

From Green Card Interview to Immigration Detention

Written by U.S Immigration News
Sunday, 05 June 2011 02:51 -

It is no longer an exaggeration to say that the latest high-tech equipments used by the Department of Homeland Security could find a needle in a haystack. At a recent interview before the U.S. Citizenship & Immigration Service, my client was trying to hide an issue that occurred as far back as 1974. It was his opinion, almost to his detriment that there was no need to inform me since there was no computer at that time and that it is impossible for the USCIS to discover the matter.

Surprisingly, before we had the opportunity to say anything, the examiner informed us that my client had a problem in 1974. The fact that the examiner chose to inform us rather than ask my client if he had any problem previously saved the day because my client would have lied and that would have created another problem entirely.

The U.S. Citizenship & Immigration Service has moved far beyond the 21st century in the type of high tech equipments used to detect previous violations or problems with any governmental agencies, but immigrants are still operating in the mentality of the 1970s that you could pass through the immigration process with your “garbage” undetected.

It is high time immigrants rose above the myth of invisibility with which they approach the immigration process. The best approach now is to disclose all your issues to your attorney to enable him formulate plans to get you out of your problem.

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In some of the interviews I have attended in the past few years, some issues stand out among many as pitfalls to the adjustment of status. The chief of such is a previous asylum case which has been denied.

In the early 90s, the norm was for a newly arrived immigrant to be advised to apply for asylum. The primary goal was for the immigrant to obtain employment authorization card, social security number and a driver's license to enable the immigrant secure employment and start a new life. The INS as was previously called would continue to renew the employment authorization card for many years before any interview would be scheduled. It was the most convenient way to begin to enjoy the blessings of America. Asylum at that time was more popular than marriage, since there was no need to obtain any divorce from the spouse abroad and it cost nothing to file.

After many years, some of these applicants were called for interview. Some did not attend because of fear of not being able to substantiate the story "cooked" up for them by the so-called "immigration experts" operating out of Barber Shops who helped in preparing the applications. Some attended and were referred to appear before an immigration Judge. Some decided to relocate with a view to beat the system. At the end of the day, most asylum applications were denied because Judges saw a pattern of application stemming from the same event. These judges issued final order of removal against some immigrants which remained in their records.

Many of these applicants later married U.S. citizens and without informing their attorneys, applied for adjustment of status with a view that the asylum issue will not come up. To the surprise of these applicants, the asylum issue they thought was buried years ago now stands between them and permanent resident status. They are stuck in the U.S. Some of them end up being arrested at the green card interview. At this time in the immigration process, there is no substitute for full disclosure.

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There are many more possible impediments to adjustment of status, but the space allotted to this article will not permit me to address all of them. If you have any question regarding issues similar to the one raised in this article, please feel free to contact Joseph Famuyide, Esq. at 718-647-6767 or send your email question to jfamuyide@aol.com .

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