

LEGAL RIGHTS



By Atty. Johnson Lazaro

PEOPLE come to America for many reasons. The search for a better life is a big one. We come for our children and for their future. But what if the only way to get in is to lie or make a misrepresentation? What if you had no other choice? While I do not condone or encourage misrepresentations or lying, the reality is many people lie because it may be the only way to enter America.

The U.S. Embassy in Manila is considered a high fraud post because of the enormous amount of fake documents and scams people use to get past the gatekeepers. One would pretend to be single while actually married. Another will use a fake passport with a different name or identity. And yet another will not reveal that he has children. When confronted he'd say well they are illegitimate so he does not consider them his children. Wrong. In the eyes of the consul, they are your children as long as you are biologically related.

Many immigrants get away with the fraud. They arrive in the U.S. and become productive members of the community. Others are less fortunate. They get caught. The penalty is severe. If you are unable to resolve the issue, you and

Consul Says You Lied – What Now?

your family may never set foot in the U.S.

Preparation and knowledge are keys. Find out ahead of time how to handle the interview. Any willful misrepresentation of a material fact or the presentation of a fraudulent document will get you in trouble. However, there are solutions. If you can show that the fraud or misrepresentation was not willful or if it was unintentional, you maybe off the hook. If you didn't know that you were committing a fraud, how can you be guilty of the fraud? Don't act as your own attorney. The saying that "one who acts as his own attorney has a fool for a client" applies here. Seek legal counsel if possible.

Even you are caught committing a fraud, there maybe waivers available for you. A waiver is a legal term for "forgiving the fraud." You may be allowed to admit the fraud and still enter the U.S. These are called "waivers of inadmissibility." There are requirements attached to this waiver. Many of these waivers require that you are related to a U.S. citizen or a "green card" holder. Again see an attorney to find out about these requirements.

If the consul is unable to approve your case the first time, you are entitled to a written explanation. If the fraud can be mitigated, you'll be given a chance. If not, the reason for the denial should still be

in writing. Many consular decisions can be challenged. These State Department employees are humans and they make mistakes. Due to the high volume of cases that are reviewed, errors are not unusual. If you are accused of fraud or misrepresentation and you don't agree, relax. Take your written explanation with you and see a qualified immigration lawyer.

We shouldn't make harsh judgments against those who commit fraud to enter the U.S. Many do so to save the lives of their children. And if you've seen poverty in Asian countries, you'd understand. Most are good people with the will to survive and possibly advance in life. Many will enter the U.S. and make a positive contribution to the community. They would be our neighbors and friends.

Atty. Lazaro represents immigrants in all Federal Courts in the United States. Lazaro and Associates specializes in difficult immigration cases as well as business immigration and family unification. The firm's offices are located in San Francisco and Fremont/Union City in California, and in Makati, Philippines, with tel. (415) 278-9577, e-mail Law@LazaroLaw.com, and website at www.LazaroLaw.com. This article should not be taken as legal advice for any individual case or situation. The information is intended to be general and should not be relied upon for any specific situation. This is not meant to create a lawyer-client relationship.

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