

How to avoid most common mistakes

http://www.law-visa-usa.com/common_mistakes.html

To avoid the most common mistakes when dealing with immigration matters follow these easy steps:

- If you hire a lawyer, hire a licensed attorney and not an unauthorized “notario” or other unqualified “immigration consultant”.

You should be aware that there are many people who pretend being lawyers or attorneys. They can charge you even more than a licensed lawyer would, saying that you got a bargain doing business with them. These people are committing fraud and unauthorized practice of law. A “notario” or “immigration consultant” is not a lawyer. A “notario” can only notarize documents, but cannot give you legal advice or help to complete any immigration forms or applications. The main reason for this is that notaries are not educated and not qualified as lawyers (with exception of those notaries who are also attorneys), and therefore are not authorized to provide legal advice or legal help. Oftentimes, they can hurt your situation beyond any help. Please be aware.

- Mail everything to USCIS by Certified Mail with Return Receipt, or by FedEx or other private carriers where you can ensure that you have the guaranteed delivery. Don’t try to save money, but make sure that your application is delivered and was accepted by USCIS.
- All foreigners living in USA (even permanent residents) must notify the USCIS / DHS of their address changes within 10 days. It’s advisable to do that either online at <https://egov.uscis.gov/crisgwi/go?action=coa> or by Certified Mail by mailing the form AR-11 to an appropriate address. Please make sure you keep all the receipts and confirmations of the address change online.
- Keep a copy of everything you mail to the USCIS. If you have a lawyer, they should keep a copy of everything submitted. Many lawyers give you copies of the applications and petitions submitted, and copies of the most pertinent documents mailed to USCIS.
- Take the time to organize your immigration papers and put them in a safe place (e.g. safe deposit box or a relative’s house) where you will be able to find them in a few years if needed. If USCIS says that you never sent them something, you will be able to prove that you did. Also, any future lawyers you might hire will want to see what was filed and done with your case in the past. Your notices from the USCIS will have code numbers on them which are very handy in checking the status of your case.
- You are required by law to carry your green card or non-immigrant visa and I-94 card with you. Make copies of these important documents and keep them at a safe place. Memorize or write down you A number (Alien Registration Number) and your SSN

(Social Security Number). Keep the copies of the “green card” in a safe place in case you lose the card, it’ll make it easier to renew it.

- Do not carry your Social Security Card with you. It’s not required by law. Memorize the number, and keep the card in the safe place. You might need to replace the card if you marry and change your name, or become a lawful permanent resident, or US citizen in the future.
- Keep Proof of all payments made to USCIS. Be sure to keep your money order stub, or copies of the checks or other proof of payment with your other immigration documents.
- Write Your Name and Alien Registration Number (A#) on Everything You Send to USCIS (letters, forms, applications).
- Know when to hire an Immigration Lawyer. You might be able to handle some immigration matters on your own without a lawyer if you did a research or consulted someone and have a fair good idea what and how to do. However, there could be situations when you should hire a lawyer. For example, **(1)** You have to make a court appearance in Immigration Court (e.g. Bond Hearing, Removal Proceedings, Asylum application, Cancellation of Removal application, etc.); or **(2)** You want to file an immigration application that requires knowledge of the law, immigration practice, and a lengthy narrative (e.g. asylum application, VAWA self-petition, Waiver I-601, etc.); or **(3)** You are not fluent in English, and would like to hire or consult an immigration attorney who speaks your native language and who can help you to complete the applications and prepare any affidavits, asylum or VAWA declarations, etc. Hire a lawyer rather than an unqualified “notario” or “immigration consultant” ; or **(4)** You have a so called “red flag” such as: you were EVER arrested (even if you were not charged or the charges were later dropped); you were EVER convicted, or convicted of DUI, or committed a drug related offence, or were convicted for any so called “crime of moral turpitude”; or you have a communicable disease such as HIV/ AIDS, tuberculosis, STD; or you were residing in USA illegally (out of status) for a period of time; or you worked in USA without authorization (work permit); etc.; **(5)** You lied to Immigration before or to Consul when applied for a Visa, or when applied for a job in USA; **(6)** You expect that your visa application or green card can be DENIED because you can be found inadmissible because of one or several grounds, and a WAIVER of inadmissibility will be required (contact a lawyer as soon as possible, better to do it before you file an application); or **(5)** You don't understand something in the immigration forms, or you are not sure if you can file a certain application or apply under certain program.
- You must go to all your Removal/Deportation Hearings in Immigration Court and be there on time! Remember, you can be ordered removed or deported in your absence.
- If you receive a notice or a letter inviting you to go to Immigration Court for a hearing, you MUST go. Make sure you reschedule work, find daycare for your children, but you must be in the court on time. If you are late or missed your hearing date the judge can order you deported in your absence! At the first court hearing, the judge can give you

time to find an attorney and set up a new hearing date for you to come back with an attorney. If you were called to Immigration Court, it's advisable to consult or hire a lawyer immediately: you may have some legal options available to you that you don't know about; your lawyer sometimes can go to the court without you (if judge allows); your lawyer can help you to improve your chances of winning in the court (it's very unlikely that you will know what to do in the court without having a lawyer). If you are poor, you may qualify for a free legal aid or reduced-fee legal aid, if there are any free legal aid organizations or clinics in your area, and they accept you as a client. If you are scheduled for an Individual or Merits court hearing, it's highly advisable to have an attorney even if you did not have one before.

- When you apply for a Temporary Non-Immigrant Visa (visitor visa, tourist or student visa), first of all, you have to prove that you will return to your home country. The American Consulate will focus on your ties to your home country and the reasons you have to return home from a temporary trip to USA.
- If you plan to marry a foreign national or bring someone from abroad on a Fiancée Visa, be diligent and be ready to protect your assets. If you are a reasonably wealthy individual or have some assets that you don't want to lose in case of divorce and property division (pension, 401K, investments, real estate, house, etc), one of the main issues you should discuss with your fiancée when you are engaged is a PREMARITAL AGREEMENT (or "prenuptial agreement")! You may want to discuss it even before you file the I-129F, Fiancée Visa Petition. The best Premarital Agreement will take into consideration both parties' interests, not merely US citizen spouse's, but at the same time will protect integrity of a US citizen's assets in case of divorce. If you see that your foreign fiancée who does not bring any assets into the marriage, but nevertheless becomes difficult and will likely refuse to sign a reasonable Premarital Agreement, and you have significant assets that you want to protect, you may be better off to move on and look for a spouse somewhere else. This is especially true if you are from one of the Western "Community Property" States, which are: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, Wisconsin. In these States, it's not uncommon to have marital or even pre-marital property divided between spouses in case of divorce, even if marriage was of a very short duration.
- Make sure that your Premarital Agreement is: 1) prepared by a qualified Attorney in your State (jurisdiction); 2) you pay for legal advice, not merely look up information on Internet or bug lawyers for free telephone consultation (they deserve to be paid for their time and expertise); 3) have your Premarital Agreement TRANSLATED to Russian (or native language of your fiancée) by a qualified translator or lawyer in the USA (NOT in Russia), a translator could be a licensed bi-lingual lawyer (this way you can assure an ACCURATE TRANSLATION of ALL LEGAL TERMS which will stand in court if needed later); 4) send or give your fiancée a DRAFT of the Premarital Agreement BEFORE she came to USA on K-1 Fiancée visa, so she has time to review it and provide her objections or suggestions, and document the fact that you gave her the draft on a certain date (it will reduce chances of her coming to USA and then later refusing to sign

the Agreement or claiming that it's unconscionable or she is being forced into signing); 5) hire her a SEPARATE lawyer here in USA who can explain the terms of the agreement to her BEFORE she signs it (usually, it will cost you only a few hours of a lawyer's time, but it helps to bulletproof the agreement for court in case of any future problems; before you hire her a lawyer, ask your lawyer to suggest you someone he or she knows, as it will help if both lawyers can easily work together); 6) don't sign the Premarital Agreement in Russia or other FSU countries (do it in your lawyer's office in your State in the United States, having your attorneys present in person, an interpreter can be present via teleconference); 7) never sign the Premarital Agreement in counties where it's not recognized by law (even though it might seem convenient if you are having your marriage abroad at some exotic island in Caribbean or Indian ocean); 8) and, of course, don't forget to sign the Premarital Agreement BEFORE the marriage takes place.

- As a US-trained and licensed bilingual attorney (Russian-English), I have assisted numerous couples in the USA in having their Premarital Agreements translated to Russian (certified notarized translation). As an interpreter, I assisted through teleconferencing and in person in negotiation and signing of the Contracts and Premarital Agreement between Fiancé/Husband/his lawyer and Fiancée/Wife/her lawyer in several different States. During signing of the Premarital Agreement, an interpreter can be either physically present in the lawyer's office or present via teleconference. Most of the couples I worked with as an Immigration Lawyer or as a Translator have happy and successful marriages, but occasionally all extra legal precautions could be a real lifesaver.
- If you live and work in the United States, you shall pay your taxes, even if you are currently out of status or illegally in the country or don't have a social security number. You can apply for a taxpayer identification number (TIN) for yourself and your spouse and children, if they don't have SSN, so you can file your tax returns and list them as your dependents. In the future if you find a way to apply for a green card or adjust your status the government will ask to see your tax returns.
- Never drink and drive; don't do or deal in drugs; don't get arrested; don't commit crimes. These simple rules apply to every foreign national in the USA, even those who are permanent residents ("green card holders") because even a permanent resident can be deported and lose his status.
- Finally, remember, when you sponsor someone for permanent residency in the USA and sign the Affidavit of Support, form I-864, this is a legal and enforceable contract, and your obligations of support continue even after divorce.