

# Legal Times

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## The Attorney's Corner

*Let us talk law today.*

Denise E. Greaves Esq.  
The Greaves Law Group, LLC

### **Petition for Widows or Widowers of U.S. Citizens or Special Immigrant Juveniles**

Under the Immigration and Nationality Act a widow or widower of a U.S. citizen may now be able to immigrate to the United States. Section 568(c) of Public Law 111-83 amended the Immigration and Nationality Act so that widows or widowers may be eligible to immigrate, even if they and their deceased spouse were married for less than two (2) years when their spouse died. This change took effect on October 28, 2009, when the President signed the new law. As a result, a widow or widower may now file a petition for special immigrant classification as a widow/widower, even if you were married less than 2 years when your spouse died.

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## Recent Immigration News

*Recent changes which may affect you.*

Denise E. Greaves Esq.  
The Greaves Law Group, LLC

### **ICE Busts California Flight School In Massive Visa Fraud Scheme**

The former owners of a California flight school have pleaded guilty in a massive visa fraud scheme in which they hired illegal immigrants as flight instructors.

Andrew Burr and Christopher Watson, the former president and vice president of Anglo-American Aviation, pleaded guilty to misdemeanor counts of hiring unauthorized workers, part of a larger felony case against their company that was the culmination of a two-year investigation by Immigration and Customs Enforcement. ICE officials found that from 2001-2008, the company hired 11 illegal immigrants as flight instructors.

ICE investigators focused on a four-month period in the summer of 2007, when the school issued visa documents to more than 100 foreign students, even though the Federal Aviation Administration had revoked their certification to train commercial pilots.

The company was abusing an online database developed in the wake of 9/11 to track foreign students, according to ICE officials. Without that FAA certification, the company was forbidden to issue I-20 immigration documents to its students.

At the hearing, Burr and Watson were sentenced to five years' probation, and along with that the flight school must forfeit \$250,000 in illegal profits. Anglo-American Aviation Inc. also pleaded guilty to felony charges for making false statements and creating false visa documents. Sentencing is on June 21, 2010. ❖

FOXNews.com - Updated May 25, 2010

The petition must be filed no later than two (2) years after the U.S. citizen's death. If the spouse died before October 28, 2009, however, and the parties were married for less than two (2) years, the widow or widower can file a petition for Special Immigrant Classification as a widow/widower, so long as the petition is filed no later than October 28, 2011. The children of the widow(er) will qualify to immigrate derivatively through the surviving spouse. Eligibility to immigrate as the widow or widower of a U.S. citizen ends if the widow(er) remarries before immigrating.

If the widow(er) lives in the United States and is eligible to adjust status, he or she may file a petition together with their adjustment of status application. If the widow(er) lives abroad, the widow(er) should submit the petition to the U.S. consulate in their county. The widow(er) will file the petition on her behalf and must include:

- Documentation of her spouse's U.S. citizenship;
- Documentation proving the death of her U.S. citizen spouse;
- Documentation establishing her marriage to the U.S. citizen, along with other documents.

Special immigrant juveniles are by definition already in the United States. Hence, if USCIS approves their petition a visa number will become immediately available to them. Therefore, they must file the special immigrant petition along with an adjustment of status. The juvenile may file the petition on their own even if they are under the age of fourteen. The petition may also be filed by another person with a special interest in the child regardless of that person's immigration status. As such, a representative of a social service agency, a juvenile court official, a foster parent, or any other competent person may file the petition on the juvenile's behalf. Documentation to be presented with the special immigrant juvenile petition would include a birth certificate establishing the child is under the age of twenty-one, along with some other documents.

For further explanation regarding widows or widowers of United States citizens, and the Special Immigrant Juvenile petition, please contact an immigration attorney. ❖

*Important Links and Resources for your Legal Research*

Landlord-Tenant Handbook:  
<http://www.dca.state.ga.us/housing/housingdevelopment/programs/downloads/landlord/contents.html>

Fair Housing Act:  
[http://www.thelpa.com/lpa/landlord-tenant-law/fair\\_housing\\_act.html](http://www.thelpa.com/lpa/landlord-tenant-law/fair_housing_act.html)

Georgia Landlord-Tenant Law:  
<http://www.thelpa.com/lpa/landlord-tenant-law/georgia.html>

Visa Bulletin for June 2010:  
[http://www.travel.state.gov/visa/bulletin/bulletin\\_4879.html](http://www.travel.state.gov/visa/bulletin/bulletin_4879.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>

## LANDLORD'S FAILURE TO RETURN SECURITY DEPOSIT

In Georgia, there are specific rules governing the collection, handling, and return of residential security deposit. This legislation was enacted to prevent the wrongful withholding of the security deposit by major residential landlords. The residential security deposit has no application to either (1) commercial leases, or (2) residential leases under which the owner of the property is a person together with their spouse collectively own ten or few rental units. This second provision does not apply where the landlord collects the rent through a management company.

In the residential lease, prior to tendering a security deposit, the tenant must be presented with comprehensive list of existing damages to the premises. The tenant has a right to inspect the premises prior to taking the property to determine whether the list is accurate. If the tenant agrees with the list, both the tenant and landlord will sign the listing. If the tenant disagrees with the list, the tenant must specifically state in writing the items he disagrees with, and sign his statement of dissent.

Under the residential lease, within three days after the tenant vacates the landlord is required to inspect the property and prepare a list of damages and estimated dollar value in order to provide a foundation for any charge against the security deposit. The tenant may within five days after terminating his occupancy, inspect the premises to ascertain the accuracy of the landlord's list.

The landlord is obligated to return the security deposit within one month after termination of the lease. Although the security deposit is generally intended to protect the landlord against physical damage to the leased premises, no security deposit may be retained to cover ordinary wear and tear so long as the premises were used for the purposes intended. If the landlord desires to retain all or part of the security deposit, he is statutorily obligated to forward the tenant a written statement specifying the exact reasons for retention of any part of the security deposit withheld.

A residential landlord who fails to return all or part of the security deposit is statutorily liable to the tenant in an amount equal to three times the sum withheld, plus reasonable attorney fees. ❖

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

**Contact us today for a free phone consultation**

<http://www.greaveslawgroup.com>

[info@greaveslawgroup.com](mailto:info@greaveslawgroup.com)

(404) 287 - 2377

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