



# THE LEGAL BEAGLE

## IMMIGRATION | TRAFFIC | CRIMINAL DEFENSE

A publication from Gardner and Mendoza, PC

Winter 2017



## Gardner & Mendoza kicks off 2017 with a BANG!

2016 was an amazing year, and we know **the best is yet to come!** Since our last newsletter, we've had lots of exciting happenings in our firm.

We hired a second **Associate Attorney, Kiley Sanders!** You can read all about her on page 3. Kiley joined us in November and has hit the ground running. We are excited to have her on board.

The office of the **Attorney General appointed Radlyn** and our immigration team as Special Counsel for the Commonwealth's immigration matters. That means we assist state universities, colleges and agencies with all immigration needs!

Both **John & Radlyn won "Top Lawyers"** in Coastal Virginia's annual contest. This is an exciting distinction because only fellow attorneys were eligible to vote. Check out our business profile in CoVA's January edition!

Radlyn had the honor of speaking to newly sworn-in U.S. Citizens at a Naturalization Ceremony last month at the **Norfolk Federal Courthouse!** And her dad even came out to hear her speak!

Radlyn and John have taken up running and are competing in the **Shamrock Half Marathon** in March! Cheers to a 9 minute mile!

Concerned about your immigration status with **President-Elect Trump?** We've got you covered. Make sure you're on our email list so you can receive important updates to immigration law as they happen.

**Here's to an amazing 2017!** "New Year = A New Life! Decide today who you will become, what you will give, how you will live." – **Tony Robbins**



Kiley Sanders, Associate Attorney



Radlyn & John post Surf-n-Santa 5 Miler!

Ms.Mendoza is very knowledgeable about immigration law. I came to America under an H1-B visa and was looking into applying for a green card, but unfortunately was given bad advice that left me in a difficult situation. At this time I found Ms.Mendoza. She was able to help me process my green card when other immigration professionals were not able to. She carefully studied my case, found unused visa time, requested for an extension, was successful in getting me back all of that unused visa time, giving me and my family enough time to process the green card. Not only was Ms. Mendoza extremely helpful when preparing the green card application, she was very good at identifying the right categories to apply under. In my case we applied under the EB-1 and EB-2 NIW categories, and were successful in getting approved under both. Ultimately we had to choose one of the 2 categories, and we chose the EB-1 category for our green card. Because of her dedication to our case, me and my family were able to obtain a green card, and now are on our way to becoming U.S. Citizens. It would be an understatement to say that I highly recommend Ms. Mendoza. She is an amazing person and really good at what she does.

- Hector

## Client's Corner



This client just passed his Citizenship test!

### Ring in the New Year with Tunes from Music Go Round!

Tama. Gibson. Fender. Yamaha. If these are brands you love, you've gotta check out Bari & Alain Villafranca at Music Go Round in Virginia Beach! For the last two years, they've put their heart and soul into growing this dynamic store that buys and sells used musical gear.

A Honduran native, Alain moved to the States in '89 to attend Albertus Magnus College in Connecticut, and a thriving career landed him in Virginia. Once he met his now-wife Bari, he knew this would be home. Alain became a U.S. Citizen in 2005.

Shortly after the birth of their son, Dominic, the couple decided to entertain their entrepreneurial spirit. Always a musician, the music store was a natural choice for Alain. He's got mad drum and guitar skills – but don't just take our word for it! Back in the 80's, he used to perform regularly with a famous Honduran rock band, Khaos!

Alain will have more to celebrate next month when his mother Luz, our client, becomes a U.S. Citizen! A thriving family business. U.S. Citizenship for his mom. And his 9-year old son following his footsteps with a shared love for guitar and drums. Life is good for the Villafrancas!



So remember.... if you need an instrument that's like new but don't want to pay full price, you've got to see Music Go Round's extensive inventory. And if you have musical gear cluttering up your house, sell it to Music Go Round for cash! And don't forget to tell them Radlyn & John sent you.

# MUSIC GO ROUND®

2720 N. Mall Drive, #168, Virginia Beach

### Meet our new Associate Attorney, Kiley Sanders!



Kiley is originally from Pittsburgh, Pennsylvania, but recently moved to Virginia Beach from Washington, D.C. Kiley earned her B.A. in both International Studies and French Language from West Virginia University in 2013, where she studied abroad in France and the United Kingdom. She graduated cum laude with her J.D. from American University Washington College of Law in 2016.

During her time in law school, Kiley worked for the Public International Law and Policy Group for over two years, where she researched and drafted legal memoranda to assist government and civilian clients in Kenya, Kosovo, South Sudan, and Burma on matters related to transitional justice, peace agreement and cease-fire negotiation, and post-conflict constitution drafting. She also worked for a DC-based Immigration Law Firm, where she worked with both corporate and individual clients on employment-based and family-

based immigration and non-immigrant visa applications.

Kiley is an avid college football fan and enjoys rooting for her beloved West Virginia University Mountaineers in her free time. She lives at the beach with her boyfriend Logan, a naval aviator, and their cat, Speck.



## Recipe of the Month

### Kiley's "Sherry Hammer" Cookies (Aka Fun Chocolate Chip Cookies)

Our new Associate Attorney, Kiley, hooked us up with these fab cookies at our holiday pot luck! Named after her childhood neighbor Sherry Hammer, who created the recipe, Kiley's been baking these for a long time! YUM!



#### Ingredients:

- 1/2 cup butter
- 1/2 cup Crisco
- 1 1/4 cup brown sugar
- 1 cup sugar
- 3 eggs
- 1 teaspoon vanilla extract
- 1 teaspoon salt
- 1 teaspoon baking soda
- 4 cups flour
- chocolate chips as desired



#### Recipe:

Preheat the oven to 375 degrees Fahrenheit. Mix together all ingredients. Roll dough into small balls and place on ungreased cookie sheet. Bake for 9 - 11 minutes, depending on oven, until just browned on top. Let cool and enjoy!

## Will Trump end DACA? Check out our DACA Q&A...

**Can I renew my current DACA early to make sure that I have it longer?** Currently, it is not possible to renew DACA early. However, if you are within 150 days of expiration, it is a good idea to go ahead and renew DACA. Renewal applications are being processed more quickly than initial applications (currently at a rate of about 8 weeks). Therefore, if DACA renewal is filed soon, it will likely be approved before Trump's inauguration on January 20, 2017. Individuals renewing DACA will not incur any additional risks by submitting a renewal application because the information is already known to the government.

**If the program goes away, does my "status" go away immediately or when the permit expires?** Donald Trump has pledged to end DACA and his campaign website indicates that he still intends to do so. However, we do not know how or when DACA might end. After Trump's inauguration, USCIS could stop accepting or approving all DACA applications, or merely certain components. However, if DACA is revoked, the individual's employment authorization will likely also be revoked. A positive view on the issue, however, is that the Trump Administration will likely balance its options against the political repercussions it would face by targeting a large population that generates sympathy with the public (i.e. children).

**What will happen if DACA is revoked?** Three possible scenarios include 1. End the program completely and immediately and end work authorization for anyone who has it; 2. End the program and work authorization – neither will be renewable but they won't automatically end; 3. End the program but those that have work authorization can renew it. If DACA is revoked, it will not be an overnight change on January 20, 2017. However, because DACA was an Executive Order, it would take less time to revoke than a law that was legislated through Congress. The announcement to revoke DACA could come in late January, but the process would likely take a couple of months to solidify. Even so, the new administration would likely focus its early enforcement efforts on immigrants with criminal records.

**Will I be deported when Trump takes office?** Trump now says that he will only deport the "criminals." Most people who have DACA aren't "criminals" unless they committed an offense after getting DACA. So, it isn't likely that everyone with DACA will be put in removal proceedings.

**Should I move so that Immigration does not know where I live?** No. Information provided in a DACA request is protected from disclosure to ICE and CBP for the purpose of immigration enforcement proceedings, unless the requestor meets the criteria for the issuance of a Notice to Appear. Information may be shared with agencies for other purposes, which may include identifying and preventing fraud, national security purposes, and the investigation or prosecution of criminal offenses. All of the above listed protection is spelled out in a policy memorandum; however, the policy memorandum could be revised by the new administration.

If you have more questions about how the Trump Administration could impact your immigration status, please give us a call to set up a consultation!



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At Coastal Virginia's  
Top Lawyer's reception!

*Thank you for your referrals!*

## Ask Our Legal Beagle

**Q:** How can texting out of anger  
get me into trouble?

**A:** Under Virginia Code sections 18.2-152.7:1 and 18.2-427, it is a class 1 misdemeanor punishable by up to 12 months in jail and/or a \$2,500 fine to send an e-mail or text using "obscene, vulgar, profane, lewd, lascivious, or indecent language" or to make "any suggestion or proposal of an obscene nature, or threaten any illegal or immoral act" with the intent to "coerce, intimidate, or harass any person." So think before you hit send, and keep those texts "pawsitive".



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