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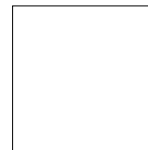
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INSIDE:

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

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Joyce & Associates, P.C.

Law Offices

Winter 2007

Recent Firm Victories

- We successfully obtained labor certifications for a variety of skilled workers, including cooks and bakers.
- We successfully obtained green cards through NACARA for Salvadorian and Guatemalan clients.
- We successfully won a cancellation case for someone who had been here for many years. That person had criminal issues and medical problems.
- We successfully won a withholding case for an individual who was involved in the Pakistan Peoples Party and who feared returning to Pakistan.
- We successfully won adjustment of status for an individual from Egypt who had been placed in proceedings.
- We successfully represented clients in motions to vacate before a Criminal District Court because immigration warnings were not properly given.
- We successfully represented a permanent resident in vacating an aggravated felony conviction resulting in termination of proceedings.
- We successfully won adjustment of status for a Haitian client with a complicated marital history whose initial application was denied.
- We successfully won adjustment of status in immigration court for a Syrian client who had been placed in proceedings after reporting for special registration.
- We won asylum in immigration court for a young Chinese woman who had to flee to China shortly after she became a Catholic.
- We won asylum in immigration court for a young Chinese woman persecuted for her practice of Falun Gong.
- We successfully obtained adjustment of status from USCIS for a Ugandan client based on marriage after her first application was denied.
- We won asylum for an Albanian client persecuted because of a relative's political involvement.
- We were able to obtain immigrant visas from the Guangzhou consulate for the brother of a US citizen and his wife and daughters, even though one daughter is over 21.
- We successfully obtain adjustment of status in immigration court for a Brazilian client after an acquaintance turned her in to immigration.
- We obtained approval of an I-751 waiver for a Costa Rican client with a complicated marital history who had been placed in proceedings.
- We successfully obtained adjustment of status from USCIS for a Chinese client whose application was sent to California after being delayed for many years.

IMMIGRATION REFORM: The Outlook for 2007

Now that both houses of Congress will be in the hands of the Democrats starting in January, one of the big issues is how this change will affect immigration policy. Making predictions for changes in the immigration laws is always difficult but some generalizations can be made. There seems to be general agreement among most reasonable politicians that we need tighter enforcement of immigration laws but that the present system now in place is unworkable. Many of these politicians also agree that a comprehensive overhaul of immigration is needed.

Such an overhaul would include a guest worker visa program, a path to citizenship for workers already here illegally, changes to existing programs, and tighter enforcement to crack down on those violating immigration laws. Overall, the outlook does look promising for our

clients, and I do believe Congress will do something about this issue in 2007.

I believe the changes will come in 2007 because all of the key politicians will want to address this issue and get it out of the way before the 2008 presidential election begins to pick up steam. It is unclear how legislative changes will assist our clients, as we cannot know what kind of programs or changes will be approved by Congress or how they would be implemented by the responsible agencies. It does seem likely that if a program is passed, individuals who have been here for more than five years, have had no criminal problems, and are working may find a path to legalization and a green card.

I also see the possibility for other changes that may assist the children of foreign nationals here illegally and some realistic program to

produce more employment-based visas for businesses that want to sponsor their employees. The employment-based visa process has totally broken down with not enough H visas available and most categories of immigrant employment-based visas now backed up for years. This state of affairs hinders the ability of the United States to compete in international markets and results in skilled professional workers taking jobs in other countries.

I believe that the new Congress understands that these issues must be addressed and a solution must be implemented, and I believe they have the political will to do so. I also see the potential through a guest worker program for unskilled workers to come to the United States legally. We will closely follow developments. Assessing all available options is part of our legal strategy for every case.

Cancellation of Removal before the Immigration Court

In immigration court, the judge must determine if a foreign national should be allowed to stay in the United States. Some foreign nationals may be eligible to apply for cancellation of removal. There are two kinds of cancellation applications: one for those who are permanent residents and one for those who are not.

A lawful permanent resident can apply for cancellation if he or she (1) has been a permanent resident for at least 5 years, (2) has resided in the U.S. continuously for 7 years after being admitted in any status, and (3) has no convictions for aggravated felonies. The time that can be counted towards the 7 years stops if a person commits crimes that make them deportable or if the government issues a Notice to Appear,

placing the person in proceedings before the immigration court.

The immigration judge will balance the applicant's negative factors, such as the reason the person is before the immigration court or the severity of the person's criminal record, with the applicant's favorable considerations, such as family ties, length of residence in the U.S., and hardship to the applicant's family if he or she were removed from the U.S.

A person who is not a lawful permanent resident can apply for cancellation of removal if he or she (1) has been physically present in the U.S. continuously for at least 10 years, (2) has been a person of good moral character during these 10 years, (3) does not have certain convictions, and (4) can show that he or

she has a U.S. citizen or permanent resident spouse or child who would suffer exceptional hardship if the person were removed.

Also, the foreign national must have 10 years of continuous physical presence before they are served with the Notice to Appear or before they commit a crime that would make them deportable. If the person has departed the United States for any period longer than 90 days or for multiple periods that add up to more than 180 days, the continuous presence requirement will not be met.

We advise that you contact a lawyer before attempting to apply for cancellation of removal. The attorneys at Joyce & Associates, P.C. look forward to meeting you and discussing this form of relief.

DRIVER'S LICENSES

One issue that comes up over and over again in our work is the availability of certain identity documents. The documents of most interest to our clients are work authorization, a social security card, and a **driver's license**. These documents are critical to the normalization of life for a foreign national.

The availability of a driver's license is a complicated issue. Each state has its own rules as to who is and who is not entitled to a driver's license. There is even more confusion in Massachusetts as the Registry of Motor Vehicles has recently taken the position that you need to show proof of lawful immigration status to obtain or renew a driver's license. This may not be legally correct and recently the Registry of Motor Vehicles has been named in a class action lawsuit challenging this position. For example, an individual who has filed for asylum or is in the last phase of adjustment to lawful permanent resident status has work authorization and should be given a driver's license.

This is still an issue that has yet to be resolved. One point that is clear is that to drive without a valid driver's license is very risky. We have been involved in a number of cases where people have been detained for driving without a license and then when the matter is resolved in state court, the driver is turned over to Immigration for possible deportation.

You should consult with us on your individual case, as these identity document issues are governed by specific facts.

The Dream Act: What it could mean for Undocumented Students

One of the most pressing issues raised in the national immigration debate is the plight of undocumented children who are unable to go to college because of their illegal status. Many of these children came to the United States with their parents when they were very young and grew up in the United States. They attended American schools and identify as Americans. A 1996 federal law discourages states from accepting undocumented students or allowing them to pay the reduced tuition rates for locals. Undocumented students are also ineligible for federal financial aid, making it difficult to go to college. It is estimated that about 65,000 to 90,000 undocumented high school seniors graduate each year nationwide. They find themselves in limbo; as they cannot get formal employment or go to college.

The DREAM Act has been proposed every year in both the House and the Senate since 2001. In the Senate it is known as the Development, Relief, and Education for Alien Minors Act while in the House, it is called the American Dream Act. In March 2006, the Senate passed a proposal called the DREAM Act that would provide relief to these children if it becomes law. The proposal enjoys a bipartisan support in the Senate.

If it becomes law, the DREAM Act would provide a path for undocumented minors to apply for permanent residency regardless of the immigration status of their parents. Those undocumented immigrant students that came to the U.S. before they turned 16 and have been in the U.S. for at least 5 years would be eligible to apply. They would have to show that they have good moral character. The bill also requires that eligible students have a high school diploma or G.E.D. and that they have been accepted to a college. Students who may have been ordered deported or removed and never left the country may also qualify for green cards. Students, who have committed crimes, are a security risk or are ineligible for immigration benefits on certain other grounds would not be eligible.

The DREAM Act would repeal the laws that currently discourage state colleges and universities from offering in-state tuition and other higher education benefits to undocumented students. Under the DREAM Act, states would not be penalized under federal law for offering these benefits to students without legal immigration status.

About 10 states currently offer in-state tuition and other higher education benefits to undocumented students graduating from high school in those states. These states attempt to circumvent the federal law by simply not asking students whether they are in the U.S. legally. These are Texas, California, Utah, Washington, New York, Oklahoma, Illinois, Kansas, New Mexico and Nebraska. In Massachusetts, a similar proposal was defeated in the state legislature in January 2006.

The DREAM act has not yet become law. In the past, it has been proposed as part of large immigration reform proposal that did not become law because of political struggles in Washington. Now that the Democrats will take control of both houses of Congress in January, we believe there is a chance for the DREAM Act to pass as part of a larger bill to overhaul the immigration laws or possibly even on its own.

FIRM REPRESENTS IMPORTANT MUSLIM IMAM

Joyce and Associates has always had a good relationship with the Muslim religious community. A member of this community who has been a client for the past few years is now going through a difficult period. Imam Muhammad Masood and several of his family members have been placed in removal proceedings because of what appears to be some minor issues with his religious worker visa petition. The manner in which this was handled is troubling to the firm and to the community. While Mr. Masood and his son were being interviewed at the JFK Federal Building, with several family members out in the waiting room, he and the son were arrested by immigration officers.

This set off shock waves in the community and was actively covered by the local news media. The following week we were able to arrange for release on bond for both Mr. Masood and his son, but their entire future is now up in the air and an Immigration Judge will review the case. We will defend the family in the Immigration Court and are hopeful as to the outcome of the case. Joyce and Associates specializes in dealing with complex immigration cases at all levels.

**HAPPY NEW YEAR FROM
JOYCE & ASSOCIATES!!!**

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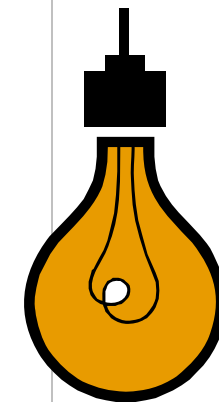
Visa Processing

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 2002. For Chinese and Indian applicants, there are now backlogs for the EB-2 category as well. Unfortunately, it seems that this will be the case for the foreseeable future.

	ALL OTHERS	CHINA	INDIA	MEXICO	PHILIPPINES
Unmarried Sons/Daughters of Citizens	22APR01	22APR01	22APR01	01JAN94	15DEC91
Spouses/Children of Permanent Residents	15MAR02	15MAR02	15MAR02	15MAR00	15MAR02
Unmarried Sons/Daughters (21+ years old) of Permanent Residents	08APR97	08APR97	08APR97	01MAR92	08SEP96
Married Sons/Daughters of Citizens	01JAN99	01JAN99	01JAN99	01JAN95	08FEB91
Brothers/Sisters of Adult Citizens	08JAN96	22JUN95	01OCT95	22JAN94	01JUL84

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.