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Paperwork mix-up can't deny family U.S. citizenship

By: Bill Cresenzo September 5, 2019

A North Carolina family that was denied U.S. citizenship because neither their attorney nor representatives from U.S. Citizenship and Immigration Services told them they had to fill out a certain form and pay a fee to apply for their green cards will get another chance at naturalization, a U.S. District Court judge has ruled.

Dante Gil and his wife at the time, Rosa Gil, who are from the Dominican Republic, came to the United States in 1999. Four years later, their 14-year-old daughter joined them. In 2008, the three received their green cards, and in 2013, applied for citizenship.

The next year, however, USCIS informed them that their green cards were obtained unlawfully and denied their citizenship applications because a supplemental fee wasn't paid and a particular form was filed with the application.

"The attorney had forgotten to send it, and immigration didn't ask for it," said Rob Heroy of Goodman, Carr, Laughrun, Levine & Greene in Charlotte, who represented the family. "The Gils offered and attempted to pay the supplemental fee, but were told that they could not pay it, which meant they could never become citizens."

The Gils requested a review of the denial of their applications, and in 2017 immigration officials upheld the decision. Heroy filed a motion for reconsideration in U.S. District Court for the Western District of North Carolina, which Judge Graham Mullen granted on Aug. 23.

"According to the defendants' arguments throughout this proceeding, the government's mistake and the immigration attorney's mistake leaves these plaintiffs with zero hope of a future as naturalized American citizens," Mullen wrote in his order. "Defendants argue that this court should not intervene in any way to rectify the agency's mistake. This court refuses to serve in the role of Pontius Pilate and simply wash its hands of this matter."

Mullen ordered immigration to allow the Gil family to pay the original supplemental fee, "which will put them in a position where they can finally get citizenship," Heroy said.

"The family is ecstatic to finally be able to get this behind them," he said. "The daughter is an office professional, and the parents are small business owners without any criminal issues or anything like that which would disqualify them from citizenship. It's been a long road to get here."

A spokesperson for USCIS could not be reached for comment.

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