

Legal Times

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The Attorney's Corner

Let us talk law today.

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Eligibility for Waiver of Three-and 10-Year Unlawful Presence Bars

Most often noncitizens come to the United States for one reason or another and remain in the U.S. beyond the time allowed when they entered the U.S. In most instances noncitizens are allowed to stay in the U.S. up to six (6) months after they enter the U.S. If the noncitizen remains beyond the time allowed without approval, that person is said to be in unlawful presence.

An alien in unlawful presence can be barred from entering the U.S. for three (3) years, ten (10) years, or permanently. The bar imposed will depend on how long the alien remains in unlawful presence, among other factors. In some instances the Attorney General, at his discretion may waive the three-and-10-year bars in a case in which the spouse or child or a U.S. citizen or lawful permanent resident can establish that the

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Recent Immigration News

Recent changes which may affect you.

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John McCain Backs Arizona's Tough Immigration Bill

Sen. John McCain has endorsed a tough Arizona anti-immigration bill that will let police arrest people who are not carrying identification. This is the latest move in McCain's rightward shift in advance of a tough Republican Senate primary this summer.

"I think it's a very important step forward," McCain said. "I can fully understand why the legislature would want to act."

This is a dramatic switch for a senator who supported comprehensive immigration reform with Democratic lion Sen. Ted Kennedy (D-Mass.) just four years ago. McCain is facing a primary challenge from the right in former Rep. J.D. Hayworth.

Under the Arizona law, which passed the state House last week and is expected to be signed by Gov. Jan Brewer (R), police can arrest anyone on "reasonable suspicion" that they are an illegal immigrant. If they are not carrying a valid driver's license or identity papers, police can arrest them.

You should note that under current law, illegal immigration is a federal crime, and state law enforcement officials can only ask about it if a person is suspected of another crime. ❖

Reported by *Tuscan Weekly*, Monday, April 19, 2010.

refusal of admission would result in extreme hardship to them. There is no waiver available to parents of U.S. citizens.

A noncitizen may establish extreme hardship as follows: health, financial considerations, education, personal considerations, along with other factors. Let us discuss these factors in more detail.

Health: This includes ongoing or specialized medical treatment; the availability and quality of the treatment in the home country; anticipated duration of the treatment; and whether the condition is chronic, acute, or long or short-term.

Financial considerations: With financial considerations the immigration officer looks at future employability; loss due to home, or business or termination of professional practice; decline in standard of living; the ability to recoup short-term losses; cost of extraordinary needs, such as special education or training for children; and cost of care for family members.

Education: When seeking a waiver under this form of hardship, immigration considers loss of education opportunities; lower quality or limited scope of education options; disruption of current programs; requirement to be educated in a foreign language or culture with ensuring loss of time for grade; and availability of special requirements, such as training programs or internships in special fields.

Personal considerations: When reviewing a waiver application under personal considerations, the immigration officer will look to see if there are close relatives in the U.S. and/or applicant's country of nationality/residence; separation from spouse/children; ages of involved parties; and length of residence and community ties in the United States.

Other factors: These factors may include any other explanation of how the applicant's personal circumstances may impose an extreme hardship on the qualifying U.S. citizen or lawful permanent resident. Some other factors may be cultural, religious, language, etc.

An unlawful presence waiver requires evidence to demonstrate that the qualifying family member will suffer extreme hardship and that the noncitizen merits a favorable exercise of discretion. For a VAWA waiver, the person must demonstrate a connection between the abuse/battery/extreme cruelty, and his departure from the United States and subsequent reentry. You will want to contact an immigration attorney to discuss whether you are eligible for any of these waivers and the documents you will need to provide to establish eligibility. ❖

Important Links and Resources for your Legal Research

Visa Bulletin for April 2010:
http://www.travel.state.gov/visa/frvi/bulletin/bulletin_4747.html

Nonimmigrant Visa Application Fees:
http://www.travel.state.gov/news/press/press_4603.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>

WOULD YOU LIKE TO BECOME DEBT FREE?

At The Greaves Law Group, our goal is to help you settle and negotiate your debt with individual creditors. We follow the debt-snowball plan taught by many financial and wealth experts. We negotiate your debt and work with your creditors to pay off your smaller debt, while continuing to pay on your other debt monthly. This debt relief 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.

Debt management and negotiation 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. Of course, this will involve some commitment on your part. You will need to provide us with a list of all your debt, be committed to making monthly payments thus allowing us to continue to pay the minimum payments on your debt each month. In turn, we will negotiate with your creditors, determine how much can be applied towards your smaller debt, and pay you minimum monthly debt (the new negotiated amount), while applying extra cash towards your smaller debt. With commitment, dedication, and patience from you, we can help you become debt free.

The Greaves Law Group is a debt settlement law firm helping 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 our debt settlement program. ❖

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

Contact us today for a free phone consultation

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