

It's Cheaper to Retain An Attorney: You Wasted Money

Written by U.S Immigration News
Friday, 03 February 2012 21:24 -

Q.

Hello Mr. Famuyide:

This is my immigration situation. I would like your input in this matter. I am originally from Trinidad and Tobago. My adjustment of status was denied last year. My aunt, a US citizen filed for my father, mother, brother and me in April 2001 (LIFE ACT). We were approved in April 2005. My brother was twenty years old in 2001 and I was 23. We were able to file for adjustment of status on September 2010. We were given appointments for fingerprinting and given alien numbers and medical requirements. The Immigration office requested an interview with the entire family to review our documents in 2011. The immigration officer informed my brother and I that we received approval in 2005 when we were over age 21. We were denied green cards but our parents were told that they can reapply when they receive permanent residence. This was very shocking because my mother called the immigration hotline many times and talked to immigration officers. They continually stated that my brother and I would be eligible to apply and receive our legal documents. Because of their response, I proceeded to apply, paid over \$1000 in filing fees plus medical expenses. Is there anything you can do for my brother and I at this point? I am currently out of status. Thank you.

A.

Thanks for your mail. It appears that you did not use the services of an attorney for this case. It is always cheaper to retain a lawyer to represent you than waste your hard earned money. Each day now, I come across immigrants who tried self-help and end up paying more. I can

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understand that the economy is not good, but many of these immigrants were advised by their friends not to use attorneys for their cases. From the facts you provided, you were already over 21 at the time the petition was filed in 2001. You simply waited for 10years for nothing because you had aged-out already. Hopefully you were able to get work permit from the adjustment process. That is all you can get. It is wise to look into other avenues now for your green card.

Go Ahead and Work as America Needs your Taxes

Q.

Hello Mr. Joseph Famuyide,

Thanks for the opportunity to ask questions on immigration issues. You are doing a great work. Your write ups and answers to immigration have enlightened a lot of people. Once again thank you. I will like to ask a couple of questions and I hope you are able to answer to the best of your knowledge. I came to the U.S on a P3 visa and I have now overstayed. I was able to acquire my social security and driver's license permit. My first question is, when I want to rectify my status, will I be asked if I have been working unlawfully? If I have, will it affect my application?

The second question, if your answer to the above question is yes, what will be your advice

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about working with my social security number? Is it better not to work with my social security number? This is because I do not want any trouble when I am ready to rectify my status. Thank you for all the advice you have given in your write up.

A.

Thanks for the words of encouragement. I sure need that. If you are able to find work using your social security number, it is okay to continue to work. With the work, you will be able to pay taxes and America will be happy for that. As you know, you have already violated one law by overstaying your visa, even if you work now, the penalty for both violations will still be the same, so go ahead and work. The only way you can regularize your status now is through marriage to a U.S. citizen and working without authorization will not affect that. Also, if a new law is made to help the illegal ones, America will favor those who work and pay taxes over those who enjoy the services but operate off the book without paying anything. So you are good to go –WORK.

Yes. You Can File for Your Daughter if She is not Married

Q.

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Happy New Year, I am a green card holder, can I file for my daughter born in 1984, who is presently residing abroad

A.

Thanks for the brevity of your question. The answer is yes. You can file for your daughter with your green card regardless of her age as long as she is not married. The law is that a green card holder can petition for his or her children under age 21 and his or her sons and daughter over the age of 21 as long as they are not married. You cannot use green card to file for married children. If your daughter is married, it is important that you apply to become a U.S. citizen before you apply for her otherwise, you will file and pay only to be denied. Please do not waste your money, consult and have an attorney help you file the petition. My office is always open to help.

Over Age Children will Have to Wait for their Priority Date to be Current

Q.

Happy New Year to you! I have read the article about the reduction of filing period for Permanent Resident relatives abroad. Does this change also apply to relatives over 21 years? I have two daughters who are still in Jamaica, aged 25 and 23. I received my Permanent Resident Card a year ago.

A.

Thanks for your mail. This is a very good question. The article relates to spouses and under 21 children of permanent resident aliens only. Your children are already over the age of 21, so they will need to wait for their priority dates to mature before they can migrate to the United States. Even though it will take a much longer period, it is wise to file for them now with your green card so that their clock will continue to run. Anytime you become a citizen in the future you can always upgrade the filing to speed up their arrival to the United States. Do not wait to become a U.S. citizen before you file if your children are not married now. Thank you again.