GEHI & ASSOCIATES
EXPERIENCED ATTORNEYS

Volume 2, Issue 54 | November 2020 | www.gehilaw.com

ANNOUNCING THE OPENING OF GEHI & ASSOCIATES' JACKSON HEIGHTS OFFICE!

Gehi & Associates is pleased to announce our brand-new office in Jackson Heights, Queens! The state-of-the-art office extends over 2,700 square feet. It is not only our largest office to date, but it is also the most technologically sophisticated--with upgrades explicitly installed to mitigate the spread of COVID-19.

Gehi & Associates is a growing firm of five experienced attorneys and thirty-five members, who collectively have decades of experience--and the thorough, comprehensive training--to assist you in legal matters across a broad range of practice areas: The firm has successfully advised and represented clients in immigration law; bankruptcy law; matrimonial and family law; criminal defense; labor law and wage and hour disputes; and personal injury law. And significantly, Gehi & Associates has taken care to hire multilingual and well-equipped employees to bridge the language barriers that so often frustrate the legal representation of non-English speakers. Our attorneys and staff collectively speak English, Spanish, Bengali, Hindi, Gujarati, Nepali, Tibetan, Spanish, Punjabi, Polish, Creole, and Malayalam.

(Continued On Page 3)

OUR ATTORNEYS AND STAFF COLLECTIVELY SPEAK

English | Español | ქართული | ಕನ್ನಡ | తెలుగు | ગુજરાતી
Tibetan | ਪੰਜਾਬੀ | Poliske | Creole | മലയാളം

For **Free** Personal Consultation E-mail info@gehilaw.com

FREE PERSONAL CONSULTATION
3 CONVENIENT LOCATIONS IN QUEENS, NY

JACKSON HEIGHTS OFFICE:
74-09 37TH Ave, Queens,
NY 11371 Suite 205

Phone: 718-263-5999
E-Mail: info@gehilaw.com

Hours:
Mon-Fri: 10am - 6pm
Saturday: 10am - 4 pm

JAMAICA OFFICE:
173-29 Jamaica Avenue
Jamaica, NY 11432

Phone: 718-764-6911
E-Mail: info@gehilaw.com

Hours:
Mon-Fri: 10am - 6pm

OZONE PARK OFFICE
104-05, Liberty Avenue
Ozone Park, New York 11417

Phone: 718-577-0711
Fax: 718-263-1685

Hours:
Mon-Fri: 10am - 6pm
Saturday: 10am - 4 pm

GEHI & ASSOCIATES
PUBLISHED BY GEHI & ASSOCIATES, ATTORNEYS & COUNSELORS AT LAW, WWW.GEHILAW.COM

FREE Initial Personal Consultation.
Call: 718.263.5999
Email: info@gehilaw.com

NEWS

DHS TO AGGRESSIVELY PURSUE DEPORTATIONS WITHOUT COURT OVERSIGHT

On October 21, 2020, the Trump administration announced its implementation of a new rule that significantly expands the ability of the Department of Homeland Security ("DHS") to apprehend and deport non-citizens without first seeking an order by an immigration judge--or being subject to any other judicial oversight or review. Immigration advocates and civil libertarians had long feared this augmentation of the DHS's "expedited removal" powers because it curtails many immigrants' ability to assert their rights and is ripe for misuse and abuse.

Expedited removal was previously a limited power of DHS, constrained to exceptional circumstances in which the following three conditions applied: (1) DHS encountered an immigrant within 100 miles of a border, (2) DHS had reason to believe that the immigrant had entered the U.S. without inspection or parole, and (3) the immigrant could not demonstrate that they were admitted or paroled into the U.S. or that they had been continuously present in the U.S. for more than 14 days. Under the new rule, the DHS's geographic limitation was eliminated, and the continuous presence restriction was lengthened excessively. Now, a DHS officer can apprehend an immigrant anywhere within the U.S., no matter how far from the border. Unless that immigrant can prove, to the officer's satisfaction, that they were admitted or paroled or continuously present in the U.S. for at least two years, the officer can begin the expedited removal process deport them without requiring any prior authorization from a judicial order.

Significantly, it is the immigrants encountered by DHS officers who bears the burden of demonstrating that they are authorized to be in the U.S., or that they were admitted or paroled, or that they have been continuously present in the U.S. for more than two years. More significantly, there is no authority to which an immigrant can appeal to prevent their removal if a DHS officer erroneously believes the immigrant has not met that burden. Without that restraint, the risk of error or abuse by DHS is exceedingly high. In fact, even before expanding its expedited removal authority, DHS had already deported numerous U.S. citizens, whom its officers erroneously believed they had the jurisdiction to deport. The dramatic expansion of DHS's unchecked power will only aggravate the problem.

Undocumented immigrants now have an especially urgent reason to seek attorney representation and assistance to legalize their status and protect themselves from and their families from DHS's increasingly unfettered authority.

APPLYING FOR AN IMMIGRANT VISA AS A BATTERED SPOUSE

It becomes alarming and worth noting that domestic situations can happen in a place that you decide to make your home. So, as a foreign citizen that is experiencing abuse by a U.S. citizen or a permanent resident while residing in the U.S., the question of how to get away from this abuser without their knowledge holds precedence. With this, you may have eligibility for the battered spouse, children or parents immigrant visa. The Violence Against Women Act (VAWA) allows certain spouses, children, and parents of U.S. citizens and permanent residents to file a petition for an immigrant visa without the knowledge of the abuser. The main idea behind this immigrant visa is that the battered spouse, child, or parents can seek independence and safety from the abuser without their knowledge. Even though it is the Violence Against Women

Act, it applies to both males and females equally.

WHAT DOCUMENTS DO I NEED TO SHOW TO BE ELIGIBLE?

- Spouse: you may file for yourself, if you are married to a U.S. citizen or permanent resident, and he/she has abused you while living in the U.S. You entered the marriage with your spouse in good faith and not solely for immigration benefits. You must have lived with your spouse, and you are a person of good moral character. You can use your marriage certificate, signed affidavits from friends or family members, or similar documents to prove all of these points.

- Child: you may file for yourself if you are under the age of 21 and unmarried. Additionally, you may file if you are the child of a U.S. citizen or permanent resident and he/she has abused you while living in the U.S. You must document that you resided with the abusive parents and have evidence to prove your relationship with your parent. You must have document validating your good moral character, if you are over the age of 14, such as a signed affidavit from friends and family members.

- Parent: you may file for yourself if you are the parent of a child who has been abused. Additionally, you can include children who have not been abused. This immigrant visa also applies if you are the parent of a U.S. citizen son or daughter, and he/she has abused you. You must have documents showing you have resided with the abusive son or daughter and are a person of good moral character. You can use your marriage certificate, signed affidavits from friends or family members, or similar documents to prove all of these points.

HOW LONG CAN I STAY IN THE U.S. UNDER THE BATTERED SPOUSE, CHILDREN AND PARENTS VISA?

The battered spouse, children, and parents visa is an immigrant visa. If you are approved, then you can file for a green card. The children who you listed on the petition may also be eligible to apply for a green card.

NEWS

ANNOUNCING THE OPENING OF GEHI & ASSOCIATES' JACKSON HEIGHTS OFFICE!

(Continued From Page 1)

Indeed, Gehi & Associates has consistently refused to be a narrowly specialist firm that restricts itself to one niche in a more extensive practice. Our immigration practice successfully represents clients in the most varied and complex immigration matters, including applications to adjust status to lawful permanent residency, family-based immigrant visas, employment-based visas, visitor and non-immigrant visas, travel permits and employment authorization, applications for asylum and withholding of removal under the Convention Against Torture, challenges deportation and removal, and even federal litigation. Our bankruptcy practice and matrimonial practices are similarly comprehensive. In particular, Gehi & Associates has developed a sterling reputation for its work in these areas on behalf of immigrants, including undocumented immigrants. And we have developed a practice that is tailored to many of the concerns immigrants may have, which often include the effects of commencing litigation or defending criminal charges on their immigrant status--or lack thereof. Because of our experience's breadth, we can not only advise clients on a wide array of legal concerns but are alert to the relationships and interactions between their separate matters.

Whatever your legal concern, your immigration status, or your language proficiency may be, Gehi & Associates looks forward to welcoming you to our new office!

GEHI & ASSOCIATES
PUBLISHED BY GEHI & ASSOCIATES, ATTORNEYS & COUNSELORS AT LAW, WWW.GEHILAW.COM

FREE Initial Personal Consultation.
Call: 718.263.5999
Email: info@gehilaw.com

SUCCESSFUL CASES

GEHI & ASSOCIATES' RECENT SUCCESS IN OBTAINING GREEN CARDS

Recently Married Immigrant with Decades of Unauthorized Presence in the U.S., and Potential History of Immigration Fraud, Becomes Lawful Permanent Resident

In 2016, Gehi & Associates began its representation of an undocumented immigrant who had recently entered into a same-sex marriage to a U.S. citizen. The client had resided in the U.S. without authorization for more than twenty years. Besides, she was concerned that she might have committed immigration fraud during that time. After resolving the client's concerns over her immigration history and taking every precaution to defend her against charges of fraud, Gehi & Associates began the process of changing her status to lawful permanent resident.

By the time her interview was scheduled in 2017, the landscape of immigration had radically changed. Nonetheless, Gehi & Associates was able to successfully argue that the client had been the victim of fraud, not its perpetrator and that no aspect of her personal or immigration history offered a reason for denying her application. Gehi & Associates continued to counsel her through the application process. Within a year, the firm obtained a two-year conditional permanent residency on her behalf.

In 2019, in the face of even more stringent immigration regulations, Gehi & Associates resumed its representation of the client. Last month, we succeeded in removing the conditions on her residency, turning her two-year green card into a permanent one, and enabling her to remain in the U.S. indefinitely. She's already thinking about applying for citizenship, which she will be eligible for, before the end of this year!

Disclaimer: Prior results do not guarantee future outcomes. Nothing in this newsletter constitutes a promise, assurance, or guarantee of your success.

KNOW THE LAW

NEW BARRIERS IMPEDE FAMILY-BASED IMMIGRATION

The Trump Administration has spent much of the past four years maneuvering to drastically reduce legal immigration to the U.S. By the end of Trump's first term, he will have used his executive powers to cut legal immigration down to little more than half of what it was when he assumed office. Even worse, the administration has used the COVID-19 pandemic to accelerate these policies and impose extreme immigration restrictions. As a result, in the second half of the 2020 fiscal year, immigration dropped by 92%, compared to 2019--the single largest annual drop ever recorded in the U.S.

Immigrants who are sponsored by their family members are suffering some of the most draconian cuts. Today, it is almost thirteen times more difficult for them to obtain an immigrant visa today than before Trump took office. Even the immediate relatives of U.S. citizens--a group that has historically been exempt from many of the country's more punitive immigration policies--are discovering that the Trump administration is approving less than half as many of their applications for permanent residency as the Obama administration did in its final year.

Many of Trump's restrictions on legal family-based immigration have been implemented rapidly, even capriciously, without giving applicants for permanent status or sponsoring family members the time they need to prepare for the new restrictions and regulations. But in the current anti-immigration climate, even minor mistakes or omissions caused by reliance on outdated rules and guidance can lead to denied applications, wasted costs and fees, and excessive delays in application processing, which impede the reunification of families.

As just one example, on September 22, 2020, the Trump administration commenced the implementation of its new Public Charge rule. The new law gives officers of the Department of Homeland Security ("DHS") expanded discretion and additional grounds to deny an application for permanent residency, among other visa applications, because the applicant might become a "public charge," who relies on public benefits and services, after being admitted to the U.S. The rule also creates new bases for those DHS officers to determine that applicants are inadmissible to the U.S. because of their past use of public benefits--a determination that the officer can make either when they review an application or when they inspect the applicant upon arrival to the U.S. And finally, the rule increases the number of public benefits and services, whose use would qualify an applicant as a public charge--benefits that are no longer restricted primarily to cash-based assistance but additionally include subsidized housing and many uses of Medicaid.

The rule has many exceptions but includes many counter-intuitive implementations as well. For instance, while the government only prohibits applicants from receiving public benefits for more than 12 months in any 36 months, it also authorizes the DHS to count the same month more than once if the officer believes the applicant used more than one benefit during that month. A DHS officer might decide to trust a single month as many as eight times, depending on the services that were used. Even worse, a finding of inadmissibility on public charge grounds can weigh heavily against the approval of future applications for permanent residency.

As the ever-changing rules that govern family-based applications for lawful permanent residency become increasingly challenging to navigate, and as the consequences of non-compliance become more and more punitive, it is all the more essential for aspiring immigrants and their petitioners, sponsors, and families, to ensure that their applications are correctly prepared in compliance with the most up-to-date regulations.

BANKRUPTCY & DEBT PROBLEMS

Gehi & Associates has counseled clients on several issues relating to debt and bankruptcy. We have guided our clients through Chapter 7 bankruptcy and Chapter 13 bankruptcy, advising them of their best path to free themselves of unwanted obligations. And we have also successfully avoided bankruptcy for others by negotiating a voluntary settlement between our clients and their creditors that was mutually agreeable and favorable to both.

MATRIMONIAL LAW

Gehi & Associates represents clients in a wide array of marital and family law issues. We have obtained favorable results from our clients in uncontested divorces and contested divorces, child custody and support, and guardianship proceedings. Our clients rely on us for our diligence and professionalism in various extraordinarily complex and sensitive cases, including cases where one spouse resides internationally or cannot be found at all. Cases where one spouse is an undocumented immigrant or the divorce may negatively affect one spouse's immigration status. Because of Gehi & Associates years of experience not just in divorce law but an assortment of other practice areas, the firm is qualified to address not only the complexities of the most challenging aspects of matrimonial law but also to navigate the intersection between marital law and the other pressing legal issues our clients face.

GEHI & ASSOCIATES
PUBLISHED BY GEHI & ASSOCIATES, ATTORNEYS & COUNSELORS AT LAW, WWW.GEHILAW.COM

FREE Initial Personal Consultation.
Call: 718.263.5999
Email: info@gehilaw.com

SPOTLIGHT

SEEKING REFUGE: APPLYING FOR POLITICAL ASYLUM IN THE U.S.

Many countries are unfortunately in civil duress causing you to fear persecution due to race, religion, membership in a social group, and political views. Every year, people come to the U.S. to escape present or future persecution because of their race, religion, nationality, membership in a particular social group, or their political opinion. In 1981, the U.S. passed the Refugee Act enabling the United States Citizenship and Immigration Services (USCIS) to grant political asylum or refugee status to those who fear persecution in their home country. According to a New York Times article (J. Preston, 9/30/10), the U.S. granted asylum in more than 22,000 cases in 2009. However, in 2015, the EOIR granted 8,246 asylums.

WHAT IS POLITICAL ASYLUM?

Political asylum is a form of protection available to people already present in the U.S. who are afraid of returning to their home country because of actual persecution, or who have a fear of actual persecution because of their:

- Race;
- Religion;
- National origin;
- Membership in a particular social group; or,
- Political views.

If you are still in your home country, and the above applies to you, you may be able to get refugee status, instead of asylee status. In other words, a "refugee" is a person who is living outside the U.S. and intends to enter the U.S. because he or she fears persecution in his or her home country, due to the above-mentioned grounds. Those eligible for political asylum or refugee status can become lawful permanent residents after the United States Citizenship and Immigration Services (USCIS) or the Immigration Judge approves their cases.

WHO CAN APPLY FOR ASYLUM?

Individuals of any nationality must request political asylum at a U.S. port of entry (airport, seaport, or border crossing), or file for it within one (1) year of arriving in the U.S. You will not be eligible for asylum if you participated in the persecution of others or if you have "firmly resettled" in another country. If you entered the U.S. on a valid visa, the time you spent in the U.S. with that visa does not count as part of the one (1) year period.

For more information visit www.gehilaw.com or email info@gehilaw.com

Photo Courtesy of CNS Photo/Jamal Nasrallah, EPA

KNOW YOUR VISA

THE K VISA (FIANCÉ VISA)

ARE YOU A FOREIGN NATIONAL WHO HAS RECENTLY GOTTEN ENGAGED TO BE MARRIED TO A U.S. CITIZEN?

ARE YOU A FOREIGN CITIZEN LIVING ABROAD, AND EITHER MARRIED OR ENGAGED TO A U.S. CITIZEN?

DO YOU WANT TO LIVE IN THE U.S. WITH YOUR FIANCÉ/SPOUSE?

IF YOU ANSWERED "YES" TO ONE OR MORE OF THE QUESTIONS ABOVE, THE K VISA MAY BE THE RIGHT CHOICE FOR YOU!

If you are a fiancé or spouse of a U.S. citizen, you may be able to enter the United States on a K visa, otherwise known as a Fiancé Visa. The main purpose of a K visa is to allow foreign national fiancés who live outside the U.S. to travel into the U.S. to marry their U.S. citizen fiancés.

TYPES OF K VISAS

K Visas are typically issued to two groups of people:

1. **K-1 Visa:** Fiancés of U.S. citizens who are living outside the U.S.

2. **K-3 Visa:** Spouses of U.S. citizens who are living outside the U.S.

3. **K-2 and K4 Visas:** The minor children of K visa fiancés or spouses who will accompany them into the U.S.

WHAT ARE THE REQUIREMENTS OF A K VISA?

The different requirements for each type of K visa are: K-1 Visa (Fiancés of U.S. citizens):

- The foreign national fiancé must be living outside of the U.S;

- The U.S. citizen must first file a Petition for Alien Fiancé with the United States Citizenship and Immigration Services (USCIS) and have it approved before the foreign national fiancé may apply for a K visa;

- Both the U.S. citizen and the fiancé must remain unmarried until the arrival of the foreign national fiancé in the U.S.;

- The foreign national fiancé and U.S. citizen must have met personally at least once in the two years before the K visa petition was filed.

K-3 VISA (SPOUSES OF U.S. CITIZENS):

- The foreign national spouse must be living outside of the U.S.;

- The U.S. citizen spouse must first file a Petition for Alien Fiancé with the United States Citizenship and Immigration Services (USCIS) and have it approved;

- A Petition for Alien Relative for the benefit of the spouse must also have been filed, along with the Petition for Alien Fiancé;

- If the marriage occurred outside the U.S., the K visa must be issued by the U.S. consulate in the country where the marriage occurred.

K-2 AND K-4 VISAS (CHILDREN OF U.S. CITIZENS' FIANCÉS & CHILDREN OF U.S. CITIZENS' SPOUSES)

- The children must be located outside of the U.S. and will accompany the K-1 or K-3 visa applicant or visa holder to the U.S.;

- The children must be under twenty-one (21) years of age, and unmarried.

LIMITATIONS ON K VISA

THE K VISA HAS VARIOUS LIMITATIONS ASSOCIATED WITH IT. SOME OF THESE RESTRICTIONS ARE AS FOLLOWS:

- By law, non-immigrant aliens cannot change to K visa status while they are in the U.S. The visa is only available to those living outside of the U.S.

- K-1 visa holders (foreign fiancés) must get married to their U.S. citizen fiancé within 90 days of their entry into the U.S.

- K visa holders may not change to any other non-immigrant status while they are present in the U.S.

- If a person is temporarily barred from entering into the U.S. for a previous violation of U.S. immigration law, he or she may not use a K visa to enter into the U.S.

- The foreign national spouse may obtain work authorization from the United States Citizenship and Immigration Services (USCIS) during the visa waiting period.

For more information, call Gehi & Associates at 718.263.5999 for a free personal consultation.

FREE Initial Personal Consultation.
Call: 718.263.5999
Email: info@gehilaw.com

GEHI & ASSOCIATES

Attorneys & Counselors At Law

ALL IMMIGRATION MATTERS, MATRIMONIAL AND FAMILY LAW, PERSONAL BANKRUPTCY, CRIMINAL LAW, LABOR LAW

- Marriage-Based Immigration
- Asylum
- Fiancée Visas
- Employment-Based Immigration
- Citizenship Applications
- Family-Based Immigration
- Temporary Protected Status
- Work Permits
- Cases Involving Criminal Issues
- Deportation Defense
- National Interest Waiver Cases
- Extraordinary Alien Ability Cases

OUR ATTORNEYS AND STAFF COLLECTIVELY SPEAK

English, Spanish, Bengali, Hindi, Gujarati, Nepali, Tibetan, Punjabi, Polish, Creole, and Malayalam.

LATE EVENING AND WEEKEND APPOINTMENTS AVAILABLE

CONTACT US FOR A FREE CONSULTATION

Jackson Heights Office
74-09 37TH Avenue
Queens, New York 11371
Phone: 718-263-5999
Fax: 718-263-1685

Ozone Park Office
104-05, Liberty Avenue
Ozone Park, New York 11417
Phone: 718-577-0711
Fax: 718-263-1685

Jamaica Office
173-29 Jamaica Avenue
Jamaica, NY 11432
Phone: 718-764-6911
Fax: 718-480-3190

info@gehilaw.com | www.gehilaw.com