

DELAYS, CHANGED CIRCUMSTANCES, MISS YOU FAMILY...SOUND FAMILIAR?
FAMILY PETITIONS REOPENED, PRIORITY DATE RETAINED

Here's what happened: In 2001, our client became a lawful permanent resident of the United States. He immediately petitioned for his 3 children back in the Philippines because as you know, children of derivative (preference) petitions cannot simultaneously immigrate to the United States. When he petitioned for his children, he was told that the priority date for such petitions would take at least 12 years to become current. As a result, our client did not pay much attention to these petitions and carried on with his normal life.

In 2006, he checked his status of his petitions. At that time, he was told by an USCIS information officer that his priority date was a 10 years from becoming current. Three years later, our client checked status again, only to find out that the petitions were denied in 2007 because information was requested of him and he didn't respond to it; he had moved and hadn't changed his address with the immigration service. He was properly informed by USCIS to refile I-130 petitions. He was appropriately concerned that doing so would make the last 8 years to have been a wait in vain. Simply, he could not wait another decade to be reunited with his children.

Rather than continuing to fight this fight on his own, our office was retained. After obtaining a complete copy of his file from the government, and drafting a detailed procedural history, a strategic game plan was created by our office. We immediately filed a motion to reopen the previously denied I-130 petitions based upon our client never having received notice of the additional information previously requested. In so doing, we described the hardship that our client had suffered and would continue to suffer if the petitions were not reopened. Additionally, we submitted all the evidence originally requested by USCIS before the denial.

The motion to reopen was granted and the I-130 petitions approved. Now, our clients children may immigrate in a more timely manner since the original priority dates will be retained. And, since these priority dates are almost current our client is obviously overjoyed. Now, the cases are appropriately positioned for consular processing and our client and his family will be reunited after years of separation. .