

MARKETPLACE

JOURNAL

IMMIGRATION CORNER



ATTY. MICHAEL GURFINKEL

No fraud committed by victim of 'Ghost Bride' scam

SOME time ago, I wrote an article about a new scam, where aliens were promised work authorization by unscrupulous immigration consultants, only to later find out that the consultant had filed papers with the US Citizenship and Immigration Services (USCIS) to make it appear as though the aliens had married American citizens. So, aliens suddenly found themselves under petition by "phantom" or "ghost" US citizen spouses.

To make matters worse, even though the alien was the unknowing victim of a scam, USCIS would typically charge the alien with "fraud," and require the alien to apply for and be granted a fraud waiver (Form I-601), based on "extreme hardship" to a US

citizen or immigrant parent or spouse.

Recently, the Administrative Appeals Office (AAO) in Washington DC ruled that no fraud is committed by the victims of ghost brides scams, such that a fraud waiver (I-601) is not even required.

In that particular case, an alien contended that he did not intend to defraud and/or willfully misrepresent himself to the USCIS. Instead, he stated that years earlier, he had been out of status, and had met a person who claimed that the Assistant District Director of the former INS was his good neighbor. The person further explained that the Assistant District Director had a number of "extra green cards" that he could give to aliens at his discretion. The person repeatedly reassured the alien that he could be trusted, and that he would take care of ev-

everything. The person further told the alien not to worry about any of the details, and that everything would be done legally. Trusting this person and his promises of hope, the alien paid about \$3,000 for the person's "services."

The alien went to the INS' district office, where he had his picture taken and signed a document. This was the only document that the alien ever signed (Apparently, the picture was taken and he signed an employment authorization card). Upon receiving his work authorization card, the alien felt reassured that everything was being done legally.

Eventually, the alien received a letter from the INS that his application for permanent residence was denied. He kept calling the consultant to find out what was going on, but the consultant avoided all his phone calls. He was finally able to reach the con-

sultant, and asked for a copy of what the consultant had filed with INS, but the consultant refused to send any paper work and claimed he had an argument with his neighbor (the Assistant District Director of INS), which is why the case had been denied. The alien was finally able to obtain a copy of his immigration file, and saw that there were numerous forms, with forgeries of the alien's signatures, a different "home address" for the alien, and a picture of a woman, whom the alien had never met in his life, who was supposedly his wife. However, the alien already had a wife whom he was in love with, and had children with her.

The alien stated that if he knew that the consultant was obtaining his immigration status by lying, he would have never agreed to use his services.

The alien was then required to

file a fraud waiver, which the real District Director denied, and the alien appealed to the AAO. The AAO noted that in order to be guilty of fraud or misrepresentation, the alien must have knowingly or willfully attempted to obtain an immigration benefit by fraud and/or misrepresentation. In this particular case, the alien was duped, and was a victim of an immigration scam, such that the alien did not act "willfully" or fraudulently. Therefore, the alien committed no fraud, and was not required to submit a fraud waiver (Form I-601).

If you have been a victim of fraud, such as being married to a phantom or ghost U.S. citizen husband or wife, or had a consultant apply for other benefits without your knowledge (such as asylum, CSS/LULAC, etc.), I would strongly suggest that you seek the advice of a reputable

attorney, who can evaluate your case, and prove that you are not guilty of fraud, since you were a victim yourself.

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)

Online advertising expected to become P1B industry in 2010

MANILA—Online advertising will be a P1-billion industry next year because it is a more cost efficient way of promoting products and services, research group Nielsen said.

In a press conference yesterday, Executive Director Jay G. Bautista said that they are projecting high revenues for Internet advertising because the Internet is recession-proof.

"It can even be more than P1 billion because we haven't factored in the elections next year," Bautista told reporters.

He explained that people are able to access the Internet for free given that there are a lot of establishments who offer free access to the web. Or else, he said the cost to connecting to the net is minimal because of the many Internet cafes.

Bautista said before this year, there is no data for Internet ad-space sales in the Philippines. For the region, Internet adver-

tisement generated \$15 million in revenues.

TV, radio and print ads have a combined revenue of P160 billion last year. However, advertising for the trimedia is expected to drop this year given the financial crisis.

According to Bautista, a year after the Asian Financial crisis hit, ad revenues went down by 10 percent. "We are expecting a drop in the advertisements in the trimedia even though people perceive TV and radio as recession proof."

The two, and the Internet, are said to be insulated from the recession because the people do not need to pay extra to enjoy these.

The advantage of advertising in the Internet, Bautista said, is that it is more cost efficient than the TV. He said a 30-second ad space in television costs P300,000 while using the internet is cheaper.

Likewise, Internet usage is expected to increase by 10 percent this year because of availability. (Philstar.com)

US crisis gives BPO a boost

MANILA—US-based business process outsourcing (BPO) firm Associated Creditor's Exchange (ACE) Global opened a small contact center unit last March 26 in Taguig City, and immediately vowed to double its employee count in the near term despite the global economic downturn.

At a news briefing, ACE Global president Joseph Berardi predicted that the company's initial 300-seat capacity would rise to "500 to 600 seats by yearend" due to strong demand for offshore services in the United States, especially in the financial industry.

ACE Global's main clients are the largest banks and mortgage firms in the United States. They hire ACE Global to contact delinquent borrowers to "address collection issues, minimize losses and help improve clients' cash positions."

The economic situation "has given us a boost," Berardi said. "Financial companies are looking to us to handle additional volume" of delinquent accounts, he said.

A veteran of the outsourcing business, Berardi admitted that he was unsure as to whether the new administration of US President Barack Obama would push ahead with its avowed policy to discourage US firms from exporting back office jobs.

He pointed out that the policy was a political decision prompted by the high level of unemployment in the United States at present, but opined that the "pendulum will swing back" once the job market normalizes. (Inquirer.net)

BUSINESS

Quote of the Week

"The thing is, this is a global economic crisis. And no doubt for the future, there would be a different regulatory system, but here's the most important thing about it, that it's globally coordinated. That is what this economic crisis has brought home to us—the globally integrated nature of the world economy."

— Former UK Prime Minister and recent RP visitor Tony Blair to 'BusinessMirror'

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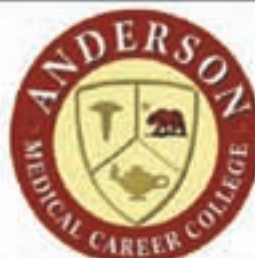
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