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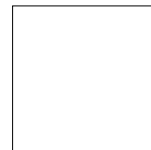
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INSIDE:

Here is our new and improved bimonthly newsletter in which you can read more about:

- Update on proposed guest worker legislation
- DHS's use of FBI criminal records databases
- Tips for your next immigration court appearance or interview
- Self-petitioning for domestic abuse victims
- Trends in employment-based and family-based visa retrogression
- Visa processing dates
- How we can help with your immigration issues

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www.joyceimmigration.com

Joyce & Associates, P.C.

Law Offices

January/February 2006

Recent Firm Victories

- We successfully represented a Chinese woman seeking asylum based on practice of Falun Gong and her political opinion despite the fact that she missed the one year filing deadline.
- We successfully obtained approval of waivers on appeal for a Syrian who was stuck in Syria after his waivers were initially denied by the U.S. Consulate.
- We successfully secured the release from detention of a Congolese woman arrested at the airport with a fake passport while trying to enter to join her husband, who has a pending asylum case in Boston.
- We successfully obtained a stay of removal from the First Circuit for a Peruvian man arrested after his BIA appeal was denied.
- We successfully represented a Ugandan man in getting his case remanded by the First Circuit in order to proceed with an application for adjustment of status after being granted voluntary departure.
- We successfully obtained green cards under HRIFA for a Haitian man who had an interview 5 years ago but never received a decision and for a Haitian couple who had been waiting 5 years.
- We successfully represented a Guatemalan in getting asylum because of discrimination he had faced as a Mayan Indian.
- We successfully obtained a green card under NACARA for a Guatemalan woman.
- We successfully represented a Chinese Christian woman in obtaining asylum.
- We successfully moved an English woman's case from Hartford, CT to Boston because of her need for medical treatment in the Boston area.
- We successfully represented a Chinese woman in getting her asylum case remanded to the Immigration Judge after presenting new evidence that her testimony was credible.
- We successfully obtained cancellation of removal for a Salvadoran man based on evidence that his deportation would cause extreme hardship for his U.S. citizen children.
- We successfully removed the conditions on the residence of a Cape Verdean woman whose husband was in jail for the duration of their marriage.
- We successfully received a labor certification under PERM for a skilled worker in immigration court proceedings.

Guest Worker Program May Happen in 2006

There has begun to be some movement on plans for immigration reform, including a guest worker program for immigrants already in the United States.

In December, the U.S. House of Representatives passed a border enforcement bill that does not include the guest worker program. This was a very contentious issue in the House, and it was generally agreed that the Senate would address the issue when it takes up its immigration legislation probably in February, 2006. It is generally agreed by both Democrats and Republicans that something must be

done to address the immigration status of the estimated 11 million immigrants in the United States without proper papers.

If the Senate includes the guest worker program in its legislation, the difference between the Senate and the House version with no guest worker program will have to be resolved. Basically, the program would probably have a provision for people already in the United States who could pay a fine and remain here for an undetermined amount of time. The exact details of how the program will work, and whether or

not it will assist in the obtaining of lawful permanent resident status are yet to be determined. It will, however, allow for some form of legalization, which will allow for the obtaining of social security cards, licenses, and other identity documents.

We will keep you advised on this very important legislation that may affect many of our clients. We should have much more information in two to three months.

VISIT OUR NEW WEBSITE!!!
www.joyceimmigration.com
New design
More information

Alert: DHS Now Tapping into FBI Databases

Immigration authorities have started using Federal Bureau of Investigation (FBI) databases to screen all those seeking immigration benefits, including those petitioning on their behalf. This use of FBI databases by the Department of Homeland Security (DHS) may reveal long-forgotten offenses. Many people, including U.S. citizens, have been arrested for simple misdemeanor charges committed in the past after attending an immigration interview. Since the September 11, 2001 attacks, immigration databases have been hooked up to the expanding database of criminal records and terrorist watch lists maintained by the FBI. These systems are now in use at all airports, most border crossings, and even in domestic immigration offices, where officials

decide on applications for permanent residence and citizenship. Although these screenings are mainly designed to trap foreign terrorist, they have proved to be a tool for apprehending people wanted by the police for past offenses. Some of the minor past offenses that have landed people in this dragnet include failure to pay a traffic violation and failure to pay late charges for a Blockbuster rental movie.

In light of this use of FBI databases by immigration authorities, we are advising anyone (citizen or non-citizen) having business with the immigration services, to consult an immigration attorney before attending an immigration interview. We make sure to discuss any criminal history issues with our clients. We also

routinely request criminal records for all our clients. Someone may not even know that they have an outstanding warrant issued years ago.

Local enforcement agencies, such as the Massachusetts Bay Transportation Authority (MBTA) Transit Police, are aggressively helping DHS in arresting people who may not be in status. The MBTA has especially been in the forefront of inviting people for interviews at MBTA headquarters only to hand them over to the immigration authorities. We are advising people to consult an immigration attorney before agreeing to meet with local police officers. These officers may try to convince someone to appear by telling them that they are investigating a non-immigration related matter.



Featured J&A Employee

Adria (Addie) Chamberlain has been a paralegal at Joyce & Associates since March 2003.

I have been working as an immigration paralegal since February 2001. Originally from Maine, I graduated cum laude from the University of Colorado with degrees in International Affairs and Political Science and a minor in Spanish. I also studied at the Universidad de Sevilla in Spain. After graduation, I worked as an immigration paralegal in Cincinnati, Ohio before moving to Boston and joining Joyce & Associates.

My job has given me the opportunity to meet immigrants from around the globe – from Albania to Zimbabwe. I specialize in working on complex asylum cases, family petitions, battered spouse petitions, religious worker petitions, naturalizations, visa extensions, waivers of bars to inadmissibility and all types of relief from removal proceedings. I have become familiar with the historical, cultural and political histories of many countries in order to best represent our clients. Since immigration cases often take years to resolve, my five years experience has enabled me to see many clients through their cases from start to finish, which has been a very educational and rewarding process. A few of my proudest accomplishments have included helping obtain asylum for a gay man from Brazil, a green card for a Vietnamese woman who had been viciously mentally abused by her U.S. citizen spouse, and asylum for a Chinese economics professor who been a whistle-blower against the Communist party.

Starting next fall, I will begin pursuing a Master's degree in International Relations.

Tips for Immigration Court and Interviews

Most of our clients will attend an interview or appear in Immigration Court to determine their status in the United States. It is extremely important to be well dressed, properly groomed, and prepared to answer any questions that may arise. Your interview or hearing may be the one chance you have to demonstrate that you should be allowed to stay in the U.S.

We always discuss the interview or hearing before it happens to make sure our clients know what to expect, and to be sure they are pre-

pared to answer any questions that may come up. We also go over their various applications before the interview or hearing.

You should have proper documentation with you including a passport, work authorization or other available forms of identification. You should try to stay calm and relaxed and listen carefully to any questions that may be asked. Nothing creates problems more quickly than not answering questions.

Another important issue is

being on time. It is important to arrive at least 30 minutes prior to the event. This gives you a chance to get comfortable and go over the issues one last time with the attorney. We are constantly finding that clients are underestimating the time it takes to get to the JFK building or other meeting site. You want to be as relaxed as possible before the event. This is one reason that it is good to have legal counsel. They will help you through this difficult but important step in determining your future in the U.S.

Self-Petitioning for Victims of Abuse

Applications for immigration benefits based on marriage can get complicated if the couple begins having problems. Depending on what stage their immigration case is in, there may be ways to ensure that these problems do not affect a noncitizen's opportunity to get a green card or other benefits. Our office has a lot of experience handling these kinds of situations.

These cases can be even more complicated if the U.S. citizen or resident spouse physically, emotionally, or psychologically abuses their wife or husband. The spouse in this situation may be afraid to get a divorce. The abusive spouse may threaten to report them to immigration and may refuse to petition for them to get immigration benefits. Please contact us

if you or someone you know is in this situation. Victims of domestic violence are eligible to self-petition for an immigrant visa or even adjustment of status to permanent resident regardless of whether they have divorced their abusive spouse. They are also exempt from requirements to show they have income to meet the Poverty Guidelines for their household.

Trends in Visa Retrogression

Over the past few months, there has been a disturbing trend in visa availability. Many categories of family and employment immigrant visas have been experiencing substantial backlogs as demand exceeds supply. Some family immigrant visa categories have been backlogged for years, but the backlogs in certain employment categories are a troublesome new development.

To apply for permanent residence, there must be a visa number available in your category when you apply. It depends on the use of visas in your category and the country of nationality and the rate at which green card

applications are being processed by the government. Your place in line is determined by your priority date, usually the date your labor certification was filed with the U.S. Department of Labor or, for those applications not requiring labor certification, the date a petition was filed with U.S. Citizenship and Immigration Services.

When more people apply in a certain category than there are visas available, the U.S. Department of State establishes a cut-off date, which is the priority date of the first applicant who could not be issued a visa because of numerical limits. Visa numbers are available only to

those applicants with priority dates before the cut-off date. The Visa Processing Table on the next page shows current priority dates for family-based categories.

Because your eligibility for work authorization and permission to travel depend on having a green card application pending, it is critical that you file an application to adjust your status as soon as your priority date becomes current. This is especially important because cut-off dates may move forward and backward leaving you with only a brief window in which you can file your application.

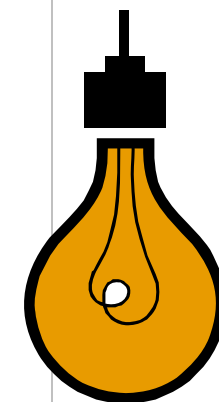
Visa Processing

Visa processing continues to be a significant issue for our clients. The current priority dates for family-based petitions shown in the table at right are taken from the January Visa Bulletin published by the State Department. What this means is that any visa petition filed on or before the dates below can now proceed to the next step of applying for a green card either through adjustment of status if the person is here in the United States, or through consular processing if the person is living abroad. Call us if you have any questions.

Employment-based visas are generally backlogged. This includes EB-3 category petitions, which are backlogged for all countries to at least 2001. For Chinese and Indian applicants, there are now backlogs for the EB-1 and 2 categories as well. Unfortunately, it seems that this will be the case for the foreseeable future. (Please see "Employment-Based Visa Retrogression" on previous page.)

	ALL OTHERS	CHINA	INDIA	MEXICO	PHILIPPINES
Unmarried Sons/Daughters of Citizens	Apr. 22, 2001	Apr. 22, 2001	Apr. 22, 2001	Aug. 8, 1994	Aug. 22, 1991
Spouses/Children of Permanent Residents	Jan. 15, 2002	Jan. 15, 2002	Jan. 15, 2002	Feb. 15, 1999	Jan. 15, 2002
Unmarried Sons/Daughters (21+ years old) of Permanent Residents	June 22, 1996	June 22, 1996	June 22, 1996	Feb. 8, 1992	June 22, 1996
Married Sons/Daughters of Citizens	Jul. 1, 1998	Jul. 1, 1998	Jul. 1, 1998	Oct. 8, 1994	Feb. 8, 1991
Brothers/Sisters of Adult Citizens	June 15, 1994	June 15, 1994	Dec. 22, 1993	Sept. 1, 1992	Oct. 1, 1983

We Can Help



Our experience and skills can help you with your immigration issues including:

- Deportation proceedings involving all forms of relief
- Litigation of complex immigration issues before the Immigration Courts, the Board of Immigration Appeals, and federal district and appellate courts including appeals and motions to reopen
- Dealing with the immigration service

(INS/BCIS) including:

- preparation and filing of petitions and applications
- interviews for asylum, adjustment of status, and citizenship
- obtaining advance parole and travel document
- inquiries regarding delayed cases
- Consular processing for immigrant visas
- Detained aliens including:
 - bond hearings
 - case analysis
 - preparation of applications for relief
 - custody reviews
- K (fiancée) visas
- Business Immigration including:
 - I-140 Employment based petitions and Labor Certifications
 - Religious Worker Visas
 - H1-B, H2-B, TN and other non-immigrant visa applications
- Visas for students and academics
- Applications for change of status
- Applications for advance parole and travel documents

We can help you with most immigration issues. Please contact us at 617-523-1500 to make an appointment for a consultation with an attorney.