

Marriage to U.S. Citizen will give you Green Card in 4 months.

Written by U.S Immigration News
Saturday, 03 September 2011 01:57 -



Q.

Hello,

This is regarding my Employment Authorization Card. It expired a few years ago and I never renewed it. I recently got married to a Green Card holder who has applied for Citizenship early this year. My spouse's case is still pending with the USCIS. Also we have a 4 month year old daughter who was born in the US last year. My question is: I don't know whether to renew my work permit and then apply through my wife for a Green Card or just apply directly through my wife for a Green Card without renewing my work permit. It would be of uttermost importance that I will be able to make travel arrangements, especially abroad, in the not so distant future. Please advise if you can help me in this type of situation. Thank you very much for your time and effort. For your information I have been living in the US for more than 10 years.

Sincerely,
Kzhan

A.

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Congratulations on the birth of your daughter. Trust you are enjoying being a father. However, you did not tell me how you obtained the old employment authorization card. This piece of information is very important, not so much as to whether you could still renew the card but to determine whether or not you are still eligible for adjustment of status. Assuming you could do the two, I will advise that you proceed to file for adjustment of status and work permit through your wife since she ought to be close to the completion of her naturalization process. If you apply for work permit through your old case it will take three months. I am not even sure if that case is still open. If you apply through your wife, you will get the work permit in three months and a month later the green card. Please, do not travel with parole or work permit until you obtain your green card. If you travel abroad, you will forfeit the chances of obtaining a green card. The penalty is ten years since you have lived in the U.S. for over one year. Please consult with a lawyer before you mortgage your future for few days of fun abroad.

Your Case will Crumble with a Fraud Determination

Q.

Dear Mr. Famuyide,

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My name is OO from Cameroon. My case has been in the San Francisco, California immigration court since 2005. The judge ordered the government lawyer to carry out an investigation in Cameroon regarding the authenticity of my warrant of arrest from Cameroon. The investigation has been done and my attorney tells me that the results are negative and that is the warrant of arrest is fraudulent. My attorney got this information from the government lawyer. My next hearing is coming up soon. What can I do before the next hearing?

Thank you,

OO

A.

Many thanks for your mail. Unfortunately, the fraud determination will adversely affect your case. There is really nothing to do, your lawyer will need to change the strategy for your case. It is still important for your lawyer to challenge the result of the investigation so the record will not

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negative affect you in future. At times some of the investigation are not done thoroughly. If you have other evidence in support of the warrant you might be able to weaken the impact of the fraud determination on your case.

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 physically abusive so I moved out with my son to live 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 to return home. Please, I need help. Hope to hear from you soon. Thanks and God bless you.

A.

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You definitely need the Dream Act. 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 the arrival, must have graduated from a U.S. high school or obtained a GED, and must be of "good moral character."

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, we were kept apart but we were told that they had no doubt that our marriage is bona fide. However, they also added that they were 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 any better. Now, the biggest burden is on my wife, a U.S. citizen, who has become a victim of my errors and the harsh immigration law. Can you please help us with our case?

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Under Section 204(c) of the Immigration and Nationality Act of the United States, you are barred for life from obtaining any immigration benefits because you have committed immigration fraud. Your case is even worse because you are already out of the U.S. It is important that all immigrants know this, that all immigration laws are being enforced under President Obama. You will definitely need a change of law now to return to the United States. There is no waiver for Section 204(c) that could help you at this time. It appears also that you have exhausted all available appeals relating to this matter. Tell your wife to continue to monitor developments in the immigration field. Things might change in the nearest future. Good luck.