

**YOUR IMMIGRATION SOLUTION**



ATTY. ROBERT REEVES & NANCY MILLER

## Aliens ineligible to obtain a green card in the US

“The Ninth Circuit has ruled that three factors determine alien crewman status: (1) the nature of the employee’s duties; (2) when those duties are performed; and (3) whether any employee has a permanent connection with the ship and whether their presence facilitates the operation of the vessel.”

Holders of C-1 visas cannot change status to another non-immigrant category, i.e. C-1 to student or temporary worker, etc. Neither can they extend their status. C-1 crewmen are not eligible to adjust (AOS) unless a prior immigrant visa petition was filed on or before April 30, 2001 (245(i) grandfathered). C-1 crewmen are also not eligible to apply for cancellation of removal should they be placed into removal proceedings.

D visas are also known as “crewmen visas.” They are given to persons serving in any capacity required for normal operation and service on board a vessel, including trainees and those operating a concession or beauty salon on board ship. The Ninth Circuit has ruled that three factors determine alien crewman status: (1) the nature of the employee’s duties; (2) when those duties are performed; and (3) whether any employee has a permanent connection with the ship and whether their presence facilitates the operation of the vessel.

As with the C-1 crewman visa, holders of this visa are given a maximum period of admission of 29 days. They are not eligible to extend or change status. They are not eligible to adjust status unless they are 245 (i) grandfathered. They are not eligible for cancellation of removal if they are placed in deportation proceedings.

An alien who is ineligible to adjust must complete their lawful permanent resident visa processing at the US Consulate in their home country. If they have been in the United States unlawfully for a period of 180 days or more, they will incur a three-year bar as soon as they leave the US. If their period of unlawful stay is one year or more, the bar they incur will last for 10 years. In order to

apply for a waiver, the alien must show that their qualifying relative (USC or LPR parent or spouse only) will suffer extreme hardship if the waiver is not granted. This can be a difficult standard to meet. Therefore, when the alien leaves to consular process, he must consider the possibility of having to wait for 10 years before he can return.

In addition, an alien who misrepresented a material fact (such as their intent to enter the US to meet a ship) will need a waiver of inadmissibility for the misrepresentation. The bar for this ground of inadmissibility does not expire after 10 years. Unless a waiver is granted, the bar is for life. The qualifying relatives for this waiver are also USC or LPR parents or spouse. Children are not qualifying relatives for this purpose. Here, again, the standard is extreme hardship, and it is judged with the same degree of harshness as the unlawful presence waiver.

The type of visa one uses to enter the United States can severely impact their ability to become permanent residents of the United States. For that reason, it is important to know the ultimate ramifications of the visa one is applying for.

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Atty. Reeves has represented clients in numerous landmark immigration cases that have set new policies regarding INS action and immigrants’ rights. His offices are located in Pasadena, San Francisco, Las Vegas and Makati City.

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The analysis and suggestions offered in this column do not create a lawyer-client relationship and are not a substitute for the personalized representation that is essential to every case.

(Advertising Supplement)

## The Voice of FilAmerica

Political empowerment is still a treasure that eludes us as a community here in America. While we are the second largest Asian American community in the United States, we have yet to harvest the power that comes from our numbers. The Voice of FilAmerica features elected and appointed officials – regardless of political affiliation – in the different US states who are of Filipino ancestry. As your Filipino American community newspaper, the Asian Journal recognizes the fact that we all have a responsibility towards bringing political empowerment to fruition, especially for our future generations. It is our hope to have our voices heard all over America.

### Ed Balico

Mayor of Hercules California

by CYNTHIA DE CASTRO  
AJPress



ED BALICO was first elected to the Hercules City Council for a four-year term in November 2000. He was appointed Vice Mayor in December 2001 and became Mayor in 2002. He was re-elected in November 2004 and garnered the highest votes ever in the history of the City of Hercules in that election. Because he received the most votes in the November 2004 election, in December 2006, he was appointed to serve a one-year term as Mayor. In 2008, Council Member Balico was elected for a third term and received the highest number of votes for that election year.

Council Member Balico holds a Bachelor’s Degree in Mechanical Engineering and has completed numerous certifications in the fields of Project Management, Total Quality Management, and Problem Solving Process. He worked for one of the Fortune 100 companies for 20 years and left the company as a senior project manager. He currently owns a real estate and mortgage company.

Prior to being elected to the City Council, Council Member Balico served as a Planning Commissioner for six years and during his tenure served as both Vice-Chair and Chair of the Commission.

Council Member Balico has been appointed to various regional agencies:

Board of Director - West Contra Costa Integrated Waste Management Agency (Served as Vice-Chair and Chairman of the Board).

Board of Director - WESTCAT (Served as Vice Chair and Chairman of the Board).

Board of Director - West Contra Costa Transportation Authority

Board of Director - Contra Costa Transportation Agency (Alternate)  
Board of Director - Contra Costa College Foundation  
Executive Board of Director - League of California Cities, East Bay Division  
Council Member Balico recently graduated from the League of California Cities Mayors and Council Member Leadership in Action, wherein there are only ten elected officials in this level.

Council Member Balico was instrumental in the formation of the Asian Pacific Islanders Caucus of the League of California Cities.

Council Member Balico has been appointed several times by the Board of Supervisors to represent Contra Costa County on the Water Transit Authority CAC.

Council Member Balico also serves on various City Council sub-committees related to:

- Business Development
- Finance
- Education
- Energy/Municipal Utility
- Public Safety
- Traffic Circulation
- Library
- Transportation & Housing
- Youth Activities

Some of his community affiliations are: Fil-Ams of Hercules, Board of Director Hercules Chinese Association, Life Time Member

- Rotary Club of Hercules, Member
- Hercules Golf Club, Founder
- Hercules Sister City Association, Member
- Friends of Hercules Library, Member
- HMHS Community Partnership, Member
- Hercules Chamber of Commerce, Member
- Hercules Booster Club, Member
- Asia American Golf Club, Member. ■

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## Western Union Launches Its First-Ever Global Brand Campaign

Can One Word Answer a Million Different Needs? Global Money-Transfer Company Says yes!

ENGLEWOOD, CO. – For the first time in the company’s 150-year history, Western Union has recently launched a comprehensive global brand initiative, entitled yes! This campaign celebrates people around the world who rely on the transfer of money across borders and oceans to help them embrace their hopes and dreams.

“This is a very exciting time for Western Union,” said Mohit Bijlani, Western Union Manager, Philippines. “Western Union believes in people pursuing their dreams. Even in these uncertain times, the optimism and positivity of our consumers is inspiring, and this new campaign reflects their can-do spirit. Can a mother send her love to her son from 6,000 miles away? The answer is yes! Western Union’s money transfer services have been enabling these connections between Filipinos around the globe for 19 years.”

The yes! brand campaign will be translated into 40 languages, and will consist of several marketing elements. There will be print, broadcast and online advertising, as well as new Point-of-Sale materials for more than 334,000 Agents in 200 countries and territories. Street art, billboards and other out-of-home creative will also be introduced globally. Western Union has also launched a dedicated microsite, www.wuyeseffect.com. This site seeks to engage consumers and empower them to share their stories of optimism and success through March 26. For each story submitted, Western Union will donate US\$1, up to a total donation of US\$50,000, which will be matched by the Western Union Foundation, up to a total donation of US\$50,000, to education-focused nonprofit partners Mercy Corps, Room to Read and Academy for Educational Development.

As part of its Our World, Our Family® program, the Western Union Foundation provided The Family Scholarship Program, which rewarded education scholarships to families within the Guatemalan and Filipino Diaspora in the Los Angeles, California area. This program will soon expand to include the Mexican Diaspora.

Western Union assembled prominent creative talent for the campaign, including world-renowned film director Antoine Bardou-Jacquet, celebrated photojournalist Steve McCurry and famed typographer David Carson. Western Union selected these artists because of the humanity in their work and the contemporary fresh face their collaboration brings to the brand. Bardou-Jacquet and McCurry traveled the world to capture the striking images behind the campaign, including stops in Morocco, Singapore, Los Angeles and Cape Town, South Africa.

The creative behind Western Union’s campaign centers on the optimism and hope inherent in the word “yes!” and highlights tangible acts that bring the brand to life. The yes! campaign clearly and emotionally communicates its optimistic point of view using real people in its advertisements reflecting the global nature of Western Union.

About Western Union  
The Western Union Company (NYSE:WU) is a leader in global money transfer services. Together with its Vigo and Orlandi Valuta-branded money transfer services, Western Union provides consumers with fast, reliable and convenient ways to send and receive money around the world, as well as send payments and purchase money orders. It operates through a combined network of more than 375,000 Agent locations in 200 countries and territories. Famous for its pioneering telegraph services, the original Western Union dates back to 1851. For more information, visit www.westernunion.com.

About the Western Union Foundation  
Through the donations of The Western Union Company, its employees and Agents, the Western Union Foundation helps to fund programs that create economic opportunity around the world. Embracing the truly global nature of its corporate sponsor, the Western Union Foundation has granted almost \$53 million to more than 1,840 nongovernmental organizations (NGOs) in 100 countries. Its signature giving program, Western Union’s Our World, Our Family®, is a \$50 million, five-year commitment reaching people at every rung of the economic ladder. Through Our World, Our Family, the Western Union Foundation is helping migrants and their families stay connected, overcome barriers and realize their dreams. For more information, visit http://foundation.westernunion.com.

(Advertising Supplement)

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