

IMMIGRATION CORNER



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BIA refuses to allow aged-out children to retain their parent's Priority Date

guidance with respect to the "retention of priority date" provision of the CSPA.

As time went by, more cases with similar "retention of priority date" issues arose, and the Department of Homeland Security (DHS) certified one of those decisions to the BIA for review, in order to get a published decision.

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On June 16, 2009, the BIA issued a published decision, Matter of Wang, regarding the "retention of priority date," and effectively overruled itself, stating that it would "decline to adopt the reasoning in Garcia." Instead, the BIA ruled that the only children who could benefit from the retention of priority date are those who were derivatives of a parent's F-2A petition (spouse or minor child of lawful permanent resident), who aged out. Only these children could retain that F-2A priority date on a new F-2B petition filed for them. However, derivative children in other visa categories, such as F-1 (single adult child of US citizen), F-3 (married child of US citizen), F-4 (brothers and sisters of US citizens), or employment based categories (through labor certification), would not be allowed to retain their parent's original priority date upon aging out.

It is truly disappointing that the BIA would come out with a decision (Garcia), allowing the retention of priority dates in all of the family and employment based categories, and then ef-

fectively reverse itself, and refuse to follow its previous reasoning, and instead give a very narrow and limiting application of the CSPA.

However, there are similar cases now pending in the federal courts. Let's hope the courts will come to the rescue. There have been many situations where the BIA has interpreted laws or regulations in a restrictive fashion, but federal courts have later ruled that the BIA's interpretations were unreasonable. I think the language of the statute was properly interpreted in the Garcia case, and let's hope the federal courts agree.

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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(Advertising Supplement)

IMMIGRANT LIVING: 101 AND BEYOND



MONETTE ADEVA MAGLAYA

Choices

"Wise men learn from other people's mistakes; fools, from their own."

—Plautus

sense. This skill belongs to the most highly evolved human beings.

Why is this skill so important? It is because for as long as the world turns, our choices determine our results. The law of cause and effect like the force of gravity that holds the universe together, rules human life. To understand intimately how the intricate workings of this law apply to our own lives, imagine it as borrowing heavily from the principles of accounting.

Visualize an invisible, unerring and indisputable ledger of one's life being recorded—its highs and lows, its pluses and minuses, the volume of both good and bad, both beauty and horror which one has generated through the course of his life, the amount and range of happiness and the depths of pain, misery and tears one has caused in others. And yet unlike human accounting, that same invisible ledger takes into account such intangible, unquantifiable factors, both human and divine, such as love, kindness, forgiveness, redemption, generosity

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of spirit and tender mercies. At the end of it all, one is presented with the bottom line—either in red—what one owes life, a deficiency or a debt that must be paid—if not in this lifetime—then in successive ones or if one has lived life well and has reached the highest rungs of nirvana—in the black, on the plus side with profits to show, with a wealth of positive contributions to the self, to others and the world at large—a life well lived, a life well spent. It is a thought-provoking parallel that should give everyone cause to take a long hard look at one's own precious life.

On the altar wall of the Sistine Chapel in the Vatican is the story of the last judgment. Michelangelo, more than half a millennium ago, painted man's spiritual history beginning with creation to the fall from grace to redemption by Jesus Christ on the ceiling of the chapel. Twenty years after he completed the ceiling, he undertook the painting of the last day on the altar wall. It is a jaw-dropping, massive work with about 400 human figures swirling about with Jesus and Mother Mary at

the center. It shows in terrifying graphic detail how everyone shall be judged accordingly on the last day. It shows an angel with the Book of Good Deeds and an angel with the Book of Evil Deeds. The good book is less than half the size of the other one. The good of the earth are given their reward as they seem to float heavenward in God's presence and the evil ones, twisting in torturous agony and pain are ferried by Charon on the river, Styx into the depths of hell to wallow in grief and misery for all eternity.

The idea of reward and punishment is much easier to comprehend when viewed instead as the natural, predictable consequences of every conscious choice that we make. Choices determine how results come into being. It is the choices made by an individual of sound body and mind that determine his life. On a national level, history has shown that it is the collective choices over a long span of time made by the leaders of men and by the millions of individuals of a nation through their representatives on vital issues, that shape the way a country's history plays out over time.

Ultimately, our choices determine how our own karmic story plays out. Karma is that ancient principle common to Hinduism and Buddhism that upholds the natural law of moral cause and effect. It is grounded on the belief that a man's collective thoughts and actions of the present determine his future. Everything that is happening at the present moment is a result of the choices that were made in the past. Many people, at different stages of their lives, believe and subscribe to the laws of karma and are guided by them accordingly.

Except for those well publicized yet highly unusual and extremely rare twists of fate and flukes of nature that occur in some charmed lives—the purpose of which will forever remain mysterious and incomprehensible to the human mind—the law of moral cause and effect simply means that what we sow is what we reap.

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EXCLUSIVE ONE-ON-ONE INTERVIEW with Philippine Entertainment's Most Influential Woman on Citizen Pinoy! Ms. Charo Santos, popularly and lovingly referred to as 'Ate Charo' on the multi-awarded and longest running drama anthology program on Philippine television, 'Maalaala Mo Kaya' will share her valuable insights and life lessons as she joins attorney-to-the-stars Michael J. Gurfinkel for a very rare and special one-on-one interview on the season premiere of Citizen Pinoy. Citizen Pinoy—airs every Sunday at 5:40pm (PST), with replays on Wednesdays at 12:15am (PST) on TFC. Citizen Pinoy also airs on ANC-US every Sunday at 12am with replays on Sundays at 8am and Thursdays at 7pm, all PST; and on ANC- Philippines every Sunday at 4pm with replays at 12 midnight on Mondays.

Philippine entertainment's most influential woman in an exclusive and special appearance on Citizen Pinoy season premiere!

REDWOOD CITY, CA—In the course of her lifetime, she has played a rich array of roles. Very early in her career, she established herself as an award-winning dramatic actress for her performance in *Itim*. Her brilliant portrayals in cinema classics like *Kisapmata*, and *Gumapang Ka Sa Lusak* were memorable.

Maalaala Mo Kaya (Do You Remember?) was launched in 1991, and for 18 years now, Charo Santos, also known as "Ate Charo" has been the voice, the face, and the mentor behind memorable episodes and stories that have made *Maalaala Mo Kaya* (MMK) the longest-running drama anthology program on Philippine television today.

At present, Charo Santos is also the President of the biggest broadcast network in the Philippines—ABS-CBN and also the first woman president of the media conglomerate and is one of the most influential people in entertainment. Charo Santos is very committed to what she has set out to do; and is very compassionate towards her *kapamilya*. It is very fitting to have this incredible woman to be the very first featured guest on the new season of *Citizen Pinoy*.

Leading US immigration attorney Michael J. Gurfinkel does a special one-on-one interview with Ms. Charo Santos on the most popular immigration program on television—*Citizen Pinoy*. Be sure to watch this big season

opener, a rare chance to listen to insights from everyone's beloved "Ate Charo," who shares with the viewers candid yet valuable life lessons that she has also learned throughout her inspiring journey.

Of course, more of your immigration questions will also be answered when Atty. Michael J. Gurfinkel brings you an all-new season of *Citizen Pinoy* this Sunday (June 28), at 5:40pm (PST) with a replay on Wednesday, at 12:15am (PST) on TFC. Be sure to watch this interesting and informative episode.

Citizen Pinoy is made possible with the support of friends who are committed to giving back to the Filipino community: *Asian Journal*—with circulation in Northern and Southern California, Nevada, and in the East Coast; and Arko Foods. *Citizen Pinoy* is also supported by ABS-CBN Global's key product offerings: Star Kargo, Starry Starry Store, ABS-CBN Telecom and TFCDirect.

Informative. Entertaining. Inspiring. Watch *Citizen Pinoy*—the Filipino-American community's immigration program every Sunday at 5:40pm (PST), with replays on Wednesdays at 12:15am (PST) on TFC. *Citizen Pinoy* also airs on ANC-US every Sunday at 12am with replays on Sundays at 8am and Thursdays at 7pm, all PST; and on ANC- Philippines every Sunday at 4pm with replays at 12 midnight on Mondays. ■

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