

Your Situation is Better Than That of Many

Written by U.S Immigration News

Saturday, 08 October 2011 04:39 - Last Updated Saturday, 10 December 2011 01:22

Q.

Hello Mr. Famuyide,

I have been subjected to a similar situation as described in the case for CSS that lasted 20 years before it was finally settled. My situation is a little bit different as I went out of the country on parole and upon my arrival; I found that I had been deported due to revoked CSS cases in Feb. 1998. Not only that, I was also barred for 5 years from entering the U.S. illegally. Now I live in Canada as a Canadian citizen and visited US many times as the bar has been lifted and the waiver has been granted. Do you think I have a chance of getting green card? Please provide your thoughts. I greatly appreciate your time.

A.

Thanks for your mail. I must say that your situation is far better than that of many immigrants currently living in the United States. As a Canadian citizen you have more choices than many immigrants who went through the same ordeal. Most of them are now stranded in the United States waiting for President Obama to do something about immigration. To answer your question, the CSS/LULAC program is over. You can no longer derive benefits from the program, but since you claimed that all impediments to your migrating to the U.S. have been removed,

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you could apply for green card through any of the conventional ways such as marriage to U.S. citizen or through employment. I wish you the best.

There is No Anchor Baby Law Per Se in the U.S.

Q.

Hi:

My question is, do I qualify to get a green card under the anchor baby law? I have been in the U.S. without inspection for nine years and I am married to a U.S. citizen in the last six years. Together, we have a daughter. Our daughter is four years old. I've heard you can get a work permit and social security number by having a baby here, is that true? If so, can you recommend someone to me? Thank you.

A.

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Many thanks for your mail. Specifically, there is no law called “Anchor Baby law” in the U.S. The term Anchor baby is a derogatory term used by anti-immigration crusaders to describe babies born to illegal aliens who are U.S. citizens that could end up sponsoring their parents. No one wants to be called an “anchor baby” or “jackpot baby”. As you are aware, your U.S. citizen wife could sponsor you if the law that will allow you to pay \$1000 as penalty for illegal entry is returned. Alternatively, if you entered with fraudulent documents and you still have it, please call my office for appointment. I might be able to help you. On the other hand, your daughter could file for you at the age of 21. If you are qualified for cancellation of removal, having your daughter could also be beneficial. Cancellation of removal requires that you have lived in the U.S. for 10 years, be a person of good moral character and also show that your U.S. citizen daughter and/or wife will suffer extreme, exceptional and unusual hardship if you are deported. Please call my office for appointment if you think you are eligible at 718-647-6767.

President Obama Needs to Hear from You; Call Him

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Dear Attorney Joseph Famuyide,

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I would like to inquire about the new Immigration Policy of giving work permits to undocumented Immigrants without criminal records. My son was only 11 years old, when I brought him here legally with a tourist visa. In short we overstayed our visa. My son is now 18 years old and enrolled as a first year college student at one of the community colleges. He has no criminal records to date. May I ask for any legal advice on how my son can apply for work permit? Thank you.

A.

It is becoming very difficult daily to defend President Obama on immigration. We are almost at the end of his 3rd year in office after all those glorious campaign promises about the passage of the Immigration Reform; he has refused to do anything for immigrants. He will talk about it to excite immigrants and go to sleep for months again. On June 17, 2011, the Department of Homeland Security released a Memo about exercising prosecutorial discretion in favor of immigrants. They promised to terminate removal proceedings of some immigrants and grant them work permit. Senator Durbin of Chicago lobbied that the children of illegal aliens who would have qualified for the Dream Act if passed should be included in the issuance of work permit. After all this noise in July 2011, the trail went cold in September. We are waiting for President Obama to do something, please call the White House and tell the President to do something for immigrants.

J-1 Visa has no attraction

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Q.

Thanks for the way you answer serious enquiries and solve people's immigration problems. I have a 2 year multiple entry H1B visitor visa. But my 6 months 1-94 expires in a few days time. I want to undergo a 4-months internship program before returning to my country. I was supposed to start the internship earlier but couldn't for some reasons. Though my 1-94 is almost expired my visa is still valid till mid 2013. Please I want to know if I can still change to J-1 visa status so that I can undergo this internship program. Your urgent response will be highly appreciated. Thanks.

A.

Thanks for your mail. It appears that you mischaracterized your visa as an H1B visa. H1-B is an employment related visa obtained through an employer. It appears from your mail that you were issued the regular visitors visa not an H1-B visa because with H1-B you could extend the visa and stay in the U.S. for a maximum of 6years. If my conclusion is accurate, it is possible to change to a J-1 visa but this type of visa is particularly not attractive if your future intention is to stay in the U.S. Most J-1 visas carry the two year residency requirement. The visa will require that you travel to your country and stay two years after the expiration of your J-1 before you could return to the U.S. Though it is possible to obtain waiver of this requirement, waivers are not easily obtained. So be careful about J-1. You might need to simply travel abroad and reenter the U.S. for another 6months.

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