

# COMMUNITY

JOURNAL

## Is there hope after lying to get a Green Card?

YOUR IMMIGRATION SOLUTION



ATTY. ROBERT REEVES & NANCY MILLER

ality Act Section 237(a)(1)(H) allows an alien who lied to obtain a green card to apply for a waiver. The waiver is available to aliens who are the spouse, parent, son or daughter of a citizen of the United States or of an alien lawfully admitted for permanent residence. In order to receive the waiver, the alien must show the positive factors in his case outweigh the negative ones.

In re Tijam, a Board of Immigration Appeals case, gives the judges a detailed guide of negative and positive factors to consider in deciding whether to exercise discretion and grant the waiver. Among the negative fac-

existence of property or business ties; evidence of value and service to the community; and other evidence of the alien's good character".

Under INS v. Yang, the immigration judge may consider as negative factors all the lies told in order to get and keep a green card - including the initial lies told to gain entry into the United States. That means that the judge can consider as a separate fraud the remarriage after the alien obtained the green card and the petition based on the second marriage. The judge can also consider any lies told on naturalization application as distinct and separate frauds. Each of these lies will count as a separate negative factor.

Evidence of the positive factors must be carefully presented to the court through documentation and testimony. In addition, the negative factors must be thoroughly dealt with and explained. Because so much is at stake, aliens in this situation should seek the advice and assistance of an immigration attorney who is experienced in this type of case.

Atty. Reeves has represented clients in numerous landmark immigration cases that have set new policies regarding INS action and immigrants' rights. His offices are located in Pasadena, San Francisco, Las Vegas and Makati City. Telephone: (800) 795-8009 E-mail: immigration@rreeves.com Website: www.rreeves.com.

The analysis and suggestions offered in this column do not create a lawyer-client relationship and are not a substitute for the personalized representation that is essential to every case.

(Advertising Supplement)

*“ Immigration and Nationality Act Section 237(a)(1)(H) allows an alien who lied to obtain a green card to apply for a waiver. The waiver is available to aliens who are the spouse, parent, son or daughter of a citizen of the United States or of an alien lawfully admitted for permanent residence. ”*

tors are the “nature and underlying circumstances of the fraud or misrepresentation involved; the nature and seriousness, and recency of any criminal record; and any additional evidence of the alien's bad character or undesirability as a lawful permanent resident of the United States”. Positive factors to be considered may include “family ties in the United States; residence of a long duration in this country, particularly where it commenced when the alien was young; evidence of hardship to the alien or her family if deportation occurs; a stable employment history; the

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