

BRAUWERMAN LAW FIRM, P.A.

Immigration & Nationality Law

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Featured Article

The Immigration Connection

December 2010

Welcome to the first **Brauwerman Law Firm** newsletter. You are being sent this newsletter because of your interest in immigration and nationality matters. Should you wish to unsubscribe you may do so below.

Look who supports the DREAM Act.

The Pentagon's manpower chief says a measure to legalize young immigrants who came to the U.S. illegally or came legally and became illegal is an obvious way to attract more high-quality recruits to the armed forces.

Clifford Stanley, the Undersecretary of Defense for Personnel and Readiness, says it would be unconscionable not to enact the so-called DREAM Act. It would give hundreds of thousands of young illegal immigrants brought to the U.S. before the age of 16 a chance to gain legal status if they joined the military or attended college.

However, the DREAM Act faces long odds in Congress, where most Republicans and a handful of Democrats regard it as backdoor amnesty for lawbreakers. Senate Majority Leader Reid's bid to advance it is likely to fail in a cloture vote today.

Some Governors care about deportable aliens.

New York Governor Paterson pardoned six immigrants facing deportation over old crimes. Those granted a pardon include a university official who pleaded guilty to a drug crime more than two decades ago. The pardons were granted specifically to thwart deportation. Actions to prevent deportation (if not based on a statutory or constitutional ground) usually are ineffective to prevent removal. However, pursuant to Immigration and Nationality Act section 237(a)(2)(A)(vi) a full and unconditional pardon by the President, governor or constitutionally recognized executive body, will prevent deportation for those aliens convicted of crimes involving moral turpitude, multiple criminal convictions, aggravated felonies, and high-speed flight from a Department of Homeland Security checkpoint.



Jeffrey N. Brauwerman, formerly a United States Immigration Judge, has served as Regional Counsel for the Southern Region of the U.S. Immigration and Naturalization Service and Chief Legal Officer for its Miami District office.

Is misuse of a social security number a crime involving moral turpitude?

According to the U.S. Court of Appeals for the Eighth Circuit it is. In *Guardado-Garcia v. Holder*, (No. 08-3918), a decision rendered on August 4, 2010, the court gave deference to the Board of Immigration Appeals' interpretation and found reasonable its conclusion that misuse of a social security number in violation of 42 USC §408(a)(7)(B) is a crime involving moral turpitude.

Is conditional lawful permanent residence lawful permanent residence?

The Third Circuit Court of Appeals seems to think so. In a case involving eligibility to apply for relief, a waiver, under former Immigration and nationality Act 212(c), the Court in *Gallimore v. U.S. Att'y Gen.*, on August 16, 2010, decided to remand the case back to the Board of Immigration Appeals for a definitive decision on whether conditional lawful permanent residence is lawful permanent residence. In a 22 page decision, the Court strongly indicated that it believes it is.

Call Us Today For A Professional Consultation

Jeffrey N. Brauwerman, of [Brauwerman Law Firm, P.A.](#), is available for consultations in either of our two offices and is also available for telephonic consultations.

We look forward to meeting with you and ultimately providing you with representation. Please note that a consultation does not constitute an attorney-client relationship although information disclosed during the consultation to any member of the firm will be strictly confidential.

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