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Landmark case will help aliens

Framingham lawyer sets precedent for immigrants obtaining green cards

By Liz Mineo

NEWS STAFF WRITER

FRAMINGHAM - A Framingham lawyer has won a landmark case before a federal appeals court that says certain immigrants married to U.S. citizens do not have to leave the United States to obtain green cards.

The ruling, issued Jan. 5 by the 1st Circuit U.S. Court of Appeals, struck down a 1997 regulation of the U.S. Citizenship and Immigration Services that barred arriving aliens "paroled" into the country from adjusting their legal status, even if they were married to a U.S. citizen.

A person is "paroled" when he or she is allowed to enter the country for humanitarian reasons despite not having proper documentation. Persons seeking political asylum are paroled.

The case was brought by Norwell resident Wissam Succar, a native of Lebanon who was paroled into the country in 1998, after arriving at Miami International Airport seeking Succar asylum. A former member of the Lebanese Christian Militia, Succar had been persecuted by Hezbollah and Syrian forces.

In 2001, while his case was pending, Succar married a U.S. citizen, who filed an immigrant visa petition for him. His application was denied based on the regulation the federal appeals court overturned 11 days ago.

Succar was represented by Framingham attorney Saher J. Macarius, and both are relishing the decision. Succar is not facing deportation and is awaiting the final word on his green card, and Macarius said he feels confident he can win the cases of seven other clients who are in the same predicament as Succar.

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Macarius



Succar

Landmark decision will help clarify deportation ruling

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Without this ruling, Succar would have been deported and would have been barred from re-entering the country for 10 years.

An immigration lawyer based in Framingham since 1996, Macarius credits his success in the case to his client's willingness to fight and the endorsement of the American Immigration Law Foundation, which wrote a brief to the court supporting the case.

"I was fortunate to be in the right place in the right time with the right client," said Macarius. "Many immigrants can't afford to hire a lawyer or wait in jail for a significant change in the law."

For Macarius, the ruling will bring many benefits. It will help prevent family separations, influence government agencies to be more cautious in interpreting the law and help many immigrants who are eligible to get green cards, he said.

"Many people were waiting for this decision," he said. "Immigration lawyers, immigration judges, and immigrants and their families. For seven or eight years, there was chaos because of the regulation. With this decision, if someone is hopeless, he or she can breathe a sigh of relief."

Immigration lawyers said the court's ruling is a far-reaching decision that opens the door to thousands of immigrants to adjust their legal status in Massachusetts, Maine, New Hampshire, Rhode Island and Puerto Rico, the area covered by the 1st Circuit.

The ruling is a specific relief for paroled immigrants marrying U.S. citizens.

"It's the first time a court in the nation rules this regulation is invalid," said Mary Kenney, senior attorney at the American Immigration Law Foundation, which supported the case. "We hope it will be influential to other courts in

the country. Ultimately, it could help tens of thousands of immigrants."

With its ruling, the court found the government regulation violated a 1960 law passed by Congress that allowed parolees in deportation proceedings to apply for adjustment of status.

"The 1960 legislation can be viewed as striking a balance," wrote the judges in their decision. "While it broadened the number of aliens able to apply for adjustment of status, it also defined the category of aliens eligible so that only the deserving could be considered for the relief... The legislation will not benefit the alien who has entered the United States in violation of the law."

The case was also supported by the Massachusetts Law Reform Institute, Massachusetts Immigrant and Refugee Coalition, International Institute of Boston, and the Harvard Immigration and Refugee Clinic of Greater Boston Legal Services. As for Macarius, that the court overturned the government

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STAFF PHOTO BY ALLAN JUN

Framingham Attorney Saber Macarius and his client, Wissam Succar of Norwell, have won a landmark case that will help certain immigrants in deportation proceedings get their green cards without having to leave the country.

regulation is a professional victory which makes him feel proud and grateful. It was the result of a collective effort and' favorable circumstances, he said.

When Macarius learned of the court's ruling, he told Succar - which means sugar in Arabic - that he has brought sweet news to immigrants.

As for Succar, he hopes other people could benefit from the ruling and share his feelings of relief and gratitude.

"Thank God, I feel much safer now," said Succar, who works as a car mechanic. "I've been waiting for seven years for the case to be solved. I'm married, I pay taxes, I work and I want to live like a normal person."

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