

LEGAL RIGHTS



By Atty. Johnson Lazaro

THE consul or immigration officer charged you with fraud and misrepresentation. He stares at you and promised that you will never be a resident of the United States. Don't run. Don't hide. It's hard, but see if you can remain calm and collected as you analyze possible solutions with an attorney. Provide your counsel with all of the facts of your case and don't resign right away. There may be—just maybe—a way out.

Bring all of your documents to your attorney and carefully lay out all of the facts. Counsel can only help you if he or she knows the details that led to the decision of a fraud case. The grounds for fraud can be challenged. But careful and thorough analysis is needed.

What does the law say? "Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible." Now that's a lot of legal mumbo jumbo but your lawyer's job is to figure out if you have a way out. Let's break it down.

Did you intentionally or

A Way Out of Immigration Fraud

unknowingly made misrepresentations to U.S Government officials? What did you say to the consul? What statements were made to officials at the port of entry? Did you sign any documents admitting that you lied? Who made the misrepresentation? Was it you? If not you who? Did your spouse lie about your visa? If so you may not be guilty.

Let's look at the fraud. Did you know that the statement you made was untrue? Did you intend to lie or commit fraud? Did the immigration officer believe or act upon the fraud? If the answer is YES to all of the above, you may be in trouble. But don't give up yet. Read on.

The lie or misrepresentation must be a willful misrepresentation of a material fact. This is complicated. You must have known the falsity of your verbal or written statement. If you didn't know that it was false, you may be off the hook. The fraud must be material. This is not easy to explain but for the sake of this article, the fraud must have affected the decision of the immigration officer. It must have made a direct or objective significance to the resolution of your case. Don't try to figure this out by yourself. An attorney will do that for you.

If you have an agent who acquired the visa for you and if you were aware that your agent committed fraud, that misrepresentation was willful.

Remember that "silence is gold." If you remained quiet and did not volunteer information to any U.S. officials, you can challenge the allegation of fraud. There must be clear evidence that you knew the fraud. Mere suspicion of fraud does not count. Mere allegations would not be acceptable in a court of law. Just because the immigration officer believed you were lying is not enough.

But even if there was fraud or misrepresentation, you still must keep hope alive. The next question is whether there is a waiver available and if you are eligible for this waiver. A waiver is simply a "forgiveness" provision that allows you to enter the U.S. or establish residency despite of the fraud. So be vigilant and don't give up easily. This is your future and the future of your children. It's worth the fight.

Lazaro and Associates is a Filipino-owned law firm that handles civil litigation. The firm's offices are located in San Francisco and Fremont/Newark/Union City in California, and Makati City (Philippines), with tel. no. (415) 278-9577, e-mail Law@LazaroLaw.com, and website at www.LazaroLaw.com.

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(Advertising Supplement)

Yes, Virginia, Business and God's Work Mix

TAGAYTAY CITY — Dong Cano, A Christian pastor, has all the reasons to be happy about his native handicraft business.

the Bible.
"My mission is to be Godly, to reach out to the needy and down," he says.

He started with bags, accessories (necklace, bracelet) and curtains (100 percent cotton from Ilocos).

He does not mind that He is also fond of using as