



# Joseph Law Firm, P.C.

## Immigration Law Specialists

NEWSLETTER

JANUARY/FEBRUARY 2012

### Exciting News!

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## NEW PROPOSED RULE WOULD DECREASE TIME ABROAD FOR MANY CONSULAR PROCESSING CASES

*Contributed by Aaron C. Hall, Associate Attorney*

On Friday, January 6th, Alejandro Mayorkas, the director of United States Citizenship and Immigration Services, announced a proposed rule which could help thousands of families seeking to legalize the immigration status of one of their members.

Currently, if a person present in the United States entered the country without being inspected, they must leave the country in order to gain lawful permanent resident status based on the petition of a spouse or other immediate family member. As soon as they leave the

United States, their previous unlawful presence triggers a 3 or 10 year bar to their return. Which means when they are abroad in their home country, they must file for and obtain a waiver of their unlawful presence bars before they can return. In order to obtain the waiver, they must establish that their absence from the United States is causing "extreme hardship" to their qualifying family members in the United States who are U.S. citizens or lawful permanent residents.

The problem is that the adjudication process for these waivers can sometimes take a year or

longer. At a minimum, families face a long period of separation while trying to become legal. Of course, there is no guarantee that the waiver will be approved after the long adjudication.

If implemented, the new proposed process would allow those seeking to legalize their status through consular processing to submit their waiver applications for pre-approval before leaving the United States. While such applicants would still have to leave the United States to receive their status, the new process would have the

potential to drastically decrease the time that they are abroad away from their citizen spouses and families.

As of now, the new rule is just a proposal and has not been implemented. There is no date certain for implementation. Also, it appears that the new pre-approval process would only be available for the waiver of unlawful presence bars. Those who also need waivers for bars triggered by criminal convictions or past fraud would have to continue to follow the old process where their waivers are submitted and adjudicated abroad.



## JOSEPH LAW FIRM, P.C. IN THE COMMUNITY

During the month of January, Jeff Joseph and Amber Blasingame gave two presentations in the community. At the first event, Jeff and Amber spoke to the El Paso County Bar Association on the Intersection of Immigration Law with Other Law Disciplines.

Later in the month Jeff and Amber presented to the Solo and Small Practice Section of the Colorado Bar Association on "Crimmigration: The Intersection of Immigration and Criminal Law".

On January 11th, Jeff Joseph was a speaker and presenter on a national teleconference sponsored by the American Immigration Lawyers Association on current trends and legal issues in K-1 fiancée visa processing.

At the end of January, Jeff travelled to Costa Rica to attend the Midyear Conference of the Board of Governors of the American Immigration Lawyers Association (AILA). Jeff currently serves as a board member for AILA.

## OUR SERVICES

### Joseph Law Firm, P.C. —

A full service Immigration law firm for over ten years. We use our knowledge, teamwork, professionalism and expertise to provide the highest quality legal services and results to individuals and businesses, one client at a time.

Our attorneys are all members of the American Immigration Lawyers Association, the national association of immigration attorneys.

We have successfully represented clients before the Citizenship and Immigration Service, the Immigration Courts, the Board of Immigration Appeals, and the Federal Courts.

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## WHAT'S IN YOUR WALLET? UNINTENDED CONSEQUENCES OF SECURE COMMUNITIES FOR UNITED STATES CITIZENS

*Contributed by Kim Tremblay, Associate Attorney*

Many immigrants subject themselves to the immigration process to finally arrive to the day when they can take an oath of citizenship and be done with dealing with immigration agencies. However, the New York Times recently reported on several incidents where Immigration and Customs Enforcement detained naturalized and United States born U.S. citizens and initiated removal proceedings against them. Although exact figures are not available, one study documented at least 82 cases between 2006 and 2008. Part of the blame for these incidents can be placed on Secure Communities, the Department of Homeland Security program that allows local law enforcement agencies to verify immigration



status. The Secure Communities database is not always accurate. The Department of Homeland Security fingerprints immigrants at every step of the immigration process eventually leading to citizenship and does the same for people it is trying to remove from the country. Thus, the Department of Homeland Security presumably has the fingerprints of all naturalized U.S. citizens. However, fingerprints are being matched with inaccurate data, causing the unauthorized detention of naturalized U.S. citizens without a realization that these persons are indeed U.S. citizens. Advocacy to abandon or restrict Secure Communities is important. However, in the meantime, maybe carrying a laminated passport cards would not be such a bad idea.

## CLIENT TESTIMONIAL

*Contributed by Ramon Romero*

“As an adolescent I had the privilege of coming to the United States. I was very young and naïve. I had much to learn, but I understood the principles of being an American. Unfortunately, as I grew older, I became aware of the fact that I was here illegally. Along with being young, I also made decisions I regret.

My case was very complicated and had very little hope. I am eternally grateful. Not only did my attorney, Koby Polaski, and paralegal, Lindsey Lovgren, at Joseph Law

Firm, P.C. understand my legal situation, they also did everything in their power to ensure I stayed in the country I knew. The United States is my home; it has been for many years. Thanks to Koby and Lindsey I can proclaim that I am here legally. Our founding fathers stated that all men have the right to life, liberty and the pursuit of happiness. I desire to work hard for my country and my family. I want to thank Koby and Lindsey for resolving my case. Thanks to them I recently received my permanent resident card.”



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