

MEET YOUR CLIENTS:

Louisa Villegas is an LPR married to Jorge Villegas. Louisa and Jorge are both from Mexico. They married on November 16, 2013, after dating for six months. They were each married before and have children from their prior marriages as follows:

Louisa's children:

- a. Juliana Mendoza, USC, DOB: 2/14/2000(age 15)
- b. Luis Mendoza, USC, DOB: 1/17/1998 (age 16)

Jorge's children:

- c. Nina Villegas, DOB: 11/02/1994, undocumented (age 19)
- d. Jaime Villegas, DOB: 12/15/1995, undocumented (age 18)

Jorge came to the U.S. with a tourist visa in 2008, and has been in the U.S. since his entry. Nina and Jaime came in 2012 with their mother, and were smuggled into the U.S. Louisa and Jorge have lived together since their marriage, along with Juliana, Luis and Jaime. Nina lives with her boyfriend and she just found out that she is pregnant.

Issues to be Reviewed in Week Two Webinar:

1. Louisa is filing a separate petition for Jaime. Jaime is talking about getting married to his girlfriend in six months. Can she qualify as Jaime's derivative beneficiary?
2. Louisa has decided to save money and just file one petition for Jorge. If Louisa naturalizes, does she need to file a new petition for Jorge? Will Jaime still qualify as a derivative beneficiary?
3. What if Louisa only files a petition for Jorge and then they later divorce before Jorge immigrates – can Jaime and Nina still immigrate based on that petition?
4. Louisa decides to file a separate petition for Jaime. Will Jaime be protected by the CSPA if he turns 21 before he is able to immigrate? Is there anything Louisa can do to protect Jaime from "aging out"?