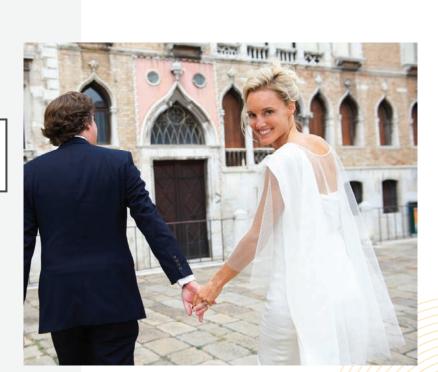
## FAMILY BASED CASES ARE NOT ALWAYS EASY

Complications in your family immigration case

Irene Mugambi and Krystal Gómez



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## IT BETTER BE REAL

Section 204(c) of the Act prohibits the approval of a visa petition filed on behalf of an alien who has attempted or conspired to enter into a marriage for the purpose of evading the immigration laws



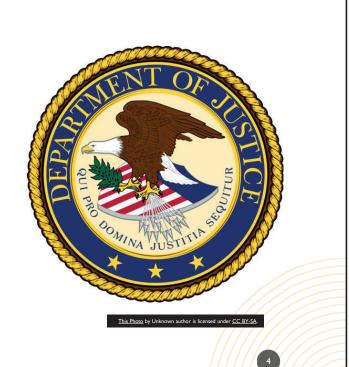
MATTER OF PAK, 28 I&N DEC. 113, 116-

PRIOR I-130 DENIED ON INSUFFICIENT EVIDENCE = DENIAL OF SUBSEQUENT



Matter of Kagumbas 28 I&N Dec. 400 (BIA 2021)

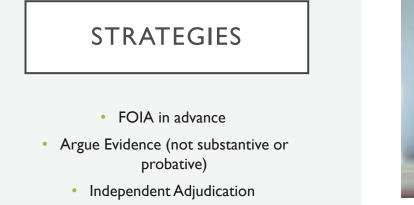
- BIA ruled IJ have authority to investigate the • authenticity of marriage even if I-130 was approved
  - Mentioned Matter of Bark
  - Cross serve updated bona fides



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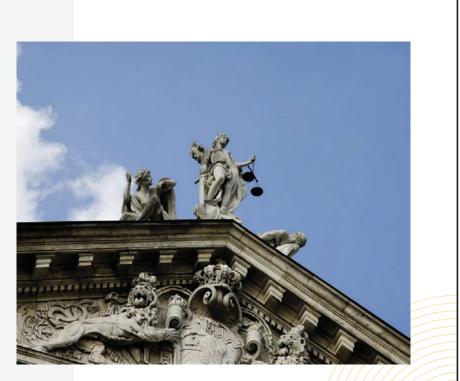


 Reasonable Inference v. Substantial Evidence



## AVOIDING 204(C)

- One-Sided Financial Support
  - Immigration History
- Frequent Marriage/ Divorce History
  - Excessive Use of Visa
- Lack of Shared Social Connections
  - Short Courtship
  - Lack of Shared Assets
  - Criminal History of USC





Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

## Title search: Family Immigration Isn't Always Easy

Also available as part of the eCourse <u>Family Immigration Isn't Always Easy</u>

First appeared as part of the conference materials for the 47<sup>th</sup> Annual Conference on Immigration and Nationality Law session "Family Immigration Isn't Always Easy"