

You Need to Consult with an Immigration Attorney Urgently

Written by U.S Immigration News
Friday, 10 December 2010 00:52 -



Q.

Good Day Mr Famuyide,

My name is Sinclair. I am 20years old. I am currently in the United States. I entered the U.S. on a J-1 exchange student visa and DS-2019 sponsorship form. My visa expired in October, 2010. I submitted an I-539 before the expiration of my status asking for 24 more weeks to complete some research. I am awaiting a decision on this I-539. Also my dad (permanent resident) petitioned for me and my priority date is June 1 2010. The I-130 has not yet been approved. If I remain here in the United States will my I-130 get approved? Will I be able to adjust my status if a visa becomes available and my I-130 is approved? For November Visa Bulletin I saw that 2A (unmarried child of permanent resident under 21) was listed as current but it also says that I have to have a date earlier than the cutoff date in order to adjust my status. So what date should I look for to know if a visa is available for me? Can I get through in about six months as your USI NEWS ARTICLE INDICATED? What are my chances of getting through with my green card here? I am awaiting your response.

SINCLAIR

A.

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Thanks for your mail. Your case is like being caught between the rock and the hard place. You definitely need the service of a qualified immigration attorney urgently. Your I-130 petition should have been approved by now. Your priority date is ripe. The newly released Visa Bulletin for December 2010 shows that August 1, 2010 as the cut-off date for cases involving unmarried children of permanent resident aliens. The only possible obstacle between you and permanent resident status now is your J-1 status. A qualified immigration attorney will need to evaluate your case and determine whether you will be able to obtain waiver. It is better for your status to be adjusted in the U.S. than to travel abroad and be stranded. Since you require a waiver, you could complete your waiver and adjustment process within 6 months to 1 year. What you should worry about is whether you will be able to get waiver.

Don't Give Yourself Up for Deportation

Q.

Dear Sir,

I was in your office a long time ago. Now I need your advice so can you please help me? My case under the CSS program was denied in December 2009 and my work permit expired in Oct 2010. So after my case was denied I couldn't apply for renewal of my work permit. I read a statement few months ago by the Director of Homeland Security that he is willing to create solution to certain immigration problems by his own authority if Senate and House will not pass the immigration reform bill which seems the chances are deemed since the Republican will lead the House. Please advise me if I should approach the Director directly to help me at least to renew the work permit. I lost my job because of not having any legal status. As discussed with you I believe that my CSS case cannot go to deportation. Please assure me that if I contact DHS Director there will be no fear for deportation after he re-opens my file. I will be highly obliged and grateful to hear your affirmative reply.

A.

Since your name is not Daniel, I will not advise you to go into the lion's den; you may not come

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back unscarred. Your decision to contact the Director of Homeland Security directly for help is tantamount to reporting yourself to the authorities that you are still in the United States undocumented. The Department of Homeland Security will surely enforce the U.S. immigration laws by arresting you and placing you in removal proceedings. At the moment, what you need to do is consult with an attorney for what you can do or wait until such time when immigration law changes favorably. I am hoping that the Democrats will consider passing favorable immigration law in the month of December, 2010 since that will be the last chance for President Obama to help immigrants before the Republicans take over the House in January 2011.

You Need to Fight for Reinstatement of your I-130 Approval

Q.

Dear Attorney Famuyide,

I am writing this letter to you because my husband found an article you had written. My husband forwarded the article to me and upon reading it I found it to be so very similar to our situation. My husband had an interview with the U.S. Embassy in Lagos, Nigeria in Oct 2010. After being interrogated for a very few minutes, he was denied the visa that the NVC had already approved and the USCIS had already approved his application. As you can imagine we were both shocked and dismayed. The interviewer had denied him based on the fact that we had met online back in 2008. I as an American citizen by birth went to Nigeria to marry the man I love and met my new family back in August 2009. The interviewer stated on the letter she gave to him that the marriage was for immigration purposes only and that to me is not only a slap in the face but an insult to my husband and myself. I would like your advice on what the next step is in this process. Your article was not only filled with information but also filled with hope for our situation. Thank you for writing it. Hope to hear back from you soon.

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A.

Thanks for your mail. I share in your frustration with the U.S. Embassy in Lagos Nigeria. Someone will need to call them to order. USI News is assessing the situation, if the current trend continues; we might contact the U.S. Department of State and the Nigerian government to intervene. Many Nigerians are abused and insulted at the Embassy daily on flimsy grounds. Nigerians are being made to incur unnecessary expense to do DNA and apply for reinstatement of cases recommended for revocation. In your case, the file will be sent back to the U.S. Citizenship & Immigration Services with a recommendation for revocation of the approved I-130. At that time you will receive a letter from USCIS titled "Notice of Intent to Revoke" which will give you 30days to respond. You need to retain the services of an immigration attorney now to help collate what you will need to prevail when you get the letter. If you prevail, the approval will be reinstated and the case will be sent back to the Embassy and your husband will be called for interview again. If you need help, please feel free to contact me at 718-647-6767.

Try Other Employment-Based Non-Immigrant Visas

Q.

Hello,

I read the USI today and I was very impressed with your knowledge about Immigration law and I decided to write to you. My husband and I have been trying to change our legal status from G1 to any other one. The main reason being that my husband is currently in the U.S. because he came to work for our country. He can't get any job elsewhere since he is not allowed to work anywhere else because of the G1 visa. I also have a work permit under his visa so I also have G-1. My current concern is that I am going to school and I tried applying for financial assistance and loans but I was denied because of my status in the US. Is there any way you could help us to change our status? Every year we try to apply for Diversity visa but we have never been selected for the last four years. I will be waiting for your response which will determine whether we can meet sometime. Thank you.

A.

Thanks for your mail. The G-1 visa is a special type of visa which allows you to live in America

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while working for another country. It is possible to change the G-1 visa to immigrant visa or another non-immigrant visa. Depending on your level of education, you could change your visa to H1-B visa through any other employer who might be interested in your skill. The H1-B requires that you have at least a bachelor degree. Also if you win the DV lottery visa, you might be able to change to an immigrant status. My advice is that your husband should stay in his current employment because of the economy and wait for the opportunity to change status. The law might change favorably while you are still in the United States.