

Background

I have been a self-employed attorney since 1987. In June of 2004, on behalf of a family with whom my wife Lois and I are friends, and as their attorney, I filed an I-130 Petition with the USCIS Vermont Service Center (VSC). VSC approved the petition and forwarded the case file to the National Visa Center (NVC), which processes cases that require consular action. In this case, since the petitioner's income was too low to effectively sponsor her beneficiary father, Lois and I submitted a joint affidavit of support, in July of 2005. On September 1, 2005, I received a letter from the NVC requesting proof that I am currently self-employed. Now, I have been the attorney of record in this case since 2004; the NVC letter was directed to my law office; the joint affidavit of support that Lois and I submitted on behalf of this family was backed up by income tax returns that clearly show, in their Schedule C's, that I am self-employed; and yet NVC was asking for further proof! Believe it or not, one kind of proof NVC suggested was a business letter on my own stationery. I thought the situation was so Kafkaesque that humor seemed to be the only feasible response. Below is the letter (redacted to omit the full case number) that I sent to the NVC.

Text of Letter to NVC

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September 2, 2005

National Visa Center
32 Rochester Avenue
Portsmouth, NH 03801-2909

Re: TLV2004.....

Dear NVC Officers:

Yesterday, my office received from your office a letter dated August 26, 2005. The letter, addressed to a lawyer I currently employ (and pay much more than he deserves), requests from him “proof of current employment (a recently dated job letter or pay stub), or self-employment status (a recently dated letter on business letterhead or a business license).” As I read your letter, I realized that here was yet another example of a major foul-up by this totally inept, nearly worthless creature. I tell you, if I was not such a kind-hearted soul, I would fire him in a minute. But he has a wife and a large family of gerbils to support, so I am going to keep employing him, until I finally have to put his head through a plate-glass window just to keep from exploding.

Basically, it appears that Mr. Jaeger did not provide your office with the proof of current self-employment that you now so punctiliously require. When I interrogated him about this lapse of judgment, he tried to weasel his way out of any responsibility for this ungodly mess. He stated that he had never been required to provide such proof in relation to the two previous joint affidavits of support that he and his wife had successfully provided to

his clients. He affirmed his belief that the documents he provided to your office in support of the instant affidavit of support contained enough proof of self-employment to sink an intergalactic battleship, as he so quaintly put it (where he gets these locutions is beyond me, but I suspect it is from the far reaches of outer space; between you and me, sometimes I think he is an alien, and I don't mean the permanent resident kind).

I could barely contain my frustration as he continued to bloviate. He asserted that he and his beautiful wife – I have met her, and I don't know what an angel like her is doing with a bum like him – backed up the joint affidavit of support that they submitted in this case with copies of the IRS Form 1040 income tax returns they have jointly filed for the past three years, and that in each of these years Mr. Jaeger's returns included a Schedule C, which is clearly labeled "Profit or Loss From Business (Sole Proprietorship)." In a useless effort to convince me he had done no wrong, he took the trouble to show me these returns and their included Schedule C's. Sure enough, in each instance, his name was duly listed as the proprietor, the business was duly listed as "Attorney," and the business name was duly listed as "Law Office of Oscar Jaeger, Esq." Furthermore, he showed me that, for each tax year, he had attached statements from his wife's employer, demonstrating that the sole source of income in the category of "Wages, salaries, tips, etc." (line 7 of Form 1040) was attributable to his wife. This proved, and I hate to admit this but I have to agree with him on this point, that the sole source of business income that constituted his contribution to their return was derived from his self-employment as an attorney.

In other words, Mr. Jaeger was making an argument based on logic. Here is where he really started to piss me off. I reminded him, as I have had to do so often during the many years that it has been my misfortune to employ him, that we are submitting documents to an immigration office, where logic is as welcome as a preacher in a brothel and things are done “by the book.” He countered that the “book” in this case might sensibly be considered the USCIS Form I-864 Affidavit of Support itself. He pointed out that on page 2 of this Form, under “Sponsor’s Employment,” the direction “Provide evidence of employment” is imprinted only with respect to the category “Employed by

.....” and not with respect to the category “Self employed

.....” (where the corresponding direction merely states “Name of business”). With the bemused smile of a cat who has just caught a mouse, Mr. Jaeger offered this distinction, used by USCIS itself, as evidence that, if USCIS really wanted evidence of employment to be provided by the self-employed, it was surely going about it in a most peculiar way. In other words, Mr. Jaeger was arguing, the Form itself is misleading.

Again, while I hate to admit this, there was some merit to Mr. Jaeger’s argument. But, if there’s anything I’ve learned as his boss, it is that if you give him an inch, he’ll take a foot, and if you give him a foot, forget it, you’ll probably be limping for the rest of your life. Besides, there was no way I was going to play mouse to his cat. Accordingly, I told him that while he may not have been guilty of any wrongdoing, he was certainly “not unguilty” (he’s not the only one who can come up with a daft turn of phrase). I told him to take the rest of the day off, while I resigned myself to the hard and dirty work of writing this letter.

While slaving away on this unwelcome assignment, I received a phone call from Mr. Jaeger. He and his wife were at an opera, written by Handel, one of my favorite composers. It was intermission, and Mr. Jaeger called to tell me that he had just purchased for me a CD of the opera – it was being sold in the lobby of the concert hall – in a studio performance by the very group he and his wife were watching live. Such thoughtful gestures touch my kind heart. They compel me to keep Mr. Jaeger working for me, even though logic would dictate otherwise.

By the way, for years Mr. Jaeger has had the chutzpah to advertise his immigration services – as a self-employed sole practitioner – under the auspices of FindLaw, a division of Thomson/West. When it comes to the advertising of legal services, FindLaw is the most prestigious, and most trafficked, site on the Internet. Recently, with much needed help from FindLaw web designers, Mr. Jaeger even had the temerity to set up his own FirmSite under FindLaw auspices. You can find him within www.findlaw.com or go to his website directly at www.oscarjaeger.com. For your convenience, I have attached to this letter a few pages from the current version of his website. In the final analysis, however, I can only marvel at how such a lazy man as Mr. Jaeger, a man with such great pretensions, can claim to be seriously working, when what he does best is watch cable TV.

Yours truly,

/s/