



Divulgando la cultura en dos idiomas spreading the culture in two languages

## NOTICIAS - News

ESP

Home *portada*

Advertise *anunciarse*

Subscribe *subscribir*

Contact Us *contactos*

Our Story *nuestra historia*

Feedback *comentarios*

Classifieds *clasificados*

Reader Survey *cuestionario de lectores*

Events Calendar *calendario de eventos*

- Submit Event *submitir evento*

Business Directory *directorio de negocios*

Up & Coming 25 *Latinos Sobresaliendo*

Dos Mundos

Keyword Search

GO

Click on "ESP" or "ENG" to switch from English to Spanish

### Legal Solutions

**Question: Immigration law is very harsh, making it very difficult to become a "lawful permanent resident" or to "fix papers." Is the law going to change?**

**Answer:** Immigration law and policy now is at its lowest point. Many immigrants who, under previous law, could complete their immigration process now have to linger in illegal status. For example, a person is married to a United States citizen or has other relatives to sponsor him, but the law will not allow that person to adjust his status without leaving the United States and spending ten years outside the country.



*Leyla Galmarini McMullen is a lawyer who works with the immigration practice in Mdivani Law Firm in Overland Park, Kansas. Leyla helps families with permanent residence, working permises, and naturalization process. She also helps companies with working visas for employees and plans with the laws immigration.*

Consequently, many people stay here illegally in perpetual limbo and go underground. Another problem is the shortage of immigrant visas, which also causes many people to stay in illegal status for years. For example, a lawful permanent resident man marries a woman from Mexico. This man will have to wait for seven years before his wife can join him legally in the United States. This couple faces a tough choice: to be separated for seven years, or to be a family and raise children together while she is illegal. Many choose the latter, because family is an important value in both Latino and American culture.

Is the government going to do something about it? In January of 2004, President Bush acknowledged that our immigration system is broken and should be corrected to welcome hard-working immigrants, and we should change our law so they can have legal status in this country. He said many wonderful words about Mexican and other immigrants; such as, they have the same family values as Americans and they are God-loving people. In subsequent speeches, President Bush reiterated how immigration law needs to be changed to acknowledge the contribution of hard-working immigrants and the need to unite families. Despite his wonderful words, the reform proposal he announced met adamant opposition in Congress. While the House and Senate usually support President Bush's proposals, they did not let him make any changes for the better in immigration law. Presidential candidate John Kerry also talks about the need to improve immigration law, and even learned to say *Si Se Puede* in front of Hispanic audiences. However, if he gets elected, will the anti-immigrant groups in Congress give him what they would not give President Bush? So far, good legislative proposals, such as Senator Kennedy's SOLVE Act, which offer real solutions to the immigration system, are stalled in Congress. At the same time, anti-immigrant provisions, which will make things even worse, are added to legislation concerning national security and law enforcement, such as the bill that is being proposed to implement 9/11 Commission recommendations. I do hope the law will change to ease the burden on our hard-working immigrant community, but it will not be easy. We tell our clients not to wait for a radical change or "amnesty" to help them in the future, but rather to work within what the law allows, even though it may take many years to "fix their papers."

**Question:** I am from Guatemala. I came here illegally fourteen years ago with my wife and my son, who was two months old at that time. I have a brother who is a United States Citizen. My brother filed something for me 11 years ago and the piece of paper says I-130 petition. I've been calling Immigration, but they always say "Your case is pending." Can you tell me what is going on with my case?

**Answer:** Even though it's been a long and frustrating wait for you and your family, good news may be close. Your brother very wisely filed an I-130 family petition to classify you as a potential immigrant, which is the first step toward your permanent residency in this country. His petition was filed in the "fourth family-based category," which means a current wait time of approximately twelve years for a person from Guatemala. It appears you have already waited for eleven years. About a year from now, you should check the State Department's Visa Bulletin, which is available at [www.uslegalimmigration.com](http://www.uslegalimmigration.com). When it shows a date later than when your brother filed for you, you may be eligible to file for your permanent residency in this country through adjustment of status. At the same time you may be eligible to file for a work permit. I wish you good luck in becoming a permanent resident in this country.

· Disclaimer: This article is not legal advice, but general information. You should not rely on general information provided here in making your decisions about your immigration case. Instead, please consult with a lawyer who specializes in immigration law.

Leyla Galmarini McMullen is an immigration attorney with The Mdivani Law Firm in Overland Park, Kan. Leyla helps families with permanent residency, work permits and naturalization. She advises employers on work visas for workers and on immigration compliance plans. She can be reached at (913) 317-6200, or at [www.uslegalimmigration.com](http://www.uslegalimmigration.com).

[^Back to TOP](#)