



# HOMeward BOUND

The "Unofficial" Official Newsletter  
of the Hacking Law Practice, LLC

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December 2012

*Happy Holidays!*

## Ready for my close-up ???



In early December, I had to travel to the East Coast for an immigration interview in Baltimore. I used this scheduled travel to squeeze in a side trip that I have been waiting a long time to make.

I visited the Fairfax Video Studio located in ... you guessed it, Fairfax, Virginia. Tucked beside the grand old buildings in this charming Virginia town, Fairfax Video Studio has been helping attorneys like me add video to their website. During this trip, we shot approximately sixty videos in just a short amount of time.



These videos were designed and intended to answer many of the questions that clients frequently ask either when they meet with me at the office or when they click their way onto our website. We will be updating our website with these new videos on a regular basis. I had several reasons for wanting to add video to our already robust website:

- Video allows me to communicate directly with potential and existing clients.
- Many questions that I receive are asked repeatedly by different people. Answering the questions in one place will help educate clients before they come to see us.
- People can get a sense of me and my personality by watching the various videos on the site.

At the studio, I worked with Jim Folliard and he walked me through a list of questions that I had prepared over the past several months. These questions covered general immigration topics, as well as specific practice areas like asylum, citizenship, deportation, visas and green cards. Please be sure to check out our website as the new videos should be up soon – [www.hackinglawpractice.com](http://www.hackinglawpractice.com). If you have any questions that you would like answered on the site, please email them to me and we will try to address them the next time we add more videos.

## Lawsuit Helps Man Overcome Two Year Delay on Wife's Visa Case

One major difference between our firm and many other immigration attorneys is that we do not typically "wait around" for the immigration service to bestow a benefit upon our clients. Many immigration attorneys take a "go along to get along" approach with USCIS and are grateful when a case goes there way.

We offer a different approach. When a case presents particular hurdles, we research the law and develop methods to increase the likelihood of success. With our litigation background, we frequently turn to the federal courts for judicial assistance in obtaining the immigration benefits to which our clients are eligible and deserving. For instance, the law says that if more than 120 days have passed since a naturalization interview and USCIS has failed to approve or deny the application, the naturalization applicant can file suit in federal court. The lawsuit can request that the federal judge (who is appointed for life and outside the control of USCIS) either award citizenship to our client or issue an order compelling USCIS to act on the case within a set time. In the past four years, we have filed citizenship delay cases for over 60 men and women and helped virtually every one of them obtain their naturalization in a timely fashion. These lawsuits have forced USCIS to act on cases that have languished for three, four and even nine years.

We have also had a fair amount of success in filing suit to compel USCIS action on other types of cases. These lawsuits have helped people obtain lawful permanent resident ("green card") status and spouse visas when USCIS has simply sat on the case for years.

This month, we helped a client obtain approval of a spouse visa that had been pending for more than two years. Our client was from Pakistan and had applied for a visa for his spouse in early 2010. USCIS had transferred the case to the USCIS field office in St. Louis over a year ago, where it had been languishing ever since. As is often the case, after we filed suit, USCIS simply approved the case and our client's file has been transferred to the National Visa Center for processing.

As you might imagine, our client is ecstatic. We feel good because we were able to get him an immigration benefit to which he was completely entitled and we forced the federal government to do the right thing. It is not every day that you get to do that!

## We Have 2 Offices to Serve You:

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## Immigrant Hero of the Month: Jennifer Shoulberg



**JENNIFER L. SHOULBERG**  
Born: 1985  
From: Busan, South Korea  
Associate, Hacking Law  
Practice, LLC  
Arrived in US: 1986

**Tell us a little bit about your educational background? Where did you come from?** I was born in Busan in South Korea. I was adopted when I was still a baby, approximately 6 months old. My parents found me through an adoption agency. They requested a “special needs” child, as the agency told them that they could receive a child faster that way. I was born with a cleft lip and palate. My parents adopted me without ever having met me, and I arrived in St. Louis on Christmas Eve, 1985.

Over the years that followed, I had over a dozen surgeries on my lip and palate. The surgeries began shortly after I arrived, and the last one happened when I was in high school. When I think about

this, I am grateful for all of the opportunities that I have had because my parents adopted me. I know that I never would have had the same chances if I had remained in an orphanage back in South Korea.

My parents adopted by brother, David, a few years later. I remember that I was in pre-school, and they gave me an “I’m the big sister button.”

**Tell us your immigration story?** I came as the daughter of U.S. citizens on a family based visa. A few years later, I became a U.S. citizen when naturalized in a ceremony under the Gateway Arch. The event was presided over by Supreme Court Chief Justice Warren Burger on the Fourth of July in 1987.

**Where did you grow up?** I grew up in Rock Hill, Missouri and attended Webster Groves High School.

**Tell us about your education background.** I received two bachelor’s degrees from the University of Missouri – Columbia in 2007, one in psy-

chology and the other in political science. Then, I obtained a paralegal certificate and master’s degree in legal studies from Webster University in 2008. Most recently, I attended Saint Louis University School of Law on a scholarship, and I graduated in 2011 with a juris doctorate degree and an employment law certificate.

**Why did you go to law school?** Originally, I wanted to do adoptions. But it turned out to be such a narrow area of the law, that in a smaller legal community like St. Louis, it would have been hard to focus just on that. One of the things that I like about my current job is that even though I am not handling adoptions, we do help unify families through our immigration work.

**How long have you been at HLP and what type of work do you do?** We have worked together since February of 2010. Most of my cases involve representing victims of employment discrimination and civil rights violations. I enjoy my work because I like fighting for the little guy and making sure our clients’ rights are protected, and helping them understand what their rights are.

**Any recent successes?** We represented a young man who is in the United States as a refugee in an insurance dispute. He was involved in a minor traffic accident and the insurance company refused to provide him a defense due to a convoluted interpretation of the policy. We sued the insurance company and they completely capitulated.

**What do you like to do for fun?** I like to knit, play scrabble and watch Cardinals baseball. Also, I won my fantasy baseball league this year.

**Do you have any thoughts on why immigration is good for America?** From the perspective of an adopted “special needs” child, I have always striven to be an example of why adoption is a good thing and why giving a kid a chance is so important. Our country allows us to adopt children from other countries and to make a huge difference in their life. With that, foreign kids–like me–are afforded a chance to have a career and to contribute to society in a meaningful way. I never would have gotten those things in South Korea. Because I was given this great gift by my parents, I want to make sure that I live my life with great purpose.

We started Immigrant Hero of the Month to combat the negative publicity surrounding the issue of immigration. By spotlighting the tremendous contributions that immigrants make in our country on a daily basis, we hope to shed light on the many positive aspects of immigration. Each month’s hero will receive a \$50 gift certificate to a tasty ethnic restaurant. **If you would like to nominate an immigrant for our Hero of the Month segment, please send an email to [adela@hackinglawpractice.com](mailto:adela@hackinglawpractice.com).**

## Homeward Bound Immigration Podcast

Did you know that we have created an immigration podcast called Homeward Bound? Our weekly podcast includes three sections. We begin each podcast with the latest immigration news. With President Obama’s re-election and new efforts by members of Congress, the news out of Washington for immigration reform is coming fast and furiously. Our second section is Jimmigration, where we discuss an immigration concept in the hopes of educating our listeners as to the nuances of federal immigration law.



We end each show with our Immigration Success story. Each week, we discuss a famous or not-so-famous immigrant who is contributing to American society in a meaningful way. So far, we have discussed New York Yankees second baseman Robinson Cano (who recently became a U.S. citizen), Google co-founder Sergey Brin and the red wagon Radio Flyer inventor Antonio Pasin.

In just one month’s time, our podcast has been downloaded throughout the United States, as well as in **England, Germany, Japan, China** and the **Philippines**. You can access our podcast in the iTunes store by searching “Homeward Bound immigration” or by visiting [homewardbound.libsyn.com](http://homewardbound.libsyn.com).

## Book Excerpt

I am putting the finishing touches on my first immigration book, entitled ***DENIED: Ten Fatal Mistakes that Can Ruin Your Immigration Case***. In this one of a kind book, I outline the ten most frequent mistakes that I see people make when dealing with the immigration service. My goal is to explain ways to strengthen an immigration case and to show how working with an experienced immigration attorney can help increase the chances of an approval. The following is an excerpt from the book, which heads to the printer in early 2013.

## Mistake – Overstaying a Temporary Visa

A non-immigrant visa is the document that allows non-citizens to visit the United States for a temporary stay. Non-immigrant visas include visitors for business (B-1), visitors for pleasure (B-2), students (F-1 and J-1) and certain employees (L-1 and H-1). The U.S. Citizenship and Immigration service (“CIS”) issues a non-

immigrant visa based on a promise by the visitor that they will leave the United States prior to the expiration of the visa.

To some degree, a non-immigrant’s promise to leave depends on the honor system. CIS expects people to leave on time. If you don’t, neither CIS nor the Immigration and Customs Enforcement (“ICE”) officers come looking for you the next day. The government simply does not have the resources.

One way that the government does try to maintain the integrity of the departure system is by imposing bars on re-entry to the United States for people who overstay their visa. For instance, if a temporary visa holder overstays their visa by more than 180 days and leaves the U.S., they will be barred from returning for three years (“the three year bar”). If such a visa holder overstays by more than 1 year and then leaves the U.S., they will receive a ten year bar (“the ten year bar”). Bars can be imposed for other reasons as well, such as for aliens who engaged in criminal activity.

One crucial thing to keep in mind is that the three year and ten year bars apply only if the visa holder leaves the United States. The bar applies to future inadmissibility. This may mean that if the visa holder later marries a U.S. citizen, the overstay may be forgiven and the visa holder may adjust status (i.e., obtain lawful permanent resident status) in the United States.

The three year bar and the ten year bar may also be waived by the government. However, such waivers are rare and usually require a showing of exceptional circumstances. It would be foolish to overstay a temporary visa in the hopes of one day receiving a waiver of the three or ten year bar.

The safe approach is to always maintain lawful presence in the United States. If an emergency arises, an extension may be available. But the best course of action is to stay in lawful status at all times and to avoid overstaying.



## What’s new?

Our office settled two accident cases involving one client. Our client sustained a soft tissue car accident in the city of St. Louis. A few months later, our client was hit head-on by a lady who had mistakenly entered his lane of traffic which she believed was a turn lane. This second collision was much more serious as our client’s car flipped over three or four times. In working on the case, the insurance company for each driver tried blaming all of our client’s injuries on the other accident. We settled the soft tissue case for \$10,000 and the rollover case for \$75,000.

Jim was quoted in the St. Louis Post-Dispatch in a November article on the ethics and propriety of St. Louis City Circuit Attorney Jennifer Joyce tweeting about cases her office is prosecuting. The article stemmed from a brief Twitter exchange that Ms. Joyce and Jim had back in August in which Jim questioned the propriety of a prosecutor making such pre-trial “tweets.” You can access the article at <http://bit.ly/11gDqDS>.



Jim also took part in the Movember campaign to help raise funds for prostate and testicular cancer initiatives. If you don’t know about Movember, men begin the month clean shaven and grow a mustache over the course of November. Check out the cool stash.

**We Love Referrals** We love hearing from past and current clients. Referrals are our best source of business. Besides immigration, what other legal work does our firm handle? Personal injuries and accidents, workers compensation, civil rights, employment discrimination and river cases. If you need another kind of lawyer, feel free to contact us and we can probably point you in the right direction.

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# Holiday Wishes

At this special time of year, our firm would like to take a few moments to wish you and your family the very best this holiday season.

We'd also like to thank you; we truly appreciate all that you have done – our clients, friends and colleagues – to make our work so gratifying and fulfilling. We hope that we have lived up to the trust that each of you placed in us.

May you and yours enjoy good health, peace and happiness in the New Year.