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IMMIGRATION CORNER



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Old asylum cases being scheduled for interviews/removal proceedings

“There were so many other Filipinos who, like this man, had also applied for political asylum in the early 90’s, and thought that the case was long closed and forgotten, and that no further consequences would result because of the asylum application.”

A MAN recently came to my office for a consultation, with a predicament that is common to so many other Filipinos. His situation should serve as a warning or wakeup call for all people who had applied for political asylum.

Years ago, he came to the US, anxious to find work. He was told by friends or relatives that a quick and easy way to obtain work authorization was to apply for political asylum. So, in

the early 90’s, he submitted an application for political asylum, claiming that he was persecuted by the NPA. Soon after applying for political asylum, he received a work authorization, and was absolutely ecstatic! He thought it was so easy and he was all set on pursuing his “American dream.” He was even able to renew the work authorization for a few years.

Eventually, he received a

notice from the asylum office, scheduling his interview, so that he could be questioned in detail concerning his claims of persecution. He rescheduled the interview several times, and then eventually just didn’t bother to go to the interview. Nothing further happened on his asylum case, and he thought it was closed and forgotten. However, in all those years, he did nothing further to legalize his immigration status.

Then, in early 2008, he received a notice from the US Citizenship and Immigration Services (USCIS), stating that he had “been scheduled for several interviews since you filed your asylum ap-

plication and either requested to reschedule or have failed to appear on each occasion.” The notice scheduled him for one final interview, and warned that, “should you not appear on that date or not proceed with your interview, you will be placed into proceedings before an immigration judge. . . .”

This notice caught him completely by surprise that years later, USCIS will suddenly call him back in for an interview.

He then sent a letter to the USCIS, advising that he was no longer interested in pursuing his asylum application and that he intended to pursue his permanent residency through other means. He thought that by withdrawing his asylum application, it would finally put the matter to rest.

That was not the case. In early 2009, he received a Notice to Appear (NTA), placing him in removal/deportation proceedings, and scheduling his removal

proceeding for mid 2009. However, because he had done nothing during all these years to try to legalize his status, (and had no parent or spouse who was a citizen or immigrant) it appears that he would have no “form of relief” to obtain a green card, and it would be likely that he could only seek “voluntary departure.” This means that he would agree to voluntarily depart the US, rather than being ordered removed or deported.

However, we see that USCIS appears to now be dusting off and opening up old asylum cases and going after people who had applied for political asylum but did not attend their asylum interviews.

If you had ever applied for political asylum, I would suggest that you seek the advice of a reputable attorney, who can evaluate your situation, and could perhaps guide you towards legitimate ways to legalize your

status before you are scheduled for an asylum interview and/or removal proceedings as a result of that long-forgotten asylum application.

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. The information contained herein (including testimonials, “Success Stories”, endorsements and re-enactments) is of a general nature, and is not intended to apply to any particular case, and does not constitute a prediction, warranty, guarantee or legal advice regarding the outcome of your legal matter. No attorney-client relationship is, or shall be, established with any reader.

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Angara bill to provide tax relief to life insurance sector

by CHRISTINA M. MENDEZ
Philstar.com

SEN. Edgardo Angara has filed a bill which seeks to provide tax relief to the country’s life insurance industry.

Senate Bill 3181 seeks to remove the documentary stamp tax and tax on the premiums for life insurance.

“The underlying principle behind this proposed legislation is that life insurance is practically a savings vehicle for an individual and the imposition of a tax on this type of insurance serves to increase the cost of savings, thereby diminishing its attractiveness as an economic method for long-term saving accumulation,” said Angara who chairs the Senate committee on finance.

Angara noted that the present tax treatment of life insurance makes the banking system a more attractive option for placement of savings.

Comparatively speaking, the Philippines is the only country in Southeast Asia which charges a five-percent tax on the yearly premium for life insurance policies. This is over and above the additional taxes imposed on the earnings of the policyholder’s long-term savings with the insurance company, such as a 20 percent tax on interest income.

According to Angara, the premium paid on a life insurance policy consists of two major components: (1) the insurance component or the amount necessary to cover the cost of pure insurance protection; and (2) the investment component or the amount that is added to the policy reserve which the insurer invests.

The latter represents the accumulated savings in the form of cash values to be returned to the policyholder upon maturity of the policy or at the time it is surrendered for cash. Hence, the higher the number of policyholders or the amount of insurance coverage, the higher the amount of savings that can be accumulated by the insurance industry. Higher savings mean more investments that translate to higher economic growth. ■

San Miguel Corp. raises P19.3B from stake sale

SAN Miguel Corp. raised P19.3 billion from the sale of an initial 14-percent stake in flagship subsidiary San Miguel Brewery Inc. to Japan’s second largest brewery Kirin Holdings Co. Ltd last April 29.

San Miguel disclosed to the Philippine Stock Exchange that it had sold 2.18 billion shares to Kirin for P8.841 a share. This represented the first tranche of a 43.23-percent block in SMB—equivalent to about 6.66 billion shares—that parent San Miguel had committed to sell to the Japanese brewer at the same price a share.

Kirin also bought 778.84 million shares from the public as part of a required tender offer at the same price. The payment of the rest of the shares to be bought from San Miguel is expected to be completed not later than May 29.

San Miguel will generate a total of P58.9 billion once it has sold its entire 43.23-percent stake to Kirin. At the end of the transaction, Kirin will have a total of 48.3-percent interest in SMB, including the shares bought from minority shareholders.

San Miguel will retain control of 51 percent of SMB, thus remaining as the single biggest voting block in the beer brewery, which produces and markets San Miguel Pale Pilsen, Red Horse, San Mig Light, and five other affiliated brands.

But while Kirin is buying into SMB, which is a strategic fit to its beer business, it is selling its 20-percent stake in parent San Miguel to a group led by businessman Roberto Ongpin.

The Ongpin-led Q-Tech Alliance has agreed to buy Kirin’s stake in San Miguel for P63 a share.

Eric Recto, president of Q-Tech Alliance, had said that the transaction with Kirin would be completed this May. He added that Q-Tech Alliance was buying into San Miguel because it believed in the merits of its diversification. (*Inquirer.net*)

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BUSINESS

Quote of the Week

“Laying off employees is not the solution.”

—Grace Abella-Zata, national president of People Management Association of the Philippines (PMAP), in a briefing last April 30 where she urged companies to avoid retrenchment amid economic difficulties. Workers are often deemed most vulnerable in times of recession.e