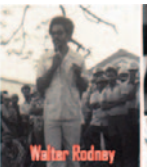
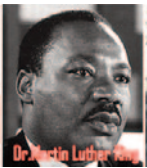


# The Immigrant's Journal

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Vol. 109

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## From Visit to Long-term Commitment: Getting a Green Card Through Marriage

BY RHEA BATTLES

You came to the U.S. this summer, enjoyed Labor Day, got a “good wine on de Parkway,” and, before you know it, a relationship with an American citizen heats up to the point where you no longer want to go back where you came from. You fell in love. Do you know what your options are? It's important to know how to proceed, because a future with your beloved is at stake.

Once you reach the time limit of your visit, you are in the country illegally.



Marriage prior to your visitor pass expiration is your best option if you have found the person you want to spend your life with. Immigration law states that someone visiting the U.S. from another

country – either on a visa or visa waiver – who marries an American citizen and plans to stay in the country permanently and lawfully, must apply for an “adjust-

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## USCIS Visa Denials Are on the Rise



BY TORY JOHNSON

Legal immigration channels to the United States are continuing to suffer under the Trump administration. These restrictions are having an effect on employment-based immigration—particularly petitions for temporary foreign workers.

American businesses file such petitions in order to hire and retain foreign-born workers who make vital contributions to companies, industries, and the U.S. economy.

Yet U.S. Citizenship and Immigration Services (USCIS) is denying and scrutinizing some of the most relied-upon petitions at a higher rate than in the past. USCIS data through June 2019, show a clear uptick in denials and requests for evidence (RFEs) for H-1B and L-1 petitions.

In the first three quarters of the current fiscal year (ending October 1), USCIS denied 16.1% of initial H-1B petitions. That denial rate is nearly four times higher than it was in FY 2015. The denial rate has experienced a steady increase each year since FY 2015.

USCIS denied 28% of initial L-1 petitions in the first three quarters of FY 2019. That denial rate is significantly higher than what it was in the past four fiscal years.

USCIS also is issuing more RFEs, essentially asking for additional documents to confirm the validity of the

*continued on page 2*

## New Public Charge Rule Imposes Wealth Test on Newcomers

BY AARON REICHLIN-MELNICK

The Department of Homeland Security (DHS) published the final version of its new “public charge” regulation on September 30. The rule would make it easier for the government to deny a green card or visa to immigrants it believes are likely to receive certain public benefits in the future. This would make it significantly harder for immigrants who aren't already successful to come to the United States.

Speaking to NPR, U.S. Citizenship and Immigration Services Acting Director Ken Cuccinelli rejected criticism of the rule. He claimed that Emma Lazarus's poem on the Statue of Liberty should actually be read to say, “Give me your tired and your poor who can stand on their own two feet and who will not become a public charge.”

Under current law, immigrants applying for admission to the United States or those already here and seeking a green card must prove they are not “likely to become a public charge.” Since 1999, this has required immigrants to prove that they will not become “primarily dependent” on certain cash welfare programs.

The new rule, which goes into effect in mid-October, adds food stamps, Medicaid, and Section 8 housing to the list of public benefits that can lead to someone being deemed a public charge. It also removes the requirement that someone become “primarily dependent” on benefits. Instead, the agency can deem someone a public charge if they use any of those benefits for 12 months out of a 36-month period. If someone uses two or more benefits in a single month, each benefit counts separately. This means someone enrolled in both food stamps



and Medicaid would be declared a public charge after six months of use instead of 12.

According to the Migration Policy Institute, nearly half of all new immigrants are at risk of visa denial under the new rule. Even spouses of U.S. citizens will have to prove they won't

*continued on page 4*



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# Immigrant Children with Cancer, HIV & Cerebral Palsy Threatened with Deportation

BY WALTER EWING

Without so much as a formal announcement, the Trump administration sent letters to families of sick children containing a dire warning: leave the country in 33 days or face deportation and a years-long ban on returning. Many of those who received a letter last week are Boston-based immigrants whose children suffer from cancer, cystic fibrosis, and HIV, among other illnesses.

Up until now, the children and their families had benefited from a U.S. Citizenship and Immigration Services (USCIS) program known as “medical deferred action.”

This program allows immigrant families to remain in the United States for two-year periods if they can prove that a family member needs life-saving treatment for “serious medical conditions.” Many of the families in the program entered the United States through a visa or another legal channel. Deferred action enabled them to stay so the family member could receive medical treatment.

USCIS says medical deferred action has been revised and is now limited to the foreign-born relatives of U.S. military service members.

This abrupt change in policy—reportedly implemented with no formal notice on August 7—leaves the future of many children in doubt. Children who are now receiving treatment for illnesses such as epilepsy, cerebral palsy, and muscular



dystrophy will be forced to return to countries where the medical treatment they need to survive may not exist.

Some parents of the children, as well as several U.S. public officials, regard the new policy as a de facto death sentence.

For instance, 16-year-old Jonathan Sanchez has been receiving treatment for cystic fibrosis for three years at Boston Children’s Hospital. With continued treatment, he has a life expectancy of 37 years. But if he is forced back home to Honduras? His mother puts it simply: “He would die.” In fact, his sister died of cystic fibrosis 18 years ago in Honduras. Not surprisingly, USCIS’s decision to deport seriously ill children has been met with fierce criticism.

Boston Mayor Marty Walsh called the new policy “absurd and inhumane.” And Massachusetts Senator Ed Markey wrote, “the Trump administration is now literally deporting kids with cancer.”

A USCIS spokesman told one media outlet that the new policy does not defin-

itively take deferred action off the table, but that U.S. Immigration and Customs Enforcement (ICE) will now consider requests for temporary relief from deportation. The letters sent by USCIS, however, don’t mention the transition to ICE.

The letters simply state that “when you submitted your request [for deferred action] you were present in the United States contrary to law” and have 33 days to leave, or else the federal government will begin removal proceedings. Many families reportedly did not even receive the letters in their mailboxes until halfway through the 33-day period.

The American Civil Liberties Union (ACLU) of Massachusetts is exploring possible legal action against the federal government over this new policy.

It is not yet known how many people are affected by the change or if letters have been sent to anyone outside of the Boston area. Yet for the families who received notice of the shift, the fear is immediate.●

## Visa Denial/

*continued from page 1*

application. While seeking additional evidence may seem minor, in practice, RFEs may add months to an already arduous process that can hinder an employer’s ability to plan and meet business needs.

The RFE rate for H-1B petitions has increased by 78% in the last five years, reaching almost 40% in the first three quarters of FY 2019, compared to 22 and 21% in FYs 2015 and 2016, respectively. And even when petitioners respond with additional information, increasingly USCIS maintains the denial. In FY 2019 (as of June), only 63% of H-1B petitions were approved after an RFE was issued, compared to 83% in FY 2015.

The RFE rate for L-1 petitions is even higher, nearing 54% in the first three quarters of FY 2019. By comparison, the L-1 RFE rate was just 34% in FY 2015. Again, even after responding to the RFE, many petitions are still denied—the approval has been about 50% since FY 2017.

USCIS denials for these groups have



been increasing under the Trump administration, most noticeably after the President’s Buy American, Hire American executive order. Critics further point to changes USCIS made—without congressional involvement—that affect how the agency evaluates and adjudicates these petitions.

USCIS released some information in 2018, regarding reasons for issuing denials and RFEs. The most common reason USCIS issued an RFE in 2018, for H-1B petitions was because the position did not satisfy the “specialty occupation” definition or criteria.

The administration issued new guidance in 2018, that significantly affected the understanding of “specialty occupa-

tions.” The changes were prominent and controversial, in part due to predictions that it would further restrict U.S. businesses’ ability to hire and retain talented workers born outside the country.

Many businesses are fighting these denials and pushing back on the policies enabling USCIS to adjudicate petitions with a narrow interpretation of the rules. While some petitions are still moving through USCIS, it is clear that rising denial rates has become a persistent trend. For many American businesses, this trend is one that fosters uncertainty and presents additional challenges to achieving their goals and contributing to the modern economy.●



# Exploitative Employers Off Scot-free While Immigrant Workers Have Their Families and Lives Ripped Apart

BY AMERICA VOICE

In the aftermath of the Mississippi family separation raids, a key question emerges: why is ICE arresting the immigrant workers and ripping their families apart but doing nothing to hold their employers accountable? Perhaps it has something to do with the fact that as an employer, the boss of ICE and the boss of the Trump Organization is more interested in demonizing Latino immigrants than in going after fellow billionaires who take advantage of them.

Angela Stuesse explains in the *Washington Post* how employers in the South recruited undocumented immigrant laborers to undercut African-American labor organizing. After initially recruiting immigrant workers from Florida, the poultry plants paid their increasingly Latino workforce a bounty for bringing in new workers. She explains why:

“With the threat of family separation, detention and deportation hanging over people’s heads, immigrant workers are less likely to organize and less likely to speak out against poor conditions — and employers are more likely to take advantage of them. This ripples through the economy, depressing wages for U.S.-born workers, as well. The mounting threat of deportation and rising xenophobia help keep workers compliant, serving owners’ interests and consumers’ pocketbooks — but harming the people who prepare our food.”

Sound familiar? If so, it’s because Trump and his Organization have long relied on exploitable undocumented workers to build his clubs and maintain his properties.

In fact, similar to the pipeline of undocumented workers recruited by Mississippi plant owners, the Trump Organization recruited undocumented employees from Costa Rica. As the *Washington Post*’s Joshua Partlow, Nick Miroff, and David Fahrenthold reported in February:

“Soon after Trump broke ground at Bedminster in 2002 with a golden shovel, this village emerged as a wellspring of low-paid labor for the private club, which charges tens of thousands of dollars to

join. Over the years, dozens of workers from Costa Rica went north to fill jobs as groundskeepers, housekeepers and dishwashers at Bedminster...”

The media reports that the New York and the New Jersey Attorneys General’s offices are looking into the pattern and practice of illegality and abuse. Not surprisingly, no such investigation is happening at the federal level. In fact, Trump commuted the only employer of late to be convicted and incarcerated after a mass immigration raid. It seems this administration operates from the theory that poor, exploited, hardworking immigrants are the threat, while American employers who break the law, exploit immigrant workers, undercut native-born workers and gain an unfair advantage over law-abiding competitors, are not.

Partlow and Fahrenthold revealed yet another front in the Trump Organization pattern and practice of illegality and abuse — the mobile construction crew:

“For nearly two decades, the Trump Organization has relied on a roving crew of Latin American employees to build fountains and waterfalls, sidewalks and rock walls at the company’s winery and its golf courses from New York to Florida.

...President Trump “doesn’t want undocumented people in the country,” said one worker, Jorge Castro, a 55-year-old immigrant from Ecuador without legal status who left the company in April after nine years. “But at his properties, he still has them.”

The hiring practices of the little-known Trump business unit is the latest example of the chasm between the president’s derisive rhetoric about immigrants and his company’s long-standing reliance on workers who cross the border illegally.

Another immigrant who worked for the Trump construction crew, Edmundo Morocho, said he was told by a Trump supervisor to buy fake identity documents on a New York street corner. He said he once hid in the woods of a Trump golf course to avoid being seen by visiting labor union officials.

“...By employing workers without legal status, the Trump Organization has an

advantage over its competitors, particularly at a time when the economy is strong and the labor market tight, according to industry officials. Undocumented employees are less likely to risk changing jobs and less likely to complain if treated poorly.

According to Frank Sharry, Executive Director of America’s Voice:

“Donald Trump is not only the Divider-in-Chief, he’s the Exploiter-in-Chief. The administration’s approach to the Mississippi poultry plants embodies the Trump approach perfectly: find undocumented workers who will work hard, work for less, and are unlikely to demand overtime pay or benefits or leave; cheat them and profit off of them for years; and, when in trouble, dehumanize and discard the immigrant workers while claiming innocence.

Americans need to remember: at Trump properties and at Mississippi poultry plants, the undocumented workers didn’t hire themselves; their employers did. And they did so because they could take advantage of the immigrant workers. Instead of criminalizing hardworking immigrants, we should be putting them on a path to legal status. And instead of giving unscrupulous employers a pass, we should combine the legalization of undocumented workers with a crackdown on the labor abuses of exploitative employers.

While he spends the weekend plotting new ways to hold onto power by dehumanizing Latinos and immigrants, we should remember he will be staying in a mansion built and maintained by undocumented immigrants. This reality captures the beating heart of Trump and Trumpism — racism and xenophobia for his core supporters, and plutocratic privilege and impunity for the Trumps and their rich friends.

There should be a type of legal filter on this new attack on immigrants, we must do everything possible to ensure that this violent verbal rhetoric does not open the door to fascism.”●

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The Immigrant’s Journal Volunteer Intern Program was introduced to give our volunteers the opportunity to work in an immigrant friendly environment while developing the necessary skills for college or law school. They assist our staff in resolving immigration and other legal concerns through personal interviews, radio, email and telephone contact. They also assist the public with citizenship applications and in researching whether or not children of naturalized U.S. citizens have derived citizenship from their parents. Some of our volunteers assist our legal staff by engaging in legal research and writing letters on other legal issues. Volunteer interns are also assigned various other jobs in our Youth Programs.

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# Pulling Up America's Welcome Mat: The Move to Halt Refugees Is Un-American

BY AMERICA'S VOICE

Leading editorial boards and observers nationwide are rebuking the Trump administration for their un-American and deeply damaging decision to slash refugee levels to only 18,000 for next year — the lowest number in history at a time when the need for refugee resettlement is at historic highs worldwide.

Below are key editorials and excerpts slamming the decision:

In "Trump Tears Up the Welcome Mat" *The New York Times* editorial board discusses the unwelcoming nature that Trump and his administration have created for refugees seeking protection:

"This is the administration's latest message to anyone dreaming of a freer life in America: that they should just stay away. The Trump administration has systematically acted to bar as many refugees and asylum seekers as possible, virtually from its first day, supplanting America's traditional welcome to the world's desperate people with a spirit of xenophobia and bigotry."

Led by Stephen Miller, a zealot who has planted lieutenants throughout the government, the Trump White House has made its anti-immigration campaign something akin to a crusade, with "the wall" along the Mexican border as its symbol.

In "Trump Is Making America Meek, Churlish and Inhospitable," *The Washington Post* editorial board continues on the same drumbeat:

"Gratuitously, he is also, in effect, inviting communities to turn their backs on the world's most vulnerable and desperate. In announcing that it would slash refugee admissions, the administration also said Mr. Trump had issued an executive order requiring that states and localities consent, in writing, to the resettlements of people already thoroughly vetted by the Department of Homeland



CHICAGO, ILLINOIS USA - JUNE 30, 2018: Demonstrators at the Families Belong Together rally protest the plight of migrant children separated from their families at the border. Photo: shutterstock.com

Security and other agencies. Whatever the impact of that order — and officials suggested it would be minimal — it's a disgrace on its face.

... Ultimately, the refugee program is a barometer of America's prestige. It stands as an example to other nations. As it contracts, so too does this country's greatness."

The *Dallas Morning News* editorial board in "Trump Is Dismantling the System for Legal Refugees. Why?" discusses the legality of disassembling the refugee ban:

"This is all the more tragic because we're living through the greatest refugee crisis since World War II, with more than 70 million men, women and children forcibly displaced around the world. Historically, the U.S. has led the world in refugee resettlement. But in 2017, according to the Pew Research Center, for the first time, "Non-U.S. countries resettled more than twice as many refugees as the U.S."

Why? Too often refugees who come to the U.S. in an orderly process are unfairly conflated with uncontrolled migration. Most asylum-seekers arriving at the southern border, for example, many of whom have legitimate claims, "are spontaneous unregulated arrivals," said Hetfield, "people who put their lives at risk to get into the United States without documentation."

But the millions of people resettled under the Refugee Act of 1980, are taking part in the "most legal form of migration that there is," said Hetfield. "Nobody can even get on a plane until they've been interviewed multiple times and cleared by homeland security and all the intelligence agencies. It's an entirely regulated and orderly process."

Lastly, Scott Martelle, an editorial writer for *The Los Angeles Times*, argues "Trump's limits on refugee resettlement are cruel and counterproductive":

In yet another set of draconian policy decisions by the Trump administration, the U.S. will accept no more than 18,000 refugees this coming year and, by adopting a new formula, will significantly reduce admissions for people fleeing persecution for reasons other than religion. Count this as a win for the immigration hard-liners and a loss for the nation.

At the same time, the government announced that it will allow state and local jurisdictions to refuse to accept refugees for resettlement through the nonprofit organizations the government relies on for help. That's an atrocious policy that will let local xenophobic politicians shut the door to people who the federal government says do not pose a risk to public safety.

...If there's any consolation here, it's that once refugees get resettled, there are no limits on where they can move, which means the new policy primarily serves as yet another "you're not welcome" sign. ●

## Public Charge Rule/

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ever rely on public benefits or be barred from entry. As many as 200,000 immigrant spouses could be at risk of being denied a green card under the new rules. The full impact of the rules isn't clear yet, but it's easy to see the direction this is heading.

A similar change made last year at the State Department to tighten public charge rules has already had a significant effect. In the first ten months of fiscal year 2019, a total of 5,343 Mexicans were denied visas on public charge grounds. The State Department only denied seven visas in the entirety of fiscal year 2016.

As a result of this change, we will likely see fewer green cards issued for immigrants from countries President Trump has frequently attacked. Low-income immigrants will be at high risk of being denied entry under the new rule.

The rule provides that individuals who earn more than 250% of the Federal Poverty Guidelines will generally pass the test. But those who earn less than that amount—hundreds of thousands of intending immigrants each year—would be forced to prove a negative.

The new rule doesn't apply to some individuals who are exempt from public charge rules by law. This includes refugees and other beneficiaries of humanitarian programs. The rule also exempts benefits used by U.S. citizen children. In addition, benefits used before the rule goes into effect will not lead to someone being deemed a public charge automatically.

America has long been a country that provided an opportunity for the tired, the poor, and the hungry to pursue their dreams. But Monday's new public charge rule would impose a wealth test that would lock many legal immigrants out.

This country was built by those who came here with a strong desire to work hard and build a brighter future. This new rule undermines that tradition.

If you are an immigrant with any concerns about how this new legislation may impact your particular situation, call 855-768-8845 for a FREE consultation. ●

## When Do You Represent Yourself in Court?

Everybody's probably heard the old adage, "He who acts as his own lawyer has a fool for a client," but apparently people either don't believe it, or they believe they're the exception to the rule. I say that because the percentage of "pro se" (i.e. self-represented) litigants continues to rise year after year. Why do people represent themselves in court? Generally, there are two reasons: (1) you feel like you know the facts of your case better than anyone else, including the lawyer that you hired; or (2) you say you can't afford a lawyer. Okay, there may be a third reason, too—you're insane.

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# Immigrants and Their Children Founded Almost Half of All U.S. Fortune 500 Cos.

BY WALTER EWING

From the highest levels of corporate America to virtually every level of the labor force, immigration creates new jobs in the U.S. economy. The businesses founded by immigrant entrepreneurs directly employ all types of workers. Immigrant workers also support the jobs of other workers through the wages they spend and the work they perform. This is especially true in the case of high-skilled immigrants who earn relatively high incomes and often devise innovative technologies. This dynamic helps bolster the economy so that everyone—immigrant and native-born—mutually benefits.

Starting with the corporate perspective, a study from New American Economy reveals that nearly 45 percent of all Fortune 500 companies in the nation had at least one founder who was an immigrant or the child of an immigrant; 101 companies on the coveted list were founded by immigrants and an additional 122 were founded by the children of immigrants.

In Fiscal Year 2018, these “New American” Fortune 500 companies brought in a combined \$6.1 trillion in revenue—greater than the GDP of Japan.



In total, these 223 “New American” companies:

- Include powerhouses such as Broadcom, Levi Strauss, Marathon Oil, Hess, and Intuit.
- Employ 13.5 million workers worldwide—almost 11 percent more than the Fortune 500 companies that were not founded by immigrants or their children.
- Are concentrated in New York, California, Illinois, Texas, Virginia, Florida, and New Jersey.
- Would be considered the third largest economy in the world, based on their combined GDP.

In New York alone, New American Fortune 500 companies brought in revenue that equaled 56 percent of the state’s GDP and employed two million

people worldwide.

However, the economic role of immigration is not limited to the nation’s top companies.

All told, nearly 3.2 million immigrants in the United States run their own businesses, encompassing neighborhood stores, restaurants, professional services companies, and many other types of enterprises. These businesses often become important staples for all residents in their respective communities.

As the New American Economy points out, immigration fuels not just the entrepreneurial class in this country, but the high-skilled workforce. In 2017, more than 60 percent of adult immigrants admitted to the United States had a bachelor’s degree or more education. That

compares to just 15.7 percent in 1980.

This suggests that, from engineers to medical doctors, new immigrants are allowing the high-skilled labor supply to keep pace with high-skilled labor demand. This is particularly true in the case of STEM fields (science, technology, engineering, and math), where—as of 2016—there were 13 online job openings for every single unemployed STEM worker.

Among today’s new immigrants, nearly 28,000 have computer science degrees, while almost 18,000 have degrees in a health-related or medical field. Another 45,000 have business degrees.

These numbers are remarkable considering that two-thirds of all legal immigrants to the United States come through family channels. This demonstrates that our predominantly family-based immigration system is already playing an enormous role in bringing highly skilled immigrants to this country.

This is particularly important in the case of doctors, nurses, and engineers—all of whom are in relatively short supply in the U.S. labor force.

From the board room to the examining room, immigration powers the U.S. economy at many different levels.●

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## Visit to Long-Term/

*continued from page 1*

ment of status.” The process may seem intimidating and difficult, but with adequate preparation, decent organizational skills, a commitment of time, a willingness to read and follow instructions which sometimes are twice as lengthy as the forms they refer to, advice from an immigration lawyer, and sufficient money for both legal and filing fees, it can be done. It is also a concerted team effort requiring the efforts of both you and your new spouse.

## Who Needs to Apply for “Adjustment of Status”?

The U.S. Citizenship and Immigration Services (USCIS) does not grant a change of status to immigrants who marry for the primary purpose of obtaining resident status in the U.S., and will investigate all applicants for evidence of such intent. If, however, you visit the U.S. on a visitor pass, fall in love and marry a U.S. citizen, you will need to change your status from “visitor” to “permanent resident.” Permanent resident status includes issuance of a “green card,” or lawful permanent resident card, which allows its holder to lawfully live in the U.S., travel and work.

## Where to Begin?

A visit to the USCIS website ([uscis.gov](http://uscis.gov)) is a good place to start -- everything you need to know is there. Once you have a



good overview of the process, jot down questions you have. Schedule an appointment with an immigration attorney, preferably a member of the American Immigration Lawyers’ Association (AILA). Good preparation will enable you to spend your dollars wisely; rather than walking into an attorney’s office and asking, “What do we need to do?” you can develop a good basic understanding of the requirements.

It is a good idea to obtain legal counsel prior to your marriage. That way you can be advised how to proceed with your wedding plans, and you may also be advised to not seek paying jobs or travel outside the U.S. during your transition from “visitor” to “permanent resident.”

## The Next Step

The process begins only after you are married to an American citizen. Several forms -- all of which can be downloaded from the USCIS website, along with detailed instructions -- must be completed and submitted:

- I-130 Petition for Alien Relative
- I-130A Supplemental Information for Spouse Beneficiary
- I-485 Application to Register Permanent Residence or Adjust Status

- I-765 Application for Employment Authorization
- I-864 Affidavit of Support -- indicates that you have financial support (completed by sponsor)
- G-325A Biographic Information
- I-693 Report of Medical Examination and Vaccination Record

Forms I-130, G-325, and I-864 are to be completed by the citizen spouse. Form I-693 is to be completed by a physician authorized by the ISCIS to perform such examinations. A list of authorized physicians is available at the USCIS website under Civil Surgeon Locator.

## What You’ll Need

- Your Birth Certificate with Certified English Translation (if applicable)
- Your Passport and Evidence of Lawful Entry into the U.S.
- Your 4 Passport Photos & 2 of your Spouse (Must be 2"x2", Front View, Off-White Background)
- Any Judgments of Divorce or Death Certificates for all Prior Marriages with Certified English Translation (if applicable)
- Marriage Certificate with Certified English Translation (if applicable)
- Supporting evidence of a bona fide romantic relationship, including supporting statements from family members and friends, e-mails, photographs, proof of joint finances (for example, credit cards and utility bills), and proof of prior meetings (needed at interview)

- Personal Checks or Money Orders for \$535.00 and \$1,225.00 (Must be Payable to USCIS)
- Certified Certificate of Disposition(s) for any and all of your arrests
- Evidence of your Petitioning Spouse's Immigration Status

In addition, your American spouse needs to provide up to three years’ Federal tax returns, and evidence of employment along with the form I-864, Affidavit of Support.

Filing fees are required for each form I-130 (\$535.00) and I-485/I-765 (\$1,225.00) submitted. Each authorized medical facility charges separately for physical exams and necessary immunizations.

## Filing Your Paperwork

It is a good idea to have your attorney complete the paperwork with you as errors are easily made and can delay your process considerably.

## After You File

Within about 30 days following receipt of your filing, the USCIS district office will notify you of your biometrics appointment. You must go to the location specified to be fingerprinted and photographed, with the appointment notice and valid identification. This is simply another step in the verification of your identity and background.

*continued on page 7*

## WE TAKE CARE OF ALL YOUR IMMIGRATION NEEDS



*The Lawyer you hire does make a difference. Call us now at:*

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- ❖ Extraordinary Ability Visa (O-1, O-2)
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CREDIT CARDS  
ACCEPTED**



## Break Free From Abusive Relationships

BY JAMELIAH FRANCIS

Life in America, though it should be a wonderful experience, may turn out to be a nightmare for some persons. Certain relationships, whether intimate or otherwise, can bring about so much turmoil that it may cause individuals, especially women, to become very hopeless.

You may find yourself in a relationship, hoping to experience love, peace of mind, happiness and security, but in truth and in fact, your life becomes a living hell. You become a victim of abuse, whether emotionally, physically or otherwise.

This type of situation frequently occurs when a person, be it a man or a woman is undocumented and is seeking to be legalized. Even though the relationship may have been started in good faith, during the course of time, it often turns into an abusive one.

### Domestic Abuse

Domestic abuse is often misconstrued with domestic violence. However, domestic abuse involves any attempt to belittle or put down an individual. The use of fear, guilt, shame and intimidation are all weapons of an abuser. And this should be avoided at all costs.

Quite frankly, domestic abuse and violence respect no one and so anyone can fall victim. It occurs in marriages and parent-children relationships. It has no regards for age, education, economic level, religious belief or ethnic background. And though this is often the case with women, abuse also occurs among men as well. Nonetheless, despite its occurrence, abuse has no place in our society. People deserve to be treated as people, thereby having a sense of value, respect and love, regardless of their immigration status.

Remaining in an abusive relationship can cause more damage to an individual than can meet the eye. Apart from physical harm, persons may experience emotional and psychological hurt that could last a lifetime. This can severely dampen someone's self esteem, self-worth and result in irreversible anxiety and depression. This should never be the case for anyone; no one should be left to endure such discomfort. Therefore, if this is the situation, persons must first recognize it for what it is and take the necessary steps to stop it and prevent further pain.

### Signs of Abuse

Most often than not, the signs that you're in an abusive relationship are quite obvious. If you have a fear of your partner when speaking or doing other things that makes you happy or if you have to constantly walk on eggshells around them, then those are signs of an abusive and unhealthy relationship. Also, if there is a sense of fear when your partner is around



or he or she tries to control your every move, those are also signs that you're in an abusive relationship.

### There Is Help...Even for Undocumented Immigrants (VAWA)

Don't ever feel that you're alone in this and there's no hope. There are a number of programs available to persons who are in abusive relationships. In the case of persons who are undocumented, that is never a reason to remain in an abusive relationship. You deserve better! According to the National Domestic Violence Hotline, "The Violence Against Women Act (VAWA) is a landmark piece of legislation that sought to improve criminal justice and community-based responses to domestic violence, dating violence, sexual assault and stalking in the United States."

"Certain sections of the Violence Against Women Act provide immigration benefits to eligible spouses, parents, and children who have been victims of abusive U.S. citizens or Lawful Permanent Residents. Under VAWA, certain foreign nationals no longer have to rely on their family-member abusers to help them obtain lawful status in the United States and may self-petition for a green card."

VAWA green cards can be obtained by battered spouses, ex-spouses and children of United States Citizens and Lawful Permanent Residents. This particular green card is also available to the battered parents of United States Citizen children who are at least 21 years old when the application was filed. Unmarried children under 21 can be included on a battered spouse's (or ex-spouse's) VAWA self-petition.

It is always good to know what your options are available, given your particular situation. Hence, persons needing more information should consult a good immigration lawyer or tune in to Ask the Lawyer Radio Show on Thursdays from 10:00pm - 11:00pm or Sundays from 11:00 pm-12:00am on WVIP 93.5 FM. Also, for a FREE consultation or to refer a client, visit [www.askthelawyer.us](http://www.askthelawyer.us) ●

### Visit to Long-Term/ continued from page 6

#### Your Interview

Approximately 90-120 days after your biometrics appointment, you will be notified that you should return to the same location for your interview on a specific date, about 30 days following receipt of your notice. You can ask your attorney to be present. The purpose of the interview is to allow USCIS officials to probe more deeply into your relationship to uncover any attempts to circumvent immigration laws. If applications have been filed on behalf of any minor children, they, too, will be scheduled for interviews, but theirs will consist of little more than asking their names, ages, and maybe a few other innocuous questions.

Although your spouse will not receive a separate notice, he/she is expected to be present. The notice lists what you should bring with you to the interview. It is also an opportunity to take any supporting evidence of your marital relationship that was not yet available when you filed, e.g., evidence of a joint bank account, dependent health insurance coverage, and any correspondence, including junk mail, letters, cards and bills addressed to both of you.

#### Mission Accomplished!

When USCIS officials are satisfied that you have entered into a legitimate marriage, you will be notified that you have

been approved for a Lawful Permanent Resident card or Green Card, which authorizes you to lawfully live, travel, and work in the U.S. You can then apply for a Social Security card and seek employment. A two-year conditional Green Card is issued if you have been married fewer than two years, but you can petition to have the conditions removed provided you are still married at the time the conditional card expires (some exceptions do apply). Otherwise, Green Cards are valid for 10 years and are renewable.

The process of achieving permanent resident status does not have to be long and tedious. If forms are completed efficiently and accurately and submitted properly, scheduled appointments are honored and questions are answered thoroughly and honestly, the process can be completed relatively quickly, and you'll be able to seek employment alongside U.S. citizens in less than six months following your marriage.

#### Warning

If you walk down the wedding aisle for the wrong reasons, you can find yourself walking down the prison aisle to a prison cell for up to five years for those involved. Marriage fraud is a federal crime. Marriage fraud is not a victimless, innocent crime. For a FREE consultation, visit [www.askthelawyer.us](http://www.askthelawyer.us) ●

How will I get out of this **ABUSIVE** relationship?"

**GREEN CARD SLAVERY?**

Don't put up with ABUSE anymore! Whether married or not, whether your spouse is a U.S. citizen or Green Card Holder, we can get a Green Card for you and your children PLUS a divorce.

**Call 718-222-3155 now for a FREE consultation!**

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The publication for all workers: blue and white collar

## Caribbean American Weekly



## This Law Firm Supervises the Paralegal Certificate Program Clinic

### Areas of Service

The legal clinics are mainly conducted on Small Business Solutions, US Citizenship, Foreclosure Defenses, Wills & Estate and Worker's Rights. Additional clinical legal services exist in diverse areas such as immigration law, environmental law, intellectual property, housing, criminal defense, criminal prosecution, American Indian law and human rights. In those and other instances we refer participants to other programs after an initial consultation. Remember, legal fees are free when legal fees are allowed by the faulting party, by law, by contract or paid at the end through a contingency arrangement.

### Worker's Rights Defined

Everyday in NYC thousands of workers struggle to make ends meet. Their struggle is made more difficult when they do not have access to competent advice on legal issues, business and financial problems. Our program believes that prevention is always better than last minute cures. We believe that workers' rights are strengthened through preventive measures.

- Wage theft
- Unsafe Conditions & Workplace Injuries
- Workplace Discriminations & Harassment
- Paid Family Leave
- Paid Sick Leave
- Unemployment Insurance
- Workers Compensation and Social Security Consultations & Guidance

## Free Citizenship Drive for Chamber Members



The Chamber Coalition Supports



Caribbean American Weekly

## "Deportation Inoculation Drive"

### MINIMUM REQUIREMENTS:

- Be at least 18 years old
- Have a Green Card for 5 years or be married to a U.S. citizen for 3 years
- Be in the U.S. for over 30 months
- Read, write and speak English
- Be of good moral character
- Have no extensive travel or trips outside of the U.S. lasting longer than 6 months
- Be able to speak, read, and write in English at basic level unless applicant is 55+ years old and has a Green Card for 15+ years or is 50+ years old and had a Green Card for 20+ years

This FREE Citizenship Program does not apply to anyone who has ever been arrested since getting their Green Card.

**Need Help with  
Workplace Crimes?**

**T (Trafficking victim) visas**  
We help survivors of labor  
trafficking obtain  
immigration relief

### YOU MUST BRING:

- Your passport
- Green Card
- Two passport pictures
- A money order or check for \$725.00

### BENEFITS OF CITIZENSHIP:

- Gain the right to vote in U.S. elections
- Petition more easily for family members
- Obtain citizenship for children born abroad
- Become eligible for Federal jobs
- Travel with U.S. Passport



**We Can Help!**

**U (crime witness/victim) visas**  
We help survivors of serious  
workplace crimes who have  
cooperated with law  
enforcement apply for  
immigration relief

**SATURDAYS 9:00am - 1:00pm**  
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### DIRECTIONS:

By train: **2, 3, 4 & 5**, to Borough Hall  
or **A, C & F** to Jay Street/MetroTech.  
By bus: Take the downtown bound B25,  
B26, B37, B41, B45 or B52 to Court Street.

TO JOIN THE CHAMBERS' PARALEGAL CERTIFICATE PROGRAM VISIT [WWW.FREEPARALEGAL.ORG](http://WWW.FREEPARALEGAL.ORG)  
FOR FREE ASSISTANCE WITH THE CLINIC, PLEASE SCHEDULE AN APPOINTMENT BY CALLING 718-722-9217