

Legal Times

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The Attorney's Corner

Let us talk law today.

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

The Benefits and Responsibilities of Citizenship

Naturalization is the process by which U.S. citizenship is granted to a foreign citizen or national after he or she fulfills the requirements established by Congress in the Immigration and Nationality Act (INA). In most cases, an applicant for naturalization must be a permanent resident (green card holder) before filing. Except for certain U.S. military members and their dependents, naturalization can only be granted in the United States. It is through the naturalization process that an individual may become a U.S. citizen.

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Recent Immigration News

Recent changes which may affect you.

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

Did USCIS Immediately Deny Your Adjustment of Status Application Following a Change of Employment?

There are some questions about USCIS not issuing Notices of Intent to Deny following a change of jobs, as required by the American Competitiveness in the 21st Century Act (AC21) and USCIS policy guidance, but instead is **immediately** denying pending Form I-485 (Application to Register Permanent Residence or Adjust Status) applications. Does this apply to you?

If a foreign national is: (1) the beneficiary of an approved Form I-140 (Petition for Immigrant Worker); and (2) has a Form I-485 pending for 180 days or more, s/he is eligible to change to a same or similar position. If the underlying, approved Form I-140 is withdrawn, and no evidence of a new qualifying offer of employment was submitted, then, USCIS must issue a Notice of Intent to Deny the pending Form I-485.

However, there are some cases where USCIS may deny the Form I-485 in cases of portability (the ability to change jobs) before first issuing a Notice of Intent to Deny in certain limited circumstances. These include, for example, where the beneficiary is ineligible for the benefits of the Form I-485 by statute, or the Form I-140 is withdrawn before the Form I-485 was pending for 180 days.

Do you think your case was erroneously denied? If so, you may be able to file a Motion to Reopen or Reconsider in which case USCIS may further review your case. ❖

Department of Homeland Security – Revised June 15, 2010

Benefits

The Constitution and laws of the United States give many rights to both citizens and non-citizens living in the United States. However, some rights are only for citizens, such as:

- **Voting:** Only U.S. citizens can vote in Federal elections. Most States also restrict the right to vote, in most elections, to U.S. citizens.
- **Bringing family members to the United States:** Citizens generally get priority when petitioning to bring family members permanently to this country.
- **Obtaining citizenship for children born abroad:** In most cases, a child born abroad to a U.S. citizen is automatically a U.S. citizen.
- **Traveling with a U.S. passport:** A U.S. passport allows you to get assistance from the U.S. government when overseas.
- **Becoming eligible for Federal jobs:** Most jobs with government agencies require U.S. citizenship.
- **Becoming an elected official:** Many elected offices in this country require U.S. citizenship.
- **Showing your patriotism:** In addition, becoming a U.S. citizen is a way to demonstrate your commitment to your new country.

The above list does not include all the benefits of citizenship, only some of the more important ones.

Responsibilities

To become a U.S. citizen you must take the Oath of Allegiance. The Oath includes several promises you make when you become a U.S. citizen, including promises to:

- Give up all prior allegiance to any other nation or sovereignty;
- Swear allegiance to the United States;
- Support and defend the Constitution and the laws of the United States; and
- Serve the country when required.

U.S. citizens have many responsibilities other than the ones mentioned in the Oath. Citizens have a responsibility to participate in the political process by registering and voting in elections. Serving on a jury is another responsibility of citizenship. Finally, America becomes stronger when all of its citizens respect the different opinions, cultures, ethnic groups, and religions found in this country. Tolerance for differences is also a responsibility of citizenship. When you decide to become a U.S. citizen, you should be willing to fulfill the responsibilities of citizenship. ❖

Important Links and Resources for your Legal Research

Child Support Calculator:
<https://services.georgia.gov/dhr/cspp/public/SupportCalc>

Birth Certificate Request Form:
<http://health.state.ga.us/programs/vitalrecords/birthform.asp>

Georgia Child Support Commission:
<http://www.georgiacourts.org/csc/>

Study Materials for Naturalization Test:
<http://www.uscis.gov/teststudymaterials>.

Visa Bulletin for July 2010:
http://www.travel.state.gov/visa/bulletin/bulletin_5019.html

USCIS page for processing time reports and individual case status:
<https://egov.uscis.gov/cris/jsps/index.jsp>

MODIFICATION OF TEMPORARY ALIMONY AND CHILD SUPPORT

In Georgia an order for temporary alimony is subject to revision by the court at any time. The basis for this law is that the temporary hearing is merely a preliminary investigation into the merits of the case and daily subsistence of the spouse and children involved.

The award of the temporary alimony and child support may be reviewed by the trial judge at any time prior to the final determination of the case, or after the final determination if the verdict and decree are reopened by direct attack or appeal to the Georgia Supreme Court. Also, if there was a previous award of alimony and child support prior to the final verdict or judgment, it can be modified after the final judgment if accomplished within the same term of court. You should note that the authority of the trial judge to modify an order as to temporary alimony or child support does not necessarily depend on a change in condition of the parties after the prior order. At the same time, however, any order of modification must be based on competent evidence or made within the exercise of sound discretion, rather than being arbitrarily made. As such, this standard would imply that there should be some new evidence or change in circumstances before the trial judge may modify a previous award.

Any order modifying a previous award of temporary alimony or child support must be preceded by notice and an opportunity for a hearing, whether or not the application is for an increase, a reduction, or a change in terms. Also, a revision of an order for temporary alimony or child support that was incorporated with an agreement between the parties does not change the provisions of the agreement, except as amended by the order of modification.

An order allowing temporary alimony and child support will continue in effect until the happening of any one of the following events:

- The case is finally determined either by final judgment and decree or if the decision is directly attacked by motion;
- The order is revoked or modified by the trial judge;
- The order expires of its own terms; or
- Voluntary reconciliation between the parties. ❖

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Contact us today for a free phone consultation

<http://www.greaveslawgroup.com>

info@greaveslawgroup.com

(404) 287 – 2377

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