

Like our foreign clientele, our law firm seeks to not only be good and do good, but also *create* good in the United States. We have enabled tens of thousands of foreign workers and would-be Americans to create their lives anew, thanks to an eclectic but dynamic team of lawyers and paralegals who can often directly relate to the immigrant experience. Their stories are our stories told again and again, each time with fresh meaning and experience injected into them.

Each of the clients' stories you are about to read is the product of hours spent by our large legal team, with many cases having the fingerprints of multiple people. Our diverse backgrounds and linguistic skills, including Albanian, Chinese (Mandarin & Cantonese), Italian, Filipino (Tagalog & Bicol), French, German, Korean, Russian, Spanish, Tajik, Thai, Turkish, Ukrainian, Urdu, Hindu and Pashtun have certainly helped us in making each of these clients a success story. But perhaps our greatest strength is in our common interest and empathy with the people whose paths converge with ours. We are diverse as Americans can be, and as our clients hope to be.

Immigration Court Cases

The client's lawyer stopped representing her, and she hired us right before the court hearing.

When our client came to our office, she had an asylum hearing in less than a month and her former lawyer had stopped working on the case. She was from Uzbekistan. We worked with her to obtain additional documents in support of her case to file with the Immigration Judge and prepared for the Court hearing. Despite our limited time, we were able to obtain a great deal of documentation to support our client's case. After a hearing on the asylum application, the Immigration Judge granted our client's asylum application.

We were able to help a Taiwanese couple on their long journey toward permanent residency, after taking over from another attorney.

Mr. W and his wife were born in Taiwan and came to the United States in 1986 as B-2 nonimmigrant visitors. They overstayed their visa and were subsequently put in deportation proceedings. However, they remained in the United States despite being issued deportation orders in 1987.

In 1988, a Chinese restaurant petitioned for Mr. W who was an excellent cook, to remain in the United States. The visa petition was approved, making Mr. W and his wife eligible to apply for adjustment of status. They retained an immigration attorney to handle the case. Unfortunately, the attorney filed the adjustment of status application with INS rather than the immigration court. The court had sole jurisdiction over the case since Mr. and Mrs. W had deportation orders. The proper course of action would have been to move to reopen the case based on their eligibility for adjustment of status. At that time, there were no time limits for filing motions to reopen.

After nothing had happened on their cases for a long period of time, Mr. and Mrs. Wu retained Margaret Wong and Associates. We analyzed the case and determined the prior attorney filed the adjustment of status application at the wrong place. The problem was that the law had changed and the Wus were outside the time limit for filing a motion to reopen. The only way the case could be reopened was if INS District Counsel agreed or the immigration judge *sua sponte* reopened the case. District Counsel would not agree to reopening, so we filed a Motion to Reopen requesting that the Immigration Judge *sua sponte* reopen the case to allow Mr. and Mrs. Wu to apply for adjustment status. We raised a claim of ineffective assistance of counsel arguing that had the prior attorney properly handled the case, the motion to reopen would have been filed in a timely fashion.

On March 8, 2001, the Immigration Judge refused to reopen the case. The Judge found that he did not have the authority to reopen the case *sua sponte* and that reopening was not warranted as a matter of discretion.

We were forced to appeal the decision to the Board of Immigration Appeals. The Board agreed that the case should be reopened and sent the case back to the Immigration Judge for a hearing on the applications for adjustment of status.

In December 2002, Mr. and Mrs. Wu had a hearing on their adjustment of status applications. They presented evidence regarding their case and the hardship to the USC daughter if they were to be deported. However, the Judge found the application should be denied as a matter of discretion, mainly due to their failure to previously depart the United States.

We filed another appeal with the Board of Immigration Appeals challenging the denial of adjustment of status applications. However, the Board denied the appeal. We then filed a Motion to Reconsider arguing that Mr. and Mrs. Wu were entitled to adjustment of status. In March 2005, after considering the arguments, a three-member panel of the Board concluded that Mr. and Mrs. Wu should be granted adjustment status. Nineteen years after coming to the United States, Mr. and Mrs. Wu had finally become lawful permanent residents.

Commitment to our client is reciprocated in turn, when both the client and employer chose to place their faith in our firm for the long haul.

Our Indian client filed an H-1B petition through his employer in an attempt to recapture time he had spent outside the United States, as he had otherwise reached the maximum time he could spend in the US in H-1B status. The H-1B and our motion to reopen were denied. However, the denial of the motion to reopen was not originally sent to the client or our firm. By the time we realized that the Motion was denied, the client had been out of status for about 11 months. He faced a dilemma: stay in the US and fight his case, or depart the US, wait for at least a year, and then apply to come back on an H-1B visa. Based on our advice, he chose to leave the United States and try to come back on an H-

1B visa. The problem was that he was out of status for about 11 months and at the time was facing a 3 year bar to returning. Furthermore, once he was out of status for more than one year he would be ineligible to come back to the US for ten years. The only way around these bars was to get him voluntary departure from an Immigration Judge before he was out of status for one year.

We had to work fast to get him voluntary departure. We were first able to convince DHS to put in removal proceedings. We then filed a request to expedite the court hearing. The request was granted, and the Judge gave us a hearing before the voluntary departure date expired. We were able to get voluntary departure, and the client left prior to accruing over one year of unlawful presence.

After he left, we began working on bringing him back. We filed the H-1B petition to recap the old numbers under the 65,000 cap which was approved in March 2006. We then assisted him in preparing for the interview at the Embassy for his visa. We also drafted a letter explaining his situation and how he was eligible to come back to the United States. The H-1B visa was ultimately approved and he is back in the United States.

A groundbreaking criminal case where our firm won a precedent setting decision from the Board of Immigration Appeals.

The client came to our office after being placed in removal proceedings due to several criminal convictions. He had come to the United States when he was 3 years old and had lived here since that time. Although we were ultimately successful in vacating his most serious conviction (the one that prevented him from applying for cancellation of removal to keep his permanent resident status), the Judge found that the conviction could still be used for immigration purposes. The appeal that followed was significant not only for our client, but also for many others who seek to vacate their criminal convictions.

On February 8, 2006, the Board of Immigration Appeals issued a precedent decision on the important issue of whether a criminal conviction that is vacated under Ohio Revised Code Section 2943.031 can still be used for immigration purposes. Matter of Adamiak 23 I&N Dec. 878 (BIA 2006). Ohio Revised Code Section 2943.031 requires Ohio state courts to advise a non-citizen criminal defendant that a criminal conviction may result in deportation, exclusion from admission to the United States, or denial of naturalization. The statute also gives the defendant the ability to vacate the criminal conviction where the advisement was not given. The Department of Homeland Security and many immigration judges had concluded that despite the fact the conviction was vacated under Section 2943.031, it could still be used for immigration purposes.

In Matter of Adamiak, the Board held that a conviction that is vacated under R.C. Section 2943.031 can no longer be used for immigration purposes. The holding means that our client's conviction, which was vacated under R.C. Section 2943.031, is no longer a valid conviction for immigration purposes. Thus, the vacated conviction could not be used to

establish whether our client was subject to removal from the United States. It also could not be used to determine whether our client was eligible for cancellation of removal. This was an extremely important case that will impact many cases not just in Ohio, but also in other states that have statutes similar to R.C. Section 2943.031. Prior to this ruling, some immigration judges, including the judge in this case, held that a conviction vacated under Ohio Revised Code Section 2943.031 could be used for immigration purposes. The case settled the inconsistencies among immigration judges on the issue.

Our client can now go back and argue that he should be permitted to remain in the US.

Nonimmigrant Visa Petitions

A textbook example of using the L-1 visa, which among other things facilitates the transfer of corporate employees among various divisions.

The client was employed by a U.S. company's Canadian affiliate as a Director of Market Development for the technologies licensing division. The company wanted to transfer him to the U.S. to serve as the Director of Market Development there, based on his specialized knowledge of their products and their application in international markets. Due to the client's superior knowledge in the Water Pipe/Infrastructure Renewal and Rehabilitation industry, demonstrated expertise in their corporate processes and workings, and his experience with their Canadian affiliate over the past three years, the company decided to file an L-1B visa on Sam's behalf and transfer him to the U.S.

Given the very short time frame that we had to work with, the client decided to cross the border at the U.S./Canadian border crossing in Blaine, Washington. At the border, U.S. immigration officials did not make a decision on the issuance of the visa; however, they forwarded it to the USCIS Nebraska Service Center for review. Once there, we filed for premium processing, and the USCIS NSC was able to pair the filings together. The visa petition was approved.

Another L-1 case, this time involving a U.S. company transferring employees from a newly purchased subsidiary company in India.

A US Ohio-based company purchased a company in California, which also had a subsidiary company in India. The Ohio company was able to petition through our firm and receive approval for some of the leading executives and specialized knowledge individuals from the Indian subsidiary, so that they could enter the US to work directly for the Ohio company. This was crucial to the business integration of the new company in that the purchase of software and knowledge pertinent to the take-over would be transferred directly to the parent company, and the customer base would continue to receive software and consulting services.

An R-1 case involving a religious worker whose faith carried her through.

A Sri Lanka lady living in Kuwait with her husband, who lawfully works in Kuwait, was able to obtain approval on her religious worker visa application through the US Consulate in Kuwait. While the client had been baptized and married as a life-long member in the Christian Church, had taught both Sunday school and bible study with missionaries in Sri Lanka, and had volunteered as a religious worker in different organizations throughout her life, its is forbidden in Kuwait to teach Christianity. She could not even receive a letter recognizing her volunteer work with a school in Kuwait. Despite the fear and anxiety in pursuing a religious worker visa at the US Consulate in Kuwait, the client persevered and was able to receive the religious worker visa in order to obtain religious work in the inner-city of Cleveland with a local education institution for young children affiliated with the Diocese of Cleveland.

O-1 visas are working visas reserved for those at the top of their professions.

The Korean client originally retained our office for the purpose of filing a green card through labor certification. After some external factors relating to his employment as a classical musician complicated the filing for a labor certification, we decided to file for an O-1 working visa under Alien of Extraordinary Ability. The filing went out with premium processing on October 3, 2005, and the Service responded with a faxed Request for Evidence (RFE) on October 13, 2005. We compiled an extensive RFE response which explained the unique profession of classical musicians, and then placed the client's accomplishments in the proper perspective. We knew that we had to hurry due to the client's work situation and the start of the orchestral season with his symphony orchestra, so we sent out the RFE response on November 1, 2005. Finally, the case was approved on November 14, 2005.

Immigrant Petition Visas

Naturalization cases represent the culmination of the immigration process, as permanent residents finally receive their citizenship.

An expedited naturalization case was approved for a lawful permanent resident who is the spouse of a US citizen working for an American company outside the U.S. Since the lawful permanent resident had agreed to leave the U.S. with her husband, but had repeatedly received a re-entry permit in order to allow return to the U.S., she was looking for a way to naturalize even though she was not living in the U.S. She did not meet the physical presence requirements to naturalize that a lawful permanent resident would normally be required to have (five years). With our firm's help and despite her husband changing jobs outside the US, she was able to have the naturalization interview, pass the English and history exam, and naturalize the next day to become a U.S. citizen as a spouse of an American working abroad pursuant to INA 319(b).

We were able to help this immigrant obtain his labor certification green card as he juggled both employment and family.

A Bangladeshi chef, our client had worked in the cooking business back home and in the U.S., even throughout his student status as an engineering student. He even had a restaurant file a labor certification for him in 2001 in order to allow him to become a lawful permanent resident in the United States through the employer sponsor. In the meantime, he graduated from his engineering program and began employment in the engineering field to be closer to his new young wife. However, he eventually realized that he mostly loved cooking. He returned to the restaurant which had sponsored him, and after a five year wait he is no proud to be a lawful permanent resident in the U.S. (His wife from Iran continues to wait for her green card, but expects it shortly).

It is not uncommon for our firm to take on cases from other attorneys, and the situation we face can vary drastically as this labor certification situation demonstrates.

A U.S. Ohio-based pharmaceutical company began a labor certification process in July 2004, wherein the previous attorney failed to maintain accurate documentation pertaining to the filing. When we were asked to submit our notice of representation, we were not even sure that the application could be revised since we had insufficient documentation to advise the pharmaceutical company. However, by recreating the documents and working with the National Backlog Center, the labor certification filed in 2004 was recently certified and the company can begin the next step to sponsoring the Canadian client for an immigrant petition leading to permanent residence.

Besides labor certification, there are faster but more difficult ways to obtain a green card. The EB-11 is only for the very best professionals who can show a demonstrated record of achievement, as we were able to show with a professional volleyball player and coach.

Our client came to us for the purpose of filing an EB-11 Extraordinary Alien petition as a volleyball player. Having started in Nigeria, he accumulated some international experience in professional European leagues before coming to the United States to work as an NCAA coach. We filed his case in December 2005 after accumulating enough evidence, and the Service quickly returned an RFE to us in January 2006. Specifically, the Service questioned several pieces of evidence and did not grant qualifications under any of the EB-11 criteria to our client. We again sat down with the client and dug up every possible piece of evidence that could substantiate this record, and sent the response brief out in April 2006. The Service quickly granted our client's petition even before the month was up.

National Interest Waivers allow would-be immigrants to skip labor certification if they can show that doing so would be in the national interest of the United States. Sometimes

the value of a client's work is not so readily apparent in their listing of qualifications, as were able to show in this case.

The Chinese client retained our office to file an I-140 with National Interest Waiver, even though he was still working on his Ph.D. studies in civil engineering with no set graduation date in sight. While he had only a few publications and a total of five citations in the United States, he had a considerable amount of working experience on civil engineering and transportation projects in both China and the U.S. The case was filed in December 2003, and USCIS eventually responded with a Request for Evidence. We highlighted his research and work experience in our RFE response, and noted that getting a job with his state's Department of Transportation or a civil engineering firm would be difficult without at least a green card. We filed the RFE response in the middle of October 2005, and USCIS swiftly granted approval within a few weeks.

(R-1)

Sri Lanka lady, living Kuwait with her husband who lawfully works in Kuwait, finally obtained approval on her religious worker visa application through the US Consulate in Kuwait. While the client had been baptized, married and life-long member in the Christian Church, had taught both Sunday School and bible study with missionaries in Sri Lanka, and had volunteered as a religious worker in different organizations throughout her life, it is forbidden by law in Kuwait to teach Christianity. She could not even receive a letter recognizing her volunteer work with a school in Kuwait. Despite the fear and anxiety in pursuing a religious worker visa at the US Consulate in Kuwait, the client persevered and was able to receive the religious worker visa in order to offer her religious work to the inner-city of Cleveland with a local educational institution for young children affiliated with the Diocese of Cleveland.

(naturalization)

Expedited naturalization case approved for a lawful permanent resident, as a spouse of a US citizen working for an American company outside the US. Since the lawful permanent resident had agreed to leave the US with her husband, but had repeatedly received a re-entry permit in order to allow return to the US, she was looking for a way to naturalize even though she was not living in the US. She did not meet the physical presence requirements to naturalize that a lawful permanent resident would normally be required (five years). Therefore, despite her husband changing jobs outside the US, she was able to have the naturalization interview, pass the English and history exam, and naturalize the next day to become a US citizen as a spouse of an American working abroad pursuant to INA 319(b).

(LC to green card)

Bangladesh chef had worked in the cooking business back home and in US, even throughout his student status as an engineering student. He even had a restaurant file a labor certification for him in 2001 in order to allow him to become a lawful permanent resident in the United States through the employer sponsor. In the meantime, he graduated from his engineering program, began employment in the engineering field to be closer to his new young wife, but realized he mostly loved cooking. He returned to the restaurant who sponsored him and after a 5 year wait for permanent residence, he is now proud to be a lawful permanent resident in the US. (His wife from Iran continues to wait for her green card, but expects it shortly).

(L-1's)

US Ohio-based company purchases a company in California, which also has a subsidiary company in India. The Ohio company was able to petition and receive approval for some of the leading executives and specialized knowledge individuals from the Indian subsidiary in order to enter the US to work directly for the Ohio company so that the purchase of software and knowledge incident to the take-over would be transferred directly to the parent company, and the customer base would continue to receive software and consulting services.

(LC through National Backlog Center)

US Ohio based pharmaceutical company began a labor certification process in July 2004, wherein the previous attorney failed to maintain accurate documentation pertaining to the filing. When we were asked to submit our notice of representation, we were not even sure that the application could be revived since we had insufficient documentation to advise pharmaceutical company. However, by recreating the documents, and working with the National Backlog Center, the labor certification filed in 2004 was recently certified and the company can begin the next step to sponsoring the Canadian for an immigrant leading to permanent residence.

The client originally retained our office for the purpose of filing a green card through labor certification. After some external factors complicated the filing for a labor certification, we decided to file for an O-1 working visa under Alien of Extraordinary Ability, given the client's background as a classical musician. The filing went out with premium processing on October 3, 2005, and the Service responded with a faxed Request for Evidence (RFE) on October 13, 2005. We compiled an extensive RFE response which explained the unique profession of classical musicians, and placed the client's accomplishments in the proper perspective. We knew we had to hurry due to the client's work situation, so we sent out the RFE response on November 1, 2005. Finally, we found out online that the case had been approved on November 14, 2005.

Our client came to us for the purpose of filing an EB-11 Extraordinary Alien petition as a volleyball player. Having started in Nigeria, he accumulated some international experience in professional European leagues before coming to the United States to work as an NCAA assistant coach. We filed his case in December 2005 after accumulating enough evidence, and the Service quickly returned an RFE to us in January 2006. Specifically, the Service questioned several pieces of evidence and did not grant qualifications under any of the EB-11 criteria to our client. We prepared a thorough response that met every Service request, and sent the response brief out in April 2006. The Service quickly granted our client's petition even before the month was up.

The client retained our office to file an I-140 with National Interest Waiver, even though he was still working on his Ph.D. studies in civil engineering with no set graduation date in sight. While he had only a few publications and a total of five citations in the United States, he had a considerable amount of working experience on civil engineering and transportation projects in both China and the U.S. The case was filed in December 2003, and USCIS eventually responded with a Request for Evidence. We highlighted his research and work experience in our RFE response, and noted that getting a job with his state's Department of Transportation or a civil engineering firm would be difficult without at least a green card. We filed the RFE response in the middle of October 2005, and USCIS swiftly granted approval within a few weeks.