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Overcoming INS Suspicion

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Some foreign nationals have been known to do anything just to be able to come to the U.S. Fake marriages, fake divorces, forged documents, as well as claims to non-existent family relationships are common. For this reason, American consuls and immigration examiners who interview prospective immigrants are often suspicious. It is up to the applicants to present the consul or examiner with evidence of a genuine relationship.

Here are some common scenarios which may arouse the suspicion of an interviewing officer:

- A beneficiary or petitioner files for divorce and then gets married and petitions his or her new spouse.
- A married son with a pending petition divorces his wife to qualify for first preference visa category.
- A divorced son emigrates to the U.S., goes back home and remarries his former ex then petitions her.
- An unmarried person concealed the existence of his out of wedlock child. He later goes home, marries the mother of the child and petitions them both.
- A fiancée did not tell of a previously dissolved marriage or the existence of children from this previous marriage. After she remarries, she petitions the children.

To help establish that a divorce is genuine, there must be proof that both persons lived separate lives, in different locations, filed separate income tax returns, and paid separate utility bills. If the other party is now living with or married to someone else, this may be presented as strong proof that the divorce is legitimate.

Letters written to family members revealing one's marital woes of physical abuse, infidelity, desertion or other valid reasons for divorce and allusions to a possible divorce may be presented as evidence. These letters, to be believable, must have been written and postmarked prior to the divorce proceedings. Where an immigrant divorces then remarries the same person after emigrating here, letters between the parties which led to their eventual reconciliation would also be helpful.

Elaborate wedding ceremonies, honeymoon trips, joint ownership of property, insurance policies and other supporting documents can prove that a present marriage is not fraudulent.

Where the existence of a child was previously concealed, the following guidelines may help:

- If one was never married but he has a child out of wedlock, a statement should be obtained from the marriage registrar showing that no marriage was ever registered.
- Documents should be gathered to show parentage such as birth certificate, school records and health records. Family correspondence and evidence of support would be useful corroborative proof. In the absence of any proof, DNA blood tests, if available, could solve the dispute. If all else fails and one is really telling the truth, a lie detector test may be taken. This should be persuasive enough.