

Recent Immigration News

Recent changes which may affect you.

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Temporary Protected Status - Haiti

The Department of Homeland Security (DHS) Secretary, Janet Napolitano, has determined that an 18-month designation of Temporary Protected Status (TPS) for Haiti is warranted due to the devastating earthquake and aftershocks which occurred on Jan. 12, 2010. As a result of the earthquake, Haitians who live in the United States are unable to return safely to their country. DHS will continue to work with other branches of the U.S. Government to closely monitor developments in Haiti to determine the need for additional action.

U. S. Citizenship and Immigration Services (USCIS) will process immigration applications for TPS filed by nationals of Haiti (and other individuals without nationality who last habitually resided in Haiti). Additional information was published in the Federal Register on Jan. 21, 2010 announcing the Secretary's decision to designate TPS for Haiti. DHS estimates that approximately 100,000 to 200,000 individuals will be eligible for TPS. v

The Attorney's Corner

Let us talk law today.

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The Special Immigrant (VAWA) Self-Petition (Continued From the January Edition)

In order to file for the Special Immigrant (VAWA) Self-Petition a bad relationship must exist. Simply having a bad relationship is not enough to meet the criteria for a self-petition. The self-petitioner must present a birth certificate; spouses will present a marriage certificate as well as other evidence that the marriage was a good faith marriage; that the parties resided together; the abuse occurred; the self-petitioner is a person of good moral character.

Documents showing the residence of the self-petitioner with the abuser should be included. These could be receipts or bills showing the same address as the abuser. Then there is also

evidence of abuse – the statement of the self-petitioner alone may suffice, but it is much better to provide independent corroboration as well.

Sometimes the self-petitioner may not be able to obtain certain documents. Such a self-petitioner should talk to an immigration attorney as the attorney is sure to know how to by-pass that document or how to obtain it.

A self-petitioner's good moral character can be shown by his statement to that effect, corroborated by the result of a background check, as well as statements from people who know him. Having a criminal record could cause denial of the self-petitioner, but it could be forgiven if the criminal offence was connected to the battering and was what coerced the self-petitioner to commit the offence. The self-petitioner will also be in better luck if the offence is one that can be waived during the adjustment process.

Once the CIS received the self-petition, a receipt notice is sent to the self-petitioner. Next comes the *prima facie* determination – a decision that is based on a quick initial look, there appears to the CIS to be a VAWA claim. The self-petition and any claims made in the petition are investigated. The CIS is discrete while investigating a VAWA claim, as the safety of a self-petitioner may be at stake. Any negative information about the self-petitioner obtained from the abuser, will not be acted upon without independent corroboration. CIS officials who violate this policy are subject to penalties.

A decision is issued after investigations. If a VAWA claim is denied, the self-petitioner may find himself in immigration court in removal proceedings. He may apply for any relief for which he is eligible in immigration court.

If the VAWA self-petition is approved, the self-petitioner is put into Deferred Action status. Being in this status permits the self-petitioner to stay in the U.S. with a reasonable expectation that he will not be subject to removal proceedings. It also allows one to apply for employment authorization.

When one will become eligible to apply to obtain a green card depends on the status of the abuser, as well as the relationship between the abused and the self-petitioner. Parents, spouses, and children of U.S. citizen abusers may file for a green card immediately since they are deemed immediate relatives and a visa number is always available to them. Spouses of permanent resident abusers will have to wait until their priority date becomes current, however, based on their deferred action status, they may apply for employment authorization.

When a VAWA self-petitioner applies to adjust status, he is not required to file an affidavit of support. VAWA self-petitioners may also use waivers to do away with criminal or other situations that would normally bar adjustment of status

The VAWA self-petition goes a long way in making right what has been done wrong.v

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Important Links and Resources for your Legal Research

Visa Bulletin for January 2010:

http://travel.state.gov/visa/frvi/bulletin/bulletin_4597.html

USCIS page for processing time reports and individual case status:

<https://egov.uscis.gov/cris/jsps/index.jsp>

USCIS - list of physicians for adjustment:

<http://www.uscis.gov/civilsurgeons>

Georgia Child Custody Laws:

<http://law.findlaw.com/state-laws/child-custody/georgia/>

Office of Child Support Services:

<https://services.georgia.gov/dhr/cspp/do/public/SupportCalc>

GET YOUR FINANCES BACK ON COURSE

The Greaves Law Group and their affiliates are all aware of the financial crisis facing our economy. We understand your needs and as such will be moving our firm in a different direction. Beginning February 2010, our firm will be offering our clients and other Georgia residents tools to ease the financial burden many are facing today. We have implemented the **GETTING YOUR FINANCES BACK ON COURSE** Program.

The GETTING YOUR FINANCES BACK ON COURSE Program is designed to help you settle and negotiate your debt with individual creditors. This program will help you leverage your income, existing debt, and financial hardships to help you get out of debt in the shortest amount of time, for the least amount of money, without filing bankruptcy.

This program can provide you with immediate cash and help you to save money each month. We will work on settling your debt for less than the full amount. For example, if you owe \$15,000 on an existing account, we will try to negotiate that bill to \$7,200, saving you \$7,800. This debt settlement program will help clients negotiate down credit card debt and resolve financial problems. If you have more than \$7,000 in unsecured debt (credit card, medical bills, or personal loans), and have problems keeping up with your minimum payments, you may qualify for this program.

Call us today to discuss how we can serve you, your relatives, or friends.

The Greaves Law Group is the Source for All Your Legal Needs

Contact us today for a free phone consultation

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Service With Integrity

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