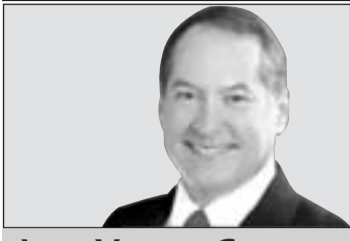


MARKETPLACE

JOURNAL

IMMIGRATION CORNER



ATTY. MICHAEL GURFINKEL

What to do if your visa is refused/denied

avoiding a refusal:

Are you entitled to the benefit you are applying for?

Some people apply for a visa when they are clearly not eligible, or they are no longer eligible. For example, if a person was petitioned by his immigrant parent as "single," but he got married before arriving in the US, the marriage voids the petition. Therefore, if you are married (even if you believe it is a "secret" marriage), you are simply not entitled to an immigrant visa as a "single" person. Therefore, it is important that you know what the requirements are for the particular visa or immigration benefit you are seeking, and you need to meet and prove your eligibility for that visa. If you are not eligible, you should not apply.

Tell the truth.

I have come across many cases where a person had applied for a visa and would have been eligible, but he decided it would be "better" for his case if he lied. And his lie really did not help his case. For example, a person applying for a visitor's visa exaggerates his income or assets, thinking that it would be "better" for his case, or will increase his chances. But the consul discovers the misrepresentations. This, alone, is enough to refuse the visa, and possibly result in a lifetime ban. Had he told the truth about their assets, it could have been possible that he would have been eligible or qualified for the visa. So, a person who could have been eligible for a visa could get refused, simply by not telling the truth.

Make sure all your documents are true, genuine, and correct.

The Embassy is well aware of Recto Street, and that sometimes people, in their desperation, ob-

tain fake, altered, or manufactured documents from Recto Street and submit those documents to the Embassy. The documents could include birth certificates, certificates of no marriage (singleness), land titles, tax returns, etc.. But the Embassy has seen these documents many times over, and probably even knows the shop owner who sold you those documents. Again, I have seen many cases where a person probably would have qualified for the visa, but submitted fake, altered, or manufactured documents (which constitutes fraud/misrepresentation), which resulted in the visa refusal, and possible lifetime ban.

In future articles, I will discuss more items that can help you possibly avoid or overcome a refusal of your visa.

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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(Part 1)

HAVING your visa refused (denied) could be a traumatic and life-altering experience. Sometimes after waiting for more than 15 years, a person is turned away at their Embassy interview, with all hopes and dreams of ever going to America (and being reunited with the family) going up in flames.

While no one can "guarantee" that a person will be issued a visa, the following could assist you in increasing your chances for being issued the visa, or overcoming/

BSP expects '09 BoP surplus of \$500M

A MID expectations to the contrary, the central bank, Bangko Sentral ng Pilipinas (BSP) expects balance of payments (BoP) to show a surplus this year, possibly exceeding \$500 million but not more than \$2 billion at end-December, BSP Governor Amando Tetangco Jr. said.



BSP Gov Amando Tetangco Jr.

Tetangco agreed that recession in the United States and other major countries would adversely affect foreign exchange remittances from Filipinos abroad, but stressed that the local economy would not suffer a contraction. "Remittances may slow down but not drop," he told reporters. The BSP expects remittances to grow by at least six percent from the more than \$15 billion registered last year, which were up 15 percent from 2007.

Further foreign exchange is expected from government loans, Tetangco said. He said some of the loans that the government intended to tap late last year had been delayed—including \$350 million from the World Bank and the Asian Development Bank for developmental programs—were expected to be pursued this year. Exports are expected to remain anemic this year because

weakened global demand, analysts said. But monetary officials say the resulting drag on the BoP will be offset by a likely drop in imports.

Exports in 2008 amounted to \$49.02 billion, down three percent from \$50.47 billion in 2007. In December they fell 40 percent to \$2.67 billion from \$4.48 billion a year earlier.

At end-2008, the BoP registered a surplus of \$88 million, down drastically from \$8.56 billion at end-2007 and was the weakest since 2005. The BSP said growing risk aversion among investors in view of the global financial turmoil took its toll on the BoP.

In December, the BoP showed a deficit of \$276 million, swinging

Banks can weather storm, says BSP

THE central bank, Bangko Sentral ng Pilipinas (BSP), has expressed confidence that Philippine banks have enough capital this year and are not as badly affected by the global crisis as banks in the United States and other advanced economies.

"The banking system remains very liquid" and its capital adequacy ratio is expected "to stay well above" the minimum of 10 percent required by the central bank, BSP Governor Amando Tetangco Jr. said at an economic forum.

Philippine banks have benefited from regulatory measures adopted after the 1997 Asian financial crisis that were designed to help avoid another collapse or a credit crunch similar to what is hounding the advanced economies, Tetangco said.

Unlike financial institutions in the United States and other rich countries, banks in the Philippines have not exposed themselves to sophisticated but risky investment instruments like derivatives, he added. Sound investment practices will help them avoid failures, he said.

"The financial turmoil has led to recession in the United States, United Kingdom, Australia to name a few and their credit markets have frozen. This has not happened yet to the Philippines and we [regulators] will make sure this won't," Tetangco said.

To help ensure ample liquidity in the system, the BSP will remain on the lookout for opportunities to further ease monetary policy, he said.

Bank lending was up 20 percent year-on-year as of November last year, Tetangco said.

He said the BSP was careful not to "over-regulate." "I believe there is a place for financial innovation," he said. "Its presence provides a venue for investors to make a profit. But embracing innovation must be coupled with prudential regulation, such as with appropriate disclosure and transparency standards."

The BSP recently issued guidelines for banks to implement their own risk-assessment methods.

Tetangco said the BSP had its own guidelines in determining level of risks carried by banks, and would help banks to have their own guidelines to make them accountable for their investment actions. (Inquirer.net)

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BUSINESS

Quote of the Week

"The Philippines' balance of payments and banking system have held up well to the global inflationary and credit market shocks of 2008."

—Tom Byrne, Moody's Investors Service Senior VP