

**IMMIGRATION CORNER**



ATTY. MICHAEL GURFINKEL

# How to avoid problems with your case

(Part 1)  
There are some situations, which can create problems or suspicion about a person's eligibility for a visa and could possibly trigger an investigation, causing weeks, months, or even several years, of delay. This article discusses some of the more common situations, which could help you avoid problems with your case.

where the parent claims to be "single."

Some children are born illegitimate. In order to "save face" or save the child (and/or the parents) from "embarrassment," sometimes parents put down a date of marriage on that child's birth certificate. However, if the parent is being petitioned as single (such as a single child of an immigrant or US citizen), the date of marriage appearing on their child's birth certificate could lead the Embassy to believe that the parent is really married. (This is because the marriage of a person being

If you are not entitled to an immigration benefit and hope to "get away with it", you should be aware that the Embassy and USCIS are very wise to the above circumstances and many more. Please be aware that you would not be the first person to be involved in any of the above situations. They have become so common in the Philippines, that they are now routinely investigated. However, if you are legitimately entitled to immigration benefits, but your case looks suspicious, you should consider the assistance of a reputable attorney who can analyze your case,

*“Under no circumstance should you manufacture or simulate a birth certificate for your child, listing the child as illegitimate, and then having that simulated birth certificate late registered.”*

petitioned as "single" would affect their eligibility for a visa. If they are being petitioned by an immigrant parent, the marriage would void the petition. If they are being petitioned by a US citizen parent, the wait for a visa would be much longer.) If you are truly single and are being petitioned as single, but entered a date of marriage on your child's birth certificate, you must be able to present appropriate evidence and documentation to the Embassy to prove that you were truly single, and the date of marriage on your child's birth certificate is incorrect. Under no circumstance should you manufacture or simulate a birth certificate for your child, listing the child as illegitimate, and then having that simulated birth certificate "late registered." Giving fake documents to try to conceal information could be ground for you to be refused a visa, due to "misrepresentations." (Please note that having an illegitimate child will not void your petition, so long as you were truly "single".)

and properly gather the necessary documents and make a proper representation in your behalf to the Embassy or USCIS, so that any questions, concerns or suspicion will be properly explained. This way, you may be able to avoid delays, investigations, or possible denials of your visa.

**1. Is your petitioner still alive?**

Under immigration law, when a petitioner dies, so does the petition. In some situations, even when a petitioner dies, the children may still try to go to the Embassy for their visa interview, claiming that their parent is still alive. Now, the Embassy may ask for a notarized picture of the parent, holding up a current newspaper, etc. to establish that the parent is still alive. In addition, a notarized affidavit of support must be given by the petitioner in all family cases (even if there is a co-sponsor). So, if the petitioner is dead, he won't be able to submit the affidavit of support. (Note: The law does allow in some cases for a co-sponsor to submit an affidavit of support if the petitioner dies and humanitarian revalidation is granted.)

**2. Do you really have the education or skills for a job?**

In order for a person to be petitioned for a temporary working visa (H-1B) or a green card through Labor Certification, it is necessary that the person has a college degree (in the case of H-1B) or be a college graduate or skilled worker (in the case of Labor Certification). Some people do not possess the necessary education or skills. They sometimes go to small stores along the sidewalk on Recto Street and buy diplomas or letters of experience. The Embassy knows about the Recto diploma mill and will authenticate diplomas and/or letters of experience.

**3. "Date Of Marriage" appears on child's birth certificate,**

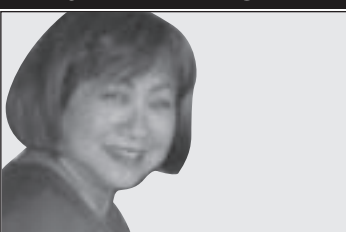
Michael J. Gurfinkel is licensed, and an active member of the State Bar of California and New York. All immigration services are provided by, or under the supervision of, an active member of the State Bar of California.

Each case is different.  
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(Advertising Supplement)

**IMMIGRANT LIVING: 101 AND BEYOND**



MONETTE ADEVA MAGLAYA

## A case for coming home ... for a visit, that is

*"The world is a book, and those who do not travel read only a page."*

— St. Augustine

(Part 2 of 2)

(A current radio promotion by The WAVE, which gives away trips as prizes to its listeners jogged my memory of a Philippine visit, just about a year ago during the Christmas holidays. I smiled to myself as I listened to one winner who sounded Filipino and who declared quite happily and proudly that he has chosen Manila, Philippines as his destination. This is in contrast to the majority of winners who routinely, predictably choose European destinations such as, Paris or Rome. Can't fault the guy for choosing well. In good times and bad, there's no Christmas quite like a Philippine Christmas.)

a class by itself when it comes to travel choices. For many first generation expatriates, the Philippines holds a special place in one's heart. It's a place you've seen before but would like to look at again with fresh eyes—notwithstanding the negatives: the seemingly endless spate of negative news, disconcerting tales of horrific traffic congestion, the heat, the pollution, extremes in poverty and wealth and the vicious inanity of politics. Okay then, it's not perfect but no place in the world is. Nonetheless, it's still a special place. Period. No ifs and buts about it. Warts and all, there are a million and one reasons a Philippine trip is all worth it—particularly during Christmas.

poor country, is a phenomenon as rare as the appearance of Halley's Comet.

Why do we come home? Part of the reason is the people—a complex combination of goodness and wickedness, of intelligence and ineptitude and of humility and pride. In the world stage, the Filipino has become the unofficial poster child of what an imported model worker is—and for good reason. Our best export is our overseas foreign workers, whose remittances, put together, from everywhere in the world, have been propping the Philippine economy, for decades now, in a big way. There are large numbers of OFWs who come home for Christmas just to be with their loved ones. The Filipino is an amazing worker. Whether we like it or not, the work we do has become our sense of worth. To be sure, we have our fair share of scumbags and scalawags whose shenanigans make us cringe and cower in collective shame. We have a disproportionate share of character flaws we laugh off self-deprecatingly with jokes we use in spades as we poke fun at ourselves. We don't take ourselves too seriously and maybe it's time we did, so the world will sit up, take notice and render to us the respect that we deserve. All told and, for the most part, we are a God-loving and God-fearing mass of people—80 million plus strong with about three million Fil-Ams and several millions more scattered about the globe—who, in droves, contribute to the general good of humanity in an increasing number of places in the world in myriad capacities.

With a few exceptions, there can be no happier group of people come Christmas than Filipinos. It's a perplexing phenomenon that the world has taken notice of with somewhat of a jaundiced eye. Christmas begins in September and ends with a bang in January of the New Year, the longest season of merrymaking anywhere in the world. It is as commercial and profit-driven as anywhere else, with cavernous shopping malls and a slew of holiday activities that can give other international shopping malls a run for their money. Dining out in restaurants can have you wearing clothes two sizes bigger in no time at all, if you're not careful. There's just something about the Philippines during Christmas. Despite crass commercialism, Christmas joy among the multitudes seems genuine. The churches still get filled to the rafters with the faithful, unlike some churches in Europe that are more like empty, tomb-like museums than churches with just a handful in attendance. In a largely cynical, jaded world as we have today, JOY as pure, unfettered, unfeigned and childlike as all that, cutting across all social strata in a

Continued on PAGE B5

# Find out how you can be a green card holder the 'celebrity way'



MOTHER-AND-SON SHOWBIZ ICONS ADD SPARKLE TO CITIZEN PINOY THIS SUNDAY! Brilliant and multi-awarded actress Ms. Gina Alajar (center) and her son, certified heartthrob, Geoff Eigenmann (left) join "attorney-to-the-stars" Michael J. Gurfinkel (right) to answer your immigration questions. Watch this exciting and informative episode of the most popular immigration program on television—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 12 midnight, with replays on Sunday at 8am and Thursday at 7pm, all PST; and on ANC-Philippines every Sunday at 4 pm, with a replay at 12 midnight on Monday (Manila time).

REDWOOD CITY, CA—She is a multi-awarded actress whose brilliant performances have been recognized in the Philippines and around the world. Gina Alajar is truly an artist of international caliber, and she shares how her extraordinary acting ability has earned for her the much-coveted green card, when she co-hosts *Citizen Pinoy* this Sunday. Her son, a matinee idol in his own right, Geoff Eigenmann, also shares the set with his mom and *Citizen Pinoy* host and "attorney-to-the-stars" Michael J. Gurfinkel.

In this brand-new episode of the most popular immigration program on television—*Citizen Pinoy*, learn how a person with "extraordinary ability" is able to petition himself/herself and can be eligible to be a green cardholder. This is the story of how a chance encounter between a brilliant star and a leading immigration attorney led to the acquisition of green cards for Ms. Alajar and her family.

Of course, more of your immigration questions will also be answered, when Atty. Michael J. Gurfinkel and guest co-hosts Ms. Gina Alajar and Geoff Eigenmann bring you *Citizen Pinoy!* Broadcast personality Gel Santos-Relos also makes a special appearance from the USA. It's an all-new season of *Citizen Pinoy* this Sunday at 5:40 pm (PST), with a replay on Tuesday at 11:20 pm (PST) on TFC. Be sure to watch this interesting and informative episode.

*Citizen Pinoy* is made possible with the support of friends who are committed to giving back to the Filipino community: *Asian Journal*—with circulation in Northern and Southern California, Nevada, and in the East Coast; and Hawaiian Airlines. *Citizen Pinoy* is also supported by ABS-CBN Global's key product offerings: Star Kargo, Starry Starry Store, ABS-CBN Telecom and TFCDirect.

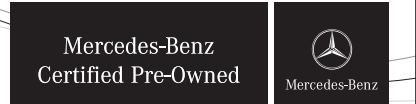
Informative. Entertaining. Inspiring. Watch *Citizen Pinoy*—the Filipino American community's immigration program every Sunday at 5:40 pm (PST), with replays on Tuesdays at 11:20 pm (PST) on TFC. *Citizen Pinoy* also airs on ANC-US every Sunday at 12 am with replays on Sundays at 8 am, and Thursdays at 7 pm, all PST; and on ANC-Philippines every Sunday at 4pm with replays at 12 midnight on Mondays.

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