



LAW OFFICE OF
BONNIE STERN WASSER
immigration & nationality law

PO Box 9758 | Seattle, WA 98109
415 1st Ave N #9758, Seattle, WA 98109 (Deliveries)
T/F (206) 282-2279
bonnie@bswasserlaw.com | www.bswasserlaw.com

10 TIPS FOR DO-IT-YOURSELFERS

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About a third of our practice consists of untangling the messes made by Do-It-Yourselfers (DIY). While it's easy to think it will be cheaper to do your own immigration paperwork, don't be fooled. It could cost you a whole lot more in the long run if you make a mistake. Immigration law is complex with a lot of nuance not to mention immigration officer inconsistencies and idiosyncracies. Policies and practices change frequently at the internal agency level. Understanding what category of eligibility applies, what to apply for, and how to do it properly is complex. Preparing applications for benefits can be very time consuming and confusing. You need to factor in the time away from work, fun and other activities that you normally would be doing in order to learn what to do. Ask yourself whether you should or want to spend more time doing what you do best or spend time with your family and leave immigration to the professionals, or do you do everything yourself? (For example, do you cut your own hair, fix your car, do your own taxes, paint your own house, diagnose illnesses?) Sure - you may do some or all of these things yourself, but is worth it and can you do it successfully?

You'll need time to figure out where to send things and how to follow up. A lot of people think immigration lawyers "just fill out forms." That couldn't be further from the truth. It's not "all about the forms." Indeed, it's all about selecting eligibility for the benefit sought that will enable you to pursue your dreams: to be with family, to work anywhere, or at a specific job, to invest in a business, or to find safety and freedom. There is no question that for people who really understand what they are doing, and have very clean cases, they can definitely get through the process on their own if they also have a lot of time and unlimited patience. But if you don't feel confident or understand what you are doing, save yourself the grief and long term expense. Hire a professional who deals with immigration issues every day, and get it right the first time.

A final word about using AI (artificial intelligence) programs like ChatGPT and others. AI is not legal advice and it is not always accurate. If you use AI, be sure to cross reference and double check that the information given is accurate. Remember, AI is not substitute for knowing local government practices nor the nuance of human nature that the officers use to decide your case. Your case will not be decided by a computer algorithm at this time.

Here are 10 tips if you want to DIY no matter what:

1. **OFFICIAL WEBSITES:** Stick to reading government websites ending in .gov. The most important ones for immigration are:
www.dhs.gov
www.uscis.gov

www.ice.gov
www.cbp.gov
www.justice.gov/eoir
www.travel.state.gov
www.usembassy.gov
<http://www.foreignlaborcert.doleta.gov/>

If you see a site with the names above ending in .com, they are not official government websites. Check out the public pages of the American Immigration Lawyers Association at www.aila.org.

2. **COPIES:** Keep copies of EVERYTHING you send to government agencies including copies of checks, photos, and supporting documents. In particular, know that the government is always looking for fraud and misrepresentation. Be sure to keep copies of what you submit online to the government such as ESTA applications, and electronic forms like DS160, DS260, I90s, and any other applications. Particularly for people who end up making mistakes, any lawyer you hire to help you fix the mess will need a copy of what you filed. To get a copy of your filing from the government through the Freedom of Information Act Request process can take weeks, months or even years, and even then, much of their records may be redacted. We recommend as well that you prepare and send a cover letter stating your case number, the date, the address where you are sending the documents, the application form(s) and checks enclosed and listing all other supporting documents and all attachments. That can serve as your record of what you gave the government. You might also want to number the pages. Keep a copy of the cover letter, too.
3. **MAILING DOCUMENTS:** Be sure to send anything to the government by some delivery method that requires signature and delivery verification, as that is your evidence it was filed and received. Date of receipt at the agency can be very important, especially for time sensitive matters. Note – most immigration filings are considered filed if properly filed (i.e., complete) as well as timely filed. Timely filed usually means the date it was received at the agency, not the date it was put in the mail. So, allow enough mailing times for delivery companies to mess up. Mailing by certified return receipt mail can take several weeks. If you have a time sensitive matter, allow an extra day for ANY delivery service you use. In our experience, they all have screwed up at least once. Be sure to track your package! Government websites or direct correspondence received from the government will have the most up to date information – and often more up to date than form instructions.

Make sure you verify the correct mailing address! One of the biggest problems for DIY'ers is rejected applications. The addresses on forms are not always as up to date as the "Direct Filing" instructions on the government's website. When in doubt, get advice!

4. **GOVERNMENT CONTACTS:** There are several ways to contact the government either by phone, email, online or in person, which can be found here:
 - A. USCIS: <https://www.uscis.gov/contactcenter>
 - B. National Visa Center:
Phone: 603 334-0700).
Email: Questions: asknvc@state.gov Status: NVCinquiry@state.gov
 - C. US Consulates and Embassies: These vary as to whether they prefer contact by phone, email or fax. See <http://www.usembassy.gov/>

Please note that the people who answer the phone at USCIS, NVC and some embassies are third party contractors with a very narrow script and limited access to data. You may need to ask for an agency supervisor in order to get more detailed and more accurate information. Otherwise, consult the website if you are looking for the most up to date information. In our experience, government officials frequently give out misinformation.

- D. Immigration Courts: Case Status: 240-314-1500 or 1-800-898-7180
Court Locations: www.justice.gov/eoir/sibpages/ICadr.htm
- E. ICE Detainee Locator: <https://locator.ice.gov/odls/homePage.do>
- F. Northwest Detention Center/Guide for Detained Immigrants:
<http://nwirp.org/Documents/Resources/LOPPamphletEnglishRev.byEOIRAndICE.pdf>
(Spanish): <http://nwirp.org/Documents/Resources/NWIRPGuiaNWDC2011.pdf>

- 5. **DOUBLE/TRIPLE CHECK EVERYTHING BEFORE SENDING:** Double or triple-check all mailing instructions online for USCIS applications, forms and supporting document instructions, and check for completeness. Make sure all boxes on all forms are marked with information or N/A or “none”. Make sure all forms are signed and dated. Be sure to send ORIGINAL signed forms. Make sure your filing fee checks are properly written out and for the correct amount.
- 6. **TRANSLATIONS:** All foreign documents must be translated into English. Submit both the foreign document AND the certified translation. Sample language by the translator can include:

CERTIFICATION OF TRANSLATOR

I, [FULL NAME], do hereby declare under penalty of perjury that the translation attached [above/below] is accurate and that I am fluent in written and oral [language] and English and am competent to translate in both languages.

[name] [date]
[address]
[phone]

List of Documents Translated: [list by title of document]

- 7. **OFFICIAL DOCUMENTS AND FRAUD:** You are responsible for the authenticity of your official documents (birth, marriage, divorce, death certificates). In most cases, submit a photocopy of official documents, including the backside stamps, ribbons, certifications, and bring the original to your interview or have available in case requested. In addition, forms are generally signed under penalty of perjury. To locate foreign documents, see Reciprocity Tables for Documents. <http://travel.state.gov/content/visas/english/fees/reciprocity-by-country.html>

Please note that delayed birth certificates (registered with authorities long after the birth), mistakes on birth, marriage, and divorce certificates, and inconsistencies between birth and passport documents can lead to case denials, suspicion of fraud and/or negative credibility findings.

Make sure EVERYTHING in your forms AND supporting documents is true, accurate and complete, including no material omissions. Make sure you tell the truth at your interview.

Listen to the questions carefully. Answer the question asked. You need not tell a long story. If you don't know the answer, say "I don't know." If you don't understand the question, ask for clarification or an interpreter if you need one. Fraud or misrepresentation, whether oral or in writing, can be a ground of inadmissibility to deny an application, or a ground of removal to deport you. Perjury is also a crime as is making a false statement on a government application. If this happens to you, seek legal counsel because you may or may not have options or you may need criminal defense counsel.

8. **RESPOND TO ALL NOTICES:** You may receive notices to appear for biometrics appointments, interviews, hearings, or to submit additional information by mail. **Failure to show up or respond can result in denial of your case for abandonment.** Make sure you appear or reply to all requests and appointments. Answer all the questions in any written requests EVEN IF you previously submitted the information, the question is stupid, or irrelevant. Again, make copies of responses and verify delivery, etc. See below about always keeping your address up to date. Just saying "I didn't receive" a notice is not enough if you did not keep the agency up to date about your whereabouts.
9. **ARRESTS OR OTHER LAW ENFORCEMENT ENCOUNTERS:** If you have been arrested at any time before or after filing an application, be sure to seek legal counsel immediately since criminal activity can have significant or severe immigration consequences no matter how "minor" you think the offense is, including offenses that are not charged, are dismissed, deferred, expunged or pardoned. **SEEK LEGAL ADVICE!** This is a complex and frequently changing area of law.
10. **ADDRESS CHANGES:** All non-US citizens must file notices of address changes within 10 days of moving on form AR-11 at www.uscis.gov/forms. **In addition**, if you have a pending application of some sort, you must notify the office that has your application about your address change. See your fee receipt. Finally, petitioners and sponsors who filed form I-864 Affidavits of Support and who move must file form I-865 upon moving. See previous link. If you do not notify the relevant agency of your address change, your case may be denied for abandonment. Also, be sure to fill out a US Postal Service Change of Address form for all of your mail. And, call the 1800# on your fee receipt as well to provide the new address.

WHERE TO GET HELP:

Lawyers: www.aila.org, www.ailalawyer.com, www.avvo.com, www.lawyers.com

Verify lawyer licenses on state bar websites and check the disciplinary list with DHS/EOIR:

<http://www.justice.gov/eoir/discipline.htm> Also, check with your state and local bar associations for lawyer referral services and local nonprofit authorized service providers per the rules below.

Nonlawyers: Only certain nonlawyers are permitted to provide legal advice or prepare/submit applications to immigration court/USCIS and other agencies: For specifics about who may help, see: <http://www.justice.gov/eoir/UPILFlyer06222011.pdf> and avoid scams! <http://www.uscis.gov/avoid-scams>