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JOURNAL

IMMIGRATION CORNER



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Why it's a good idea to have an attorney for your interview or hearing

MANY people had relative petitions filed for them by family members (such as spouse, parent, brother, sister, etc.). After waiting anxiously for several years (sometimes over a decade), the priority date finally becomes current, and they are called by USCIS for their adjustment of status interview. They may think to themselves that because they filed the Petition on their own, they can handle the interview themselves and save money, by not having an attorney with them for their adjustment of status interview.

However, filing a petition and getting it approved is relatively simple, compared to an in-person interview. After all, with a petition, you fill out the form, include supporting documentation, and mail it away to the USCIS. You then receive an Approval Notice from the USCIS in the mail, without ever seeing any Immigration Officer in person.

An adjustment of status interview puts you in an entirely different situation. This may now be the first time that you come face-to-face with an Immigration Officer. At your interview, you may be questioned in detail about your case or petition. This could include the facts about how you entered the US (i.e. under a different name or date of birth), what you have been doing in the US all these years (i.e. have you been working without authorization?), whether you ever applied for any other immigration benefit during that time (i.e. Political Asylum, CSS/LULAC, etc.)

The documents that you submitted when you first filed the petition, as well as the documents you bring to the interview, will

be examined carefully by the Immigration Officer, who is highly trained to spot and detect fraudulent documents, such as fake birth certificates, employment letters, tax returns, etc.

Although Officers conducting interviews are courteous, professional and fair, you could really mess up your case if you don't bring the proper or complete documentation, don't provide correct information, start contradicting yourself, start giving evasive answers because you're confused, tired, or scared. Even if you're "innocent," it may look like you are trying to hide something or you are lying (even when you're telling the truth). This could create suspicion in the mind of the Officer. So, even though you may be legitimately entitled to the immigration benefit being sought, you could find yourself being put under investigation, or even having your case denied.

A lot of times people think to themselves, "I'll just go to the interview by myself, so I can save money, and if things get messed up, then I can always go to an attorney." But, if you messed up the case, it makes it all the more difficult and costly (and your case gets delayed), as more time is needed to repair the damage! And you may mess up the case so bad, by saying the wrong things that the case may be beyond repair and be denied.

I know some people tell themselves, "If I bring along an attorney, the USCIS may think I have done something wrong, I have something to hide, or I am guilty." This is a myth. If you are legitimately entitled to the immigration benefit you are seeking, then having an attorney assist you in preparing your case

in advance and accompanying you to the interview, increases the chances of your case being properly analyzed and properly presented to the Immigration Officer. It is not a sign of "guilt."

There are many good reasons for people to be accompanied by an attorney to an interview or hearing. These reasons become even more critical with the expiration of Section 245(i). Now, there might be no "second chance" for most people, if the petition they waited for so many years is denied. What will they have to fall back on, if this happens?

In a future article, I will discuss some of the reasons why it is a good idea to have an attorney help and represent you.

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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GMA transfers SEC supervision to DTI

PRESIDENT Gloria Macapagal Arroyo has transferred the supervision of the Securities and Exchange Commission (SEC) from the Department of Finance (DOF) to the Department of Trade and Industry (DTI).

Mrs. Arroyo issued Executive Order 800 on May 14 revoking EO 192 issued in 2000 that placed the SEC under the DOF.

In EO 800, the President said, "In order to facilitate coordination of policies and programs in the field of trade, industry and investment, it is necessary and practical to transfer the administrative supervision over the Securities and Exchange Commission from the DOF to the DTI."

She emphasized that the DTI "is the primary coordinative, promotive, facilitative, and regulatory arm of the executive branch of government in the area of trade, industry and investment."

Executive Secretary Eduardo Ermita, who released the directive yesterday, said the scandals in the pre-need industry had something to do with the transfer of supervision.

SEC came under fire from the public after the agency failed to detect the collapse of several pre-need firms including those from the Legacy Group of Companies caused by mismanagement. (*Philstar.com*)

RP firms must prepare to be competitive now, says Yap

by MARIANNE V. GO
Philstar.com

THE Philippines must prepare to be competitive now instead of hoping for a further delay in the full implementation of the ASEAN Free Trade Agreement (AFTA), Agriculture Secretary Arthur C. Yap said last May 28.

Attempts have been made on an informal level to convince the members of the Association of South East Asian (ASEAN) neighbors to delay the full implementation of AFTA next year in light of the current global economic recession. Yap pointed out, however, that such talks are all informal and may not lead to any delay.

Meanwhile, Yap is urging local industries and the agricultural sector to become more competitive in the face of the twin threats of a liberalized trading order and climate change.

"AFTA is a commitment," Yap said, and will most likely be met by the Philippines in spite of talks of a possible delay or postponement of its implementation next year.

"All talks are informal," he pointed out. Any concrete agreement to delay AFTA would have to be agreed upon in formal talks and negotiations. With the remaining time left, there appears to be no move to initiate formal talks to delay AFTA. As agreed under AFTA, the Philippines and its ASEAN partners must bring down to zero to five percent all tariff covers.

Philippine industries, including the agricultural sector, would then have to face competition from its ASEAN neighbors. Unfortunately, several industries in the agriculture sector continue to claim that they are still not ready for competition. According to Gregorio San Diego of the United Broilers and Raisers Association (UBRA), and Albert Lim of the National Federation of Hog Farmers, Inc. (NFHFI), the poultry, egg and hog industries, as well as the rice sector, are still not ready for the full implementation of AFTA by January 2010. ■

BUSINESS

Quote of the Week

"When compared with Asian countries, the Philippines posts a skewing to consumer extractive industries. While the country is at par with the global community in terms of quantity of entrepreneurship, much scope remains for improving entrepreneurship quality to enhance the economic gains."

—Imelda Madarang and Cielito Habito, authors of the Global Entrepreneurial Monitor (GEM) report

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