

IMMIGRATION CORNER

FAQs on 'Extreme Hardship' waiver



ATTY. MICHAEL GURFINKEL

(Part 3)

In previous articles, I discussed some of the aspects and issues regarding a "hardship waiver." Here are more items you should be aware of:

7. If we prove my qualifying relative would suffer extreme hardship, will the waiver then be granted?

Actually, a hardship waiver involves three separate steps:

- The existence of a qualifying relative;
- The qualifying relative would suffer extreme hardship; and
- The alien warrants a favorable exercise of "discretion" in granting the fraud waiver.

So it could be possible that a qualifying relative would suffer extreme hardship, but in balancing the positive and negative factors, the USCIS may still deny the hardship waiver in the exercise of discretion. So, the final step for a hardship waiver is weighing the positive and negative factors.

8. What are the positive and negative factors that USCIS considers in exercising discretion?

The positive factors relied on by USCIS include the alien's family ties, length of residence, hardship to the alien's family, the alien's employment history, property or

business ties, community service, genuine rehabilitation or remorse (if a criminal record exists), and other evidence demonstrating the alien's good character.

Typically, USCIS would want letters from social/religious organizations attesting to the alien's participation in the community, volunteer, and charitable events, evidence that the alien has paid US taxes for every year in the US, evidence of awards or certificates for outstanding work or contributions, evidence of advanced schooling, licenses, or certificates, and other evidence of the alien's new found respect for law and order and remorse/rehabilitation for past immigration violations.

The negative factors would include the nature and underlying circumstances of the inadmissibility (what was the fraud/misrepresentation, and how serious was it?), the presence of additional immigration violations, (such as working without authorization, overstaying in the US, etc.), existence of a criminal record and other evidence showing the alien's bad character or undesirability as a lawful permanent resident.

9. If I retain an attorney, would that "guarantee" that my hardship waiver would be approved?

While hiring an attorney would probably greatly increase the chances of getting the hardship

waiver approved, by law, attorneys are prohibited from "guaranteeing" success.

But as you can see, a hardship waiver requires a substantial amount of proof and documentation. The standards are high and USCIS can be strict in exercising discretion. I have seen many cases that would have had a chance, but were denied because the alien tried to save money and do it on their own and did not understand the complexities of an extreme hardship waiver.

That is why I would advise that you seek the assistance of an attorney, which could greatly increase your chances for 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)



FAIRY TALE ENDING ON CITIZEN PINOY: Leading immigration attorney Michael J. Gurfinkel (right) and Ms. Gel Santos-Relos (left) bring you the engaging love story of Joy and Benson Weekes this Sunday on Citizen Pinoy—their love that blossomed on a NYC subway, the immigration hurdles that threatened a lifetime separation, and how it became "happily ever after" in the Bronx. Watch this encore episode of Citizen Pinoy this Sunday at 5:40 pm (PST), with a replay on Tuesday at 11:20 pm (PST) on TFC. Citizen Pinoy also airs on ANC-US every Sunday at 1am, with replays on Sunday at 9am and Thursday at 8pm, all PST; and on ANC-Philippines every Sunday at 4pm, with replays at 12 midnight on Mondays and Friday at 11am; all PST.

The man behind Port Jersey Shipping

SONNY Ungco has loads of achievements which made him the dignified professional he is known as today.

And as if his achievements weren't enough, Sonny Ungco recently bagged another success by being featured as one of the 20 Outstanding Filipinos Abroad 2008 Awardee at the Filipino Image website.

Sonny Ungco, an entrepreneur and international businessman, pioneered Port Jersey Shipping International Inc. in the 5 *balikbayan* box door-to-door service in 1982. With brother and co-founder Monet Ungco, parents Juanito and Rosario Ungco, brothers Chuchi and Butch, and sisters Dr. Cecilia Sheuerman, DMD and Dr. Rosario Zamboanga, MD, Sonny Ungco was able to launch the now established Port Jersey Shipping International, Inc.

Before putting up Port Jersey Shipping International Inc., Sonny Ungco has received numerous awards and has participated in several organizations in the Philippines. Sonny was named "Marketing Adviser of the Year" in from 1977 to 1979. He also received a



Sonny Ungco with Port Jersey staff Rolly Aguilar and James Pulanco

"Production Adviser of the Year" award in 1978 and 1979. Also in 1978, Sonny Ungco was honored "Adviser of the Year." In 2002, he was awarded "Grand Marshal" by the Philippine American Friendship Committee (PAFCOM). In 2006, Sonny was named "Most Outstanding Alumnus" by the De La Salle Alumni Association. That same year, he received leadership awards in business from Pan American Concerned Citizens Action League and The Senate & General Assembly of the State of New Jersey.

These awards are only few of the many things that make up Sonny Ungco's caliber as an entrepreneur.

As his personal motto goes, "All our works must be geared towards God's greater glory for the betterment of mankind." This helped him make Port Jersey Shipping International Inc. become a trusted name in reliability and service in the shipping business.

For more information on the services Port Jersey Shipping International, Inc. provides, you may contact (201) 963-5144 and (718) 858-2000 or you may visit their website at www.portjerseyshipping.com.

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Leader's Digest

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Mark Pulido

President, ABC Unified School District Board of Education



by JOSEPH PIMENTEL
AJPress

FILAM Mark Pulido, President of the ABC Unified School District Board of Education, unsuccessfully ran for a Cerritos Councilmember seat earlier this year when former Councilman John Crawley, who resigned due to health reasons, vacated it.

Despite losing the Cerritos City Council Special Election by a reported 700 votes to Planning Commissioner Carol Chen, the 39-year-old FilAm makes no qualms about running for the same post in the 2009 elections.

Currently, Pulido, a 36-year Cerritos resident, is serving his second four-year term on the school board. Pulido works for the California Legislature as the District Director for State Senator Alan Lowenthal. He graduated from UCLA with a BA in

History and Asian American Studies and served as UCLA Student Body President. He also holds a Master of Public Policy degree from The University of Chicago.

Pulido displayed outstanding leadership skills in his sophomore year in high school in 1984 when—greatly inspired by his parents—he helped found an organization called Club Kaibigan, a Filipino club in Whitney High School in Cerritos. He cites that this experience was what started it all.

"That experience got me involved in student government and athletics so when I started at UCLA, it became a natural extension of my involvement," he says. "Everything was about community building and being proud of our culture, heritage and perpetuating that and sharing the best of our culture, upbringing and tradition and yet moving

forward with the goal of trying to achieve empowerment."

And he hasn't looked back since as he continues to be of service to the community the best way he can.

"It's definitely a calling," he explains. "This is something that I can do. My education has been focused on how a city runs and how to set policies so I've been preparing for this. When I run for city council, I want to make sure my hometown is clean and safe and that the economy is strong. I want to make sure that we have services and that kids can play in recreational parks and people can dine and shop and really enjoy life. That's what motivates me."

Filipino leader in Passaic Advocates for more political...

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Eastern University and worked in the field of accounting and auditing.

He is actively involved in numerous organizations, and was the founder of the Filipino Association of Northern New Jersey, the Filipino-American Voters' League of Passaic and Philippine Day Organizing Council.

"I am very pleased to share to the city that I can do the job, and I am

happy that they are confident that I can do it. As an accountant and auditor, I show to the public that my line of work is proper and appropriate to safeguard the use of education monies," Sinnung shared.

Sinnung takes pride in the fact that members of the Filipino community in Passaic work together to make sure that their voices are heard.

"Through political empowerment, we are able to fight for

the jobs. Filipinos are qualified and must be given a chance to apply for different kinds of jobs—from the cafeteria to teachers to custodians and up to the controllership," he added.

According to the 2000 U.S. census, there are 95,063 people in New Jersey reported Filipino descent. In Passaic County, that number was 4,505. Close to 900 lived in the city of Passaic, according to the census results.

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