



Published on *US Immigration Lawyer, Law Offices of Rajiv S. Khanna, PC, Rajiv S. Khanna* (<https://immigration.com>)

Adjustment of Status, Form I-130, Form I-485, ESTA, Fraud/Misrepresentation, Waiver

Adjustment of Status, Form I-130, Form I-485, ESTA, Fraud/Misrepresentation, Waiver ^[1]

Submitted by Chief Editor on Jan 13th 2014

We have received a particularly remarkable green card approval a few weeks ago. USCIS alleged fraud and denied the green card where the spouse of a US citizen had entered the US on visa waiver and then applied for Adjustment of Status (AOS) within a few days after entry. We were retained once the green card had been denied. The allegations of fraud or misrepresentation are particularly troublesome because they operate as a PERMANENT bar against immigration. There is a narrowly tailored waiver available, but it can be difficult to obtain. We filed a Motion to Reopen the denied AOS and applied for a new AOS with the waiver request. Here comes the tricky part -- the waiver request form requires us to concede that we have committed fraud. That was untrue. Our clients had acted innocently. USCIS was of the opinion we must checkmark the box on the waiver form that admits to fraud. I refused to permit that. The reason: if we admit fraud under penalty of perjury, and that admission is false; would that admission not amount to perjury and perhaps fraud? We were willing to take this matter to court. We had sufficient evidence on the record indicating innocence. To our relief, USCIS approved the AOS without further inquiry. PS Note that entering the US on any short term visa (except K visas and dual intent visas like H-1, L-1, etc. ? I have a blog entry on what are dual intent visas) and trying to convert to a long term visa or green card can be viewed with suspicion by USCIS. From: Rajiv. Click [HERE](#) ^[2] to watch a video on this discussion. Adjustment of Status Form I-130 Form I-485 ESTA Fraud/Misrepresentation Waiver Engineers

Status:

Green Card AOS Approved

Nonimmigrant Visas:

[Waiver](#) ^[3]

Immigration Law :

[Fraud/Misrepresentation](#) ^[4]

Green Card:

[AC21 AOS Portability](#) ^[5]

[Form I-130](#) ^[6]

[Form I-485](#) ^[7]

Profession/Occupation:

Engineers ^[8]

Audio / Video:

Video of 49ynB2xsUMk

Source URL (retrieved on 10 Jul 2020 - 03:53): <https://immigration.com/sample-cases/%5Bac21-aos-portability-form-i-130-form-i-485/adjustment-status-form-i-130-form-i-485>

Links:

[1] <https://immigration.com/sample-cases/%5Bac21-aos-portability-form-i-130-form-i-485/adjustment-status-form-i-130-form-i-485>

[2] <http://www.immigration.com/media/adjustment-status-form-i-485-general-green-card/applying-green-card-while-visitors-visaesta>

[3] <https://immigration.com/visa/nonimmigrant-visas/waiver>

[4] <https://immigration.com/law/immigration-law/fraudmisrepresentation>

[5] <https://immigration.com/greencard/green-card/adjustment-status/ac21-aos-portability>

[6] <https://immigration.com/greencard/green-card/form-i-130>

[7] <https://immigration.com/greencard/green-card/form-i-485>

[8] <https://immigration.com/profession/professionoccupation/engineers>