

## Don't Panic: Marriage Could Rescue you Before the Court

Written by U.S Immigration News  
Tuesday, 04 January 2011 02:43 -

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**Q.**



Greetings Mr. Famuyide,

My name is V. I currently residing in Phoenix, AZ. I have read the information that you posted online regarding **How to Handle Notice to Appear Before Immigration Court**. I received a letter of Notice to Appear few weeks ago, there is no court date yet, it says that the date is to be set. I came into the United States as an H2B visa (temporary worker) in 2008. While on the H2B visa, I got married in 2009, but things did not work out and we did not go to our 2nd interview. In October 2010 I filed for divorce. I am now waiting for the divorce to be finalized. Unfortunately, I received this letter of Notice to Appear in court (no court date yet). I do not know what to do. Mr. Famuyide, I am worried that I will be sent back home and be barred. Do you know how long it will take for the next court date to arrive in the mail? I am dating somebody now, but we just met. Is it possible for me to get married again by any chance? Thank you sir. Hope you can help me in my situation right now.

**A.**

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Compliments of the season to you and many thanks for your mail. I want to encourage you not to panic at all. Your situation is not totally hopeless. As long as you attend all court hearings, you will not be deported if you are applying for relief. Usually, you should get the letter informing you of the court date in about two months. What you need to do is to simply follow my advice in the article you read. You will need to retain a qualified immigration attorney immediately. Let the attorney try to buy you enough time to obtain the divorce and get set to marry again. From the information you provided, marriage might be the only way for you to rescue yourself from the immigration court at the moment. Let me assure you also that you did the right thing by not going to the second interview with an uncooperative spouse. If you had attended that interview and you were denied, your situation would have been worse because Section 204(c) of the Immigration & Nationality Act could have been invoked. Such invocation could have removed marriage from your list of possible options. So you did the right thing, just get a good lawyer to help you manage everything right. Good luck.

### **You Missed a Golden Opportunity; Be More Serious**

**Q.**

Hi Attorney Famuyide,

I am a green card holder and I have read that there is a window of opportunity opened to green card holders to sponsor their relatives. Well, I have a son who is 17 yrs old. He is currently without status and is about to graduate from high school in June 2011. He wants to go on to college but because of not having the proper status, he tends to become frustrated at times. Could I petition for him at this time so that his immigration status could be regularized? Next, my girlfriend lives in Antigua. She has a B1 visa. Could we get married and can I petition for her as a green card holder? If this is possible, would it be better for me to petition for her while she

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lives in Antigua or have her come here; marry her then do the petition for her here? I'll be extremely grateful if you can reply to these questions as soon as possible.

**A.**

I want to believe you consulted with an immigration attorney after reading about the opportunity rather than stop at just writing a letter to seek advice. If you did not, you just missed a golden opportunity to help your son. I expected you to be more serious and desperate especially because your son will soon be heading to college and also will age out in a few years. It appears that you have not even filed I-130 petition for alien relative for him. My simple advice at this time is that you file the petition immediately to retain a priority date. As for the opportunity, you will need to become a U.S. citizen now for your son to be eligible to adjust his status in the U.S. Please start the process with your green card and upgrade when you become a citizen. If I may ask, how did you obtain your green card? If through marriage, I hope you reported having a son during the process otherwise you could lose your green card too for not telling the truth. In the case of your girlfriend, please consult with an immigration attorney before making any decision. It is not as simple and as straight forward as it sounds.

## **DV Lottery 2012 Result will be Released in April 2011**

**Q.**

Hello Sir,

I hope you are having a great day so far. I was in your office a few months ago and a DV lottery application was submitted on my behalf. I've started to gather my documents together as though I've already won. I want to be prepared. When I spoke with you, I explained that I didn't have my actual HS diploma, but I have a letter from my High School indicating that I graduated from the institution in St. Vincent & the Grenadines after 5yrs study. You said that all they will need to see is my academic scores for the 5yrs. The issue is that only 3 of the 5 yrs records are available. While in my 3rd year, our school was relocated to a new facility in a different town and apparently record keeping was not a top priority. What do you suggest that I do in the mean time? I have the time now to get my affairs in order, please advise me on the right course to take. I also have an approved I-130 form from a previous application that was filed for me by my husband, but we are no longer together. I'm expectantly anticipating your response. Thank you in advance and have a blessed day!

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**A.**

Your approach is a winning one. It is good to be prepared and ahead of things. The Diversity Visa lottery result will be released on or about April 2011. The requirements for claiming your green card still remain the same. The facts of your case is highly unusual, it does not appear that the U.S. Citizenship & Immigration Services will accept incomplete result. Assuming you win, the winning notice will be given to about 100,000 applicants, but only about 55,000 will actually get their green cards from the process. Any little error is ground for denial. So you will need to deal with the authorities in your country to secure your full result. Let me also note that since you reside in the United States, you will need a pre-April 30, 2001 petition that was filed for your benefit to adjust your status if you win. I want to assume that the approved I-130 in your hand meets this requirement. Good luck.

### **You Messed Up Real Bad; Penny Wise**

**Q.**

I currently live in Houston where I have worked as a registered nurse in the last 3 years. My green card application was filed since 2006 by a Law Office based in North Carolina. Recently, I left my former employer for a better paying job, so the Law Office is also dropping my case even though I offered to pay their bill out of pocket. All I am left with is a pending application not supported by any employer, my concern is that if they call me for interview my former employer will not provide any proof of employment, while this present one will gladly give me one; they do not sponsor green card. I spoke with a counselor who was not willing to take my case.

**A.**

I don't know the person who advised you, but you have practically created a big mess. How can you leave an employer who was willing to petition for you in this current state of things in the U.S. for an employer not willing to help you? More importantly, you were almost getting to the finish line of the 5years ordeal, only to abandon the process as you said for a supposedly better

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job. Another one year of patience could have solved your problem and you will live to make the money in the future. As of this month, the priority date for nurses is March 22, 2005. I do not know the full details of your case, but it appears that you missed the ball. Marriage might be the only workable option you can go with.