case is that your husband told the truth at the non-immigrant visa interview about your marriage. Now that you are going to file for him, they will review the record of the interview to make sure he did not commit fraud at the old interview. My office could help you. Please act now.

You Need the Dream Act; Call your Congressman to Support the Bill

Q. Good evening, I am a 25 year old mother of one and need advice on some things. I came to this country at the age of 9. I did not know anything about immigration till I asked the person who brought me here. Anyway I got married to an American and had a son. I wanted to file but I was scared to go along with it since I came here without my own papers. My husband and I started having problems, he was hitting me and stuff so I moved out with my son far away from him. We are still married and I was wondering if there's a way around these issues that I can get my papers without having return home. Please, I need help. Hope to hear from you soon. Thanks and God bless you.

A. You definitely need the Dream Act. Recently another attempt was made last month to pass the bill but it failed because of the coming election. There are an estimated 700,000 immigrants in the U.S. who are in your category. They were brought to the U.S. before the age of 16. They were not part of the decision to come to the U.S., their parents made the decision for them. Marriage cannot work for you now unless there is a change of law. You will need Section 245(i) which allows the payment of \$1000 penalty for entering without inspection for marriage to work. Since you are still below the age of 35, the easiest pathway for you would have been the Dream Act. You will need to contact your Congressman and ask him to support the bill. The requirements for the Dream Act are simple, the applicant would have to be between the ages of 12 and 35 at the time the law is enacted, must have arrived in the United States before the age of 16, must have resided continuously in the United States for at least five consecutive years since just arriving, must have graduated from a U.S. high school or obtained a GED, and must be of "good moral character." If the applicant meets these criteria, he or she could be issued temporary residency status for a period of six years during which time he or she would have to either attend college and earn at least a two-year degree or serve in the U. S. military for two years. If the applicant fulfills all these conditions by the end of the six-year period, he or she would be granted Permanent Residency, which would open the door to U.S. citizenship.

You Are Barred for Life Unless the Law Changes

Q.In 2004 I got married to a US citizen purposely to obtain immigration benefits. We went for an interview which we clearly did not pass and this raised a red flag for my case. I withdrew my application from the USCIS and divorced. Later on, I got married again to another US citizen but this time for genuine reasons. My wife filed the papers for my adjustment of status. After two interviews, where they even separated and told us that they have no doubt that our marriage is bona fide but they are after my first marriage. Subsequently, they contacted my first wife and intimidated her where she signed a sworn affidavit, confessing that I paid her money and that our marriage was a fraud. After two or more years now fighting and appealing to the USCIS, they have denied my case. I asked for a voluntary departure (I was granted) and I am currently back to my home country without my wife. My wife is presently working and living in the US and we are just miserable without each other. We even tried a route of private bill but without any luck. I am aware of my big mistake with my first marriage but at that time I did not know better. Now, the biggest burden is on my wife, a U.S. citizen, who got to be a victim of my errors and harsh immigration law. Can you please help us with our case?