

# Globe West

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FRAMINGHAM

## Lawyer buoyed by court ruling

### Challenges law against green card applicants

**By Franco Ordonez**  
GLOBE STAFF

Saber Macarius cannot walk far in the Boston Immigration Court these days without someone slapping him on the back or giving him a high five. That is because he fought the federal government - and won what some believe was a major victory for immigrants.

Macarius convinced a federal appeals court that immigrants who marry US citizens should be able to apply for legal permanent residency, even if the immigrants were in the process of fighting deportation when they got married.

"It's a big win," said Edward R. White, a Boston immigration lawyer. "It really is. It's huge."

Macarius, 52, is an Egyptian immigrant whose law office is a worn two-story converted house tucked behind a CVS and a tanning salon on Route 9 in Framingham.

"It has a David vs. Goliath aspect to it," said Richard Perlmutter, Macarius's former professor at Suffolk University Law School, who described Macarius as an idealist.

"You're doing work against a government institution that has almost unlimited resources, and he's running a little office out of Framingham:"

Anti-immigration activists charged that the decision will only encourage more immigrants to enter into bogus mar-



**SAHER  
MACARIUS**

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# Landmark green card ruling buoys Framingham lawyer

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riages in order to stay in the country.

But Macarius's clients credit him with saving their lives. "Thank God, I found him" said Wissam Succar, who said he was a target of Muslim fundamentalists in Lebanon.

Margo Lichaa, a US citizen, said her husband, Rabih, came within seven days of being sent back to his native Lebanon, where his life would be in danger, but now has a chance to apply for a green card.

"There were many times that I was giving up hope," she said. "Saher saved us."

Macarius said he has been fielding dozens of calls offering congratulations and seeking advice. For weeks after the decision, Macarius said he could not walk through the courthouse without people congratulating him.

"It took me a while to land back down on earth," Macarius said. Immigrants who marry a US citizen can apply for the green card that is given to legal permanent residents. But in 1997, the federal government issued regulations that immigrants who get married to a US citizen while seeking asylum or fighting deportation cannot apply for a green card. Macarius challenged the regulations. In January, he won his case in the US Court of Appeals for the First Circuit in Boston. Macarius came to the United States in 1984. He was 31, married, and had worked for years as a police officer in Egypt but came searching for a better life.

He enrolled in law school six years later, taking on a full course load while working full time as a Security guard for a medical center.

He lives in Dorchester and has no children. A devout Christian, he says his "children" are his Sunday school students at St. Mark Coptic Orthodox Church in Natick.

The court decision only applies to Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico, but immigration specialists expect the case will be cited by lawyers nationwide as they attempt to overturn the regulations in their areas.

"We and the other government agencies involved are still considering whether to seek further review of this decision;" said Shawn Saucier, a spokesman for the US Citizenship and Immigration Services. "We are complying with the decision." Macarius said he could not have done it alone. He got a lot of help, he said, from groups such as the American Immigration Law Foundation, the Massachusetts Law Reform Institute, and the American Immigration Lawyers Association.

Kerry E. Doyle, Massachusetts chairwoman of the American Immigration Lawyers Association, said immigration activists hope the government will rethink the regulations and adjust them to agree with the First Circuit decision.

She does not expect the government to appeal, but critics of the decision think the government should consider that possibility.

The Massachusetts Coalition for Immigration Reform, a group that seeks to restrict immigration, believes the decision will encourage more immigrants to enter into fake marriages.



GLOBE STAFF PHOTO/BILL POLO

**Saher Macarius's immigrant clients credited him in bringing hope to their lives.**

"It was a bad decision," said Robert Casimiro, executive director of the group. "It's further undermining the system. It opens the door up for people who don't have legitimate reasons for asylum.'

Macarius said that part of him would welcome the case to go to the US Supreme Court. He said he was confident he would win there, too.

Macarius said he is happy that his name is associated with the case.

"A doctor wants to find a new medicine," he said. "A scientist wants to make a new discovery. A lawyer wouldn't dream of anything more than a landmark case. It's history. It goes into the law books and becomes part of life. This is the greatest feeling:"

*Franco Ordonez can be reached at [fordonez@globe.com](mailto:fordonez@globe.com)*