

YOUR IMMIGRATION SOLUTION



ATTY. ROBERT REEVES & NANCY MILLER

Reliance on a non-attorney can hurt you

WHEN someone needs legal assistance, he usually attempts to find an attorney. Once he has decided to hire a particular attorney, he places all his trust in that lawyer. When he hires an attorney who is well qualified to handle the legal problem, the trust is well-placed. Unfortunately, sometimes, the person hired is not really an attorney. Then the client is at the mercy of someone who is not trained or qualified to assist him with his legal problem.

This situation is especially pronounced in the area of immigration law. In many countries, the term "Notary Public" or *Notario* means that the person is an attorney. That term does not have the same meaning in the United States. Notary Publics are commissioned by the state to notarize documents (i.e. to state that a document really was signed by the person whose signature is on the document). The Notary Public does not undergo the necessary legal training and is not qualified or allowed to represent anyone regarding a legal problem. Non-lawyer representatives are also known as immigration consultants. Whatever they call themselves, the problems that arise from their representation are the same.

The non-lawyer representatives often file applications for relief for which the alien is not eligible. They may file for asylum when the alien does not have a well-founded fear of returning to his home country. They may file for cancellation of removal despite the fact that the alien has not lived in the United States for a period of ten years or does not have a qualifying relative (parent, spouse or child who is a US citizen or green card holder) who would suffer exceptional and extremely

unusual hardship if the alien had to leave the US. If the alien does not have a qualifying relative, he will be ordered deported. The same results will occur if the qualifying relative's hardship does not meet the very high standard required for cancellation of removal.

Very often problems arise because the non-lawyer representative gives an incorrect address for the alien on an asylum application. Sometimes that address is the representative's. As a result of the filed application, the alien may be referred to the Immigration Court. A notice is sent to the address on the application telling the alien when and where to go to court. Not infrequently, the representative is no longer at that address. Even when he is, it is not unusual for the consultant not to tell the alien that he has to go to court. Sometimes the consultant goes even farther and tells the alien that he should not go to court. When the alien does not go to his hearing, he is ordered deported in absentia (in his absence). It does not matter that the alien did not get notice of the hearing as long as the notice was sent to the address on the application. As long as the notice was sent to the alien's representative or to the last known (given) address of the alien, the alien is considered to have received notice.

If an alien is ordered deported because he did not attend his hearing, his only remedy is to file a motion to reopen his deportation court case. A motion to reopen the court case must be filed within a certain amount of time. If the notice is not filed on time, the immigration judge will not reopen the case and the alien will not be able to apply to the immigration judge for relief for which he might be eligible. That means that the alien will have to leave the United States and may not be eligible to return for a period of ten years.

The 9th Circuit Court of Appeals has held that, if the motion to reopen is filed late because of ineffective assistance, the time limit may not apply. However, the court has also held that if the alien knowingly

hires someone who is not an attorney, he cannot then blame the ineffective assistance that he received on the fact that the person was not an attorney. In other words, in hiring a non-lawyer, the alien assumed the risk that he would not be adequately represented.

The Court has also said that, if the alien was not in court and did not hear the oral notice of the consequences of failing to appear, he is able to apply for relief, such as, adjustment of status, cancellation of removal and voluntary departure, if he is otherwise eligible. Case law has also held that if an alien notified the government of his correct address through some process (such as work authorization applications), the government is on notice of the correct address and should send mail to the alien at that address.

This means that there may be hope for someone who has a final deportation order because his non-lawyer representative did not tell him to go to court. An alien who has been represented by an unlicensed representative should consult a licensed, knowledgeable and experienced immigration attorney to make sure that no deportation orders have been issued against him. Anyone who was represented by a non-attorney and knows that a deportation order was issued against him should seek the advice of an experienced immigration law attorney as soon as possible in order to see if the case can be reopened and the order reversed.

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.

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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)

PEOPLE AND EVENTS

FALL ACTIVITIES RUN AMUCK IN CLARK COUNTY

Halloween, Festivals set for Las Vegas Valley in October

LAS VEGAS – Clark County Parks and Recreation community centers and parks are hosting fall and Halloween activities and festivals this month. Many of the events are free or have low-cost admission. There are activities for all ages—from tots to seniors—at numerous locations around the Las Vegas Valley.

Those interested in any of the below events can contact the community center associated with the event, call Clark County Parks and Recreation at 455-8200 or visit the Web site at www.accessclarkcounty.com/parks. Clark County Parks and Recreation events and activities also can be found on social networking sites such as Twitter and Facebook by visiting <http://tinyurl.com/l87c4l>.

Clark County Heritage Museum
1820 Boulder Highway near Henderson
455-7955

Eighth Annual Ghosts and Goblins of Nevada's Past
4:30 to 8:30pm, Oct. 23-25

Children ages 3 to 13 can trick-or-treat on Heritage Street and dance to the Howlin' DJ during three nights of fun and spookiness at the Clark County Museum. There also will be old fashioned games and costume

contests for all ages. Attendees can visit the apparitions hanging around the Spider's Lair, the Ghost Locomotive, the Haunted Depot, Creepy Caboose, Spook Alley, Ghost Town Scaretime Tours on the Trails of Fears. Activities are intended for those ages 13 and younger and their parents. There are minimal fees for certain attractions and games.

Mountain Crest Neighborhood Services Center

4701 N Durango Drive
455-1905

Halloween Happening
6 to 8pm, Oct. 22

Children of all ages can carve their own pumpkins, get their face painted and enjoy hot apple cider, popcorn and more during this event sponsored by Albertson's and Walgreens. Call to pre-register, as space is limited.

Indian Springs Halloween Carnival

4 to 7 pm, Oct. 28
The Indian Springs Senior Class brings games, prizes and a haunted house to the park.

Pumpkin Carving
9 am to noon, Oct. 31

Children of all ages can bring their pumpkins to carve. Tools, patterns and clean up will be provided.

Paradise Recreation Center

4775 McLeod Drive, near Tropicana Avenue
455-7513

Pumpkin Carving in the Park

6:30 to 7:30pm, Oct. 23

Kids of all ages can enjoy the autumn weather while preparing their pumpkin for Halloween. Cost is \$7, which includes a pumpkin and carving kit. Adult supervision is required for children ages 6 and younger. Early registration is required as space is limited.

Candy and Corridors

6 to 8pm, Oct. 29

Children ages 13 and younger can trick-or-treat, visit the haunted house and enjoy other festive activities during this safe Halloween event. Tickets, offered at \$5 for 10, pay for games and admission to activities. Costumes are encouraged.

Walnut Recreation Center

3075 N. Walnut Road
455-8402

Chills and Thrills Safe Halloween

3:30 to 7:30pm, Oct. 28

Residents can come out and meet their local public and safety officials as well as radio celebrities while they participate in laser tag, a funhouse, carnival games and trick-or-treat alley. Proceeds support the Walnut Teen Program.

West Flamingo Active Adult Center

6255 W. Flamingo Road

455-7742

Pumpkin Carving Contest

Workshops will be held from 10am to 2pm Oct. 23 for adults ages 50 and older and 4 to 6pm Oct. 23 for grandparents and grandkids. Up to two pumpkins can be turned in for judging. Entries must be turned in between 8am and 5pm Oct. 23. Judging will be held between 9am and 4:30pm Oct. 26 with winners announced at that night's Black and Orange Ball.

Black and Orange Ball

5:30 to 8pm, Oct. 26

Those ages 55 and older can join in for an evening filled with music, dancing, a catered meal, raffle prizes, pumpkin contest and entertainment by Lois Denny and Friends. Cost is \$12. Pre-registration is required.

Whitney Recreation Center

5712 E. Missouri Ave., near Boulder Highway and Tropicana Avenue

455-7576

Scary Hands Craft

4 to 6pm, Oct. 20

Children ages 6 to 12 can make a spooky craft to enjoy at home and share. Attendees must be registered for Whitney's Open Rec Program.

Pumpkin Painting and Photo Activity

4 to 6pm, Oct. 27

Children of all ages can paint their pumpkins and then have their Halloween photo taken. Parents must accompany children younger than age 5. Cost is \$1 per pumpkin, per person. Photos will be mailed.

Ghosts and Goblins Halloween Parade

4 to 6pm, Oct. 28

Children of all ages can dress in their Halloween best and parade around Whitney Park. The Whitney seniors will choose the best costume. Parents must accompany children younger than age 5. Free event.

Halloween Movie and Snack

4 to 6pm, Oct. 29

Children of all ages can attend a not-too-spooky movie, munch popcorn and sip on a cool beverage. Parents must accompany children younger than age 5. First-come, first-served. Free event.

Winchester Cultural Center

3130 S. McLeod Drive
455-7340

Fall Bizarre Skate Jam and Art Show

3 to 9pm, Oct. 24

Amateur skaters can participate in intermediate and advanced competition as well as the Master's Old School Jam for skaters older than 25. Also at the event is "The Melancholy Art Show," silent auction and art sale to benefit the Winchester Skate Team. Prints and original pieces by students and local artists will be available for sale from \$5 to \$35. Silent auction bids on donated fine art pieces by local professional artists start at \$50. Helmets are required for all skaters participating. A parent's signature for participation is required if the skater is younger than 18. Entry fee for all competitions is \$5 and skate registration begins at 4pm.

About Clark County

Clark County is a dynamic and innovative organization dedicated to providing top-quality service with integrity, respect and accountability. With jurisdiction over the world-famous Las Vegas Strip and covering an area the size of New Jersey, Clark is the nation's 15th-largest county and provides extensive regional services to more than 2 million citizens and 44 million visitors a year. Included are the nation's 7th-busiest airport,

air quality compliance, social services and the state's largest public hospital, University Medical Center. The county also provides municipal services that are traditionally provided by cities to almost 900,000 residents in the unincorporated area. Those include fire protection, roads and other public works, parks and recreation, and planning and development. In 2009, Clark County celebrates a "century of service."

Celebrate the harvest at the Springs Preserve

This Halloween season enjoy the Springs Preserve at the second annual Haunted Harvest, beginning Friday, Oct. 16. Activities include haunted hay rides, "Safe Street" trick-or-treating, carnival games, face painting and more.

In addition, visitors to the Haunted Harvest also will have a chance to see the winners of the Scavenger Scarecrow Contest as well as entries for the free pumpkin carving.

Activities are from 5 to 9pm on the following dates:

Oct. 16 to 18 (Friday-Sunday)
Oct. 23 to 25 (Friday-Sunday)
Oct. 29 to 31 (Thursday-Saturday)

Admission

Admission is \$8 for adults, \$4 for children 5 to 12 and free those 4 and under. Annual pass members receive half off the regular admission price.

Haunted hay rides are \$5 per per adult rider, \$3 for children 5 to 12 and free for children 4 and younger.

Visit the Springs Preserve Web site or call (702) 822-7700 for more information.

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