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FAQs on 'Extreme Hardship' waiver

for fraud/misrepresentations (i.e. entering the US on an assumed name, use of fake diplomas or other documents, etc.), or overstaying in the US for more than 180 days and departing, thereby triggering the 3/10 year bar.

Can anyone file a hardship waiver?

Not everyone is eligible to apply for a hardship waiver. The green card applicants who are eligible to file a hardship waiver are those who have the following relatives, who are called "qualifying relatives":

1. Spouse, who is a US citizen or lawful permanent resident; and/or

2. Parent(s) who is/are a US citizen or lawful permanent resident.

If you do not have any of the above relatives, you are not eligible to even file a hardship waiver.

What if I don't have a spouse or parent who is a citizen or immigrant, but my child is a US

citizen?

A US citizen or lawful permanent resident child is NOT a "qualifying relative." You are not eligible to file a hardship waiver if the only close relative you have is a citizen or immigrant child. Only a spouse or parent can be a "qualifying relative" for a hardship waiver.

I came across one case where a Filipina committed fraud in 1972 when applying for a visitor's visa, when she submitted fake land titles. Many years later, her US citizen daughter petitioned her, but her immigrant visa was refused in 2008—many decades after the fraud. The woman did not have a spouse or parent who was a citizen or immigrant; only her citizen daughter. In that situation, the woman was not eligible to submit a fraud waiver.

If I have a qualifying relative, will my hardship waiver be granted?

Even if an alien has one or more qualifying relatives, the alien must

still demonstrate that the qualifying relative will suffer "extreme hardship" if the hardship waiver is not granted.

What is extreme hardship?

Extreme hardship includes circumstances that are uncommon, unusual, and beyond simply living apart. Every spouse or parent would of course be "sad" or depressed if their alien relative was unable to be with them in the US. That is "normal" hardship. In order to prevail, you must demonstrate that your qualifying relatives' hardship is "extreme," meaning above and beyond ordinary hardship that every single relative would suffer.

In future articles, I will further discuss the various aspects and issues involved in a hardship waiver. The bottomline is that a hardship waiver is complex, and requires substantial documentation, which is why I suggest that you seek the advice and assistance of a reputable attorney in

order to increase your chances of success.

Michael J. Gurfinkel is licensed, and an active member of the State Bar of California and New York. All immigration services are provided by, or under the supervision of, an active member of the State Bar of California. Each case is different.

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(Advertising Supplement)

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"The essence of a successful business is really quite simple. It is your ability to offer a product or service that people will pay for at a price sufficiently above your costs, ideally three or four or five times your cost, thereby giving you a profit that enables you to buy and to offer more products and services."

-Entrepreneur and motivational speaker Brian Tracy

11 int'l, local firms to bid for P6.5-B Clark international airport terminal

by DING CERVANTES
Philstar.com

CLARK FREEPORT, Pampanga—Eleven foreign and local companies will bid on Monday for the construction of a state-of-the-art, P6.5-billion terminal at the Diosdado Macapagal International Airport (DMIA), the Clark International Airport Corp. (CIAC) said Thursday, Sept. 11.

Vowing "transparency" in the bidding process, CIAC officials invited media to witness the bidding for the new terminal which President Arroyo wants finished before her term ends in 2010. The bidding will be held at 1 pm at the Mimosa convention center.

In a press briefing, however, Pampanga's first district Rep. Carmelo Lazatin urged CIAC to defer the bidding until "questionable" provisions in the terms of reference (TOR) for the terminal project are clarified.

He noted for instance a typographical error that reduced the project cost to only P6.4 million instead of in the billions. He also pointed out that there is a lack of assurance that the winning bidder would be the most qualified to guarantee annual payment based on the number of passengers per year.

"All I want is that all issues be clarified to the detail so that the project could push through without anyone seeking a temporary restraining order from the courts," Lazatin said.

CIAC executive vice president Alexander Cauquiran downplayed Lazatin's fears, saying that under the TOR which interested bidders bought for P250,000 each, the bidder will pay the CIAC an 'upfront fee' of P100 million, a minimum guaranteed annual payment (MGAP) based on the number of airport passengers per year, and set aside at least P6.5 billion for designing, constructing, managing and operating the new terminal.

He said the P6.5 billion is a ballpark figure. "Even if the winning bidder offers P8 billion for the design and construction requirement and spends only P6 billion, the remaining P2 billion will not go to its coffers but to a joint venture (JV) company to be formed," he said.

Cauquiran said that under the TOR, CIAC will own 30 percent of the JV company without spending anything for the new terminal. The JV company will have a 30-year lifespan, subject to renewal for another 10 years, he added.

"The construction will not be limited to the terminal only, but will include apron extension good enough for seven million passengers yearly, expansion of roads to four lanes around the airport, the installation of weather and instrument landing systems, and all other things needed in the terminal," Cauquiran explained.

Lazatin said reports that the number of interested bidders has been reduced to only nine are not true. He said there are 11 bidders, including companies from Singapore, Korea, China and the Middle East. Local bidders include F.F. Cruz & Co., Inc. and the Ayala Group.

F.F. Cruz marketing manager Joey V. Mamuyac was reported to have confirmed the company's bid for the terminal, adding that it has tapped a partner for the project. He declined to provide more details.

CIAC president and chief executive officer Victor Jose Luciano said the winning bidder will have a 70-percent stake in the terminal, while the CIAC will hold the remaining stake.

Construction of will start 45 days after the winning bidder has been determined so that the terminal could be made operational by February 2010.

"The new terminal will increase Clark's capacity to nine million (passengers) from the current two million capacity," Luciano told reporters. This year alone, passenger volume in DMIA is expected to reach 800,000.

Arroyo had designated the DMIA as the Philippines' premier international gateway amid congestion at the Ninoy Aquino International Airport in Manila.

Luciano said the new terminal would complement the one that was left behind by the US military which used to be based at Clark. The existing terminal was expanded only recently to accommodate two million passengers a year.

The Manila International Airport Authority (MIAA) said the airport system in Manila, consisting of the old domestic terminal, and the Ninoy Aquino International Airport (NAIA) Terminals 1 and 2 are used by more than 20 million passengers yearly which is above their designed capacity of 18 million.

The opening of the NAIA-3 increased the capacity of the Manila airport system by 13 million more, but the terminal still relies on the old runways.

Luciano said the Clark terminal could be an alternative to the Manila airport, especially for passengers coming from Northern and Central Luzon. He said the region is the second richest area in the country next to the greater Metro Manila area.

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