

MARKETPLACE

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IMMIGRATION CORNER



ATTY. MICHAEL GURFINKEL

What to do if your visa is refused/denied

“If you are not able to properly present, package, or document your eligibility, you run the risk of having the visa refused.”

(Part 3)

In previous articles, I discussed some items or suggestions that could possibly increase your chances of obtaining a visa, avoiding a refusal, or overcoming a refusal. Here are some more pointers:

BPO sector expects 200 percent increase in jobs this year

by DES FERRIOLS
Philstar.com

MANILA—The business process outsourcing industry is projecting a 200 percent increase in jobs this year as the world's biggest companies struggle to cut down on costs by outsourcing some of their operations to countries like the Philippines where labor is cheaper.

A survey conducted by the Business Process Association of the Philippines (BPAP) showed that 95 percent of the industry's executives and human resource (HR) managers indicated a positive outlook for job growth for 2009, forecasting employment growth of up to 200 percent.

The BPO industry is closely watched by the Bangko Sentral ng Pilipinas (BSP) since it is fast becoming one of the country's biggest source of foreign exchange.

The BSP expects exports to actually decline and remittances from overseas workers to slow down dramatically this year. But officials said foreign exchange is expected to flow into the country particularly through BPO operations.

The survey was conducted by the BPAP with Outsource2Philippines (O2P) and TeamAsia and the results indicated that "about 50 percent" of respondents expected their workforce requirements to increase by over 15 percent.

BPAP said the response rate was 24 percent with 158 responses from 664 invitations sent to industry executives in a wide range of BPO sectors. The survey was conducted online.

The survey results indicated that the value add of services outsourced to Philippine BPOs was increasing, which meant that the industry was beginning to grab higher-paying BPO contracts from high-value BPO operations.

"Moderate to very high-value services ranging from financial analysis to knowledge management comprised 97 percent of the services offered by respondent companies," BPAP said.

The survey indicated that 67 percent said their organizations provide high to very high-value services. Sectors that expect the highest workforce increases involve complex services such as back-office processes, IT services and infrastructure management, and website development.

BPO companies with workforces ranging from 1,000 to 15,000 employees expect an average increase in staffing requirements of between six percent and 10 percent, close to the average workforce increase expected across all sectors and respondents.

Small- and medium-sized operations are expecting employment to increase at the same rate. The biggest growth is expected from companies that employ 5,000 to 10,000 personnel, with 33 percent expecting jobs to grow between 11 percent and 15 percent in 2009. ■

UAP economist sees RP growing 3.8%-4.3% in 2009

MANILA—The Philippine economy, as measured by the gross domestic product (GDP), may grow between 3.8 percent and 4.3 percent this year, an economist from the University of Asia and the Pacific (UAP) told an economic forum.

In the forum organized by the Bank of Commerce, economist Ramon Quesada said growth would continue to come from dollar remittances from overseas Filipino workers which are expected to hit a range of \$15.8 billion to \$16.4 billion this year and also from the growth of local industries.

Exports, he said, would continue to contract by three percent, more optimistic than the official projection for exports which is a contraction of eight percent. Similarly, he said imports could contract by 1.5 percent this year.

The government, for its part, revised downward its economic growth forecast for 2009 to 3.7 percent to 4.4 percent from a previous assumption of 3.7 percent to 4.7 percent for the year. (Philstar.com)

BUSINESS

Quote of the Week

“This is the time when the passing of the torch should illuminate the best-kept secrets of the institution. When the world is grappling with fathoming the crisis and the path out of it, AIM should be one of those holding the light.”

—Emmanuel Leyco,
Professor, Asian Institute of Management

notice of the grounds or reasons for the visa refusal. In addition, an applicant's sworn statement is "deemed releasable to an applicant as they constitute the applicant's original source documents." In other words, if you sign a confession or sworn statement, you should be given a copy of that sworn statement, which you must keep.

It is up to you to establish your eligibility for the visa. As a visa applicant, it is your burden to establish eligibility for the immigration benefit you are applying for. If you are not able to properly present, package, or document your eligibility, you run the risk of having the visa refused. However, in my experience, consuls are fair, reasonable, and open minded and would normally grant the visa, if you are able to properly

prove, document, and establish that you have met all legal requirements. And even after a refusal, you still have the chance to prove eligibility. As the FAM states, "If a visa is refused, and the applicant within one year from the date of the refusal adduces [presents] further evidence tending to overcome the ground of ineligibility on which the refusal was based, the case shall be reconsidered." Therefore, not only are the consuls willing to take a "second look" at a refusal, but the FAM also states that the case "shall be reconsidered," so long as you present proper evidence and documentation establishing eligibility.

That is why it is so important that if your visa is refused, you seek the advice of a reputable attorney, who can evaluate your case, and advise if there

is "hope" in overcoming the refusal, and assisting you in presenting your case to the consuls for reconsideration.

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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