

## US Citizens must file separate petitions for each 'Immediate Relative'



ATTY. MICHAEL GURFINKEL

Dear Atty. Gurfinkel: While I was still an immigrant, I filed a petition for my spouse and minor children in the F-2A category (spouse and/or minor children of green card holder). My understanding is that all of my family members were covered by that single petition.

I later took the oath of citizenship, and am being told that my petition for my family now covers only my spouse and not my children. So, I need to file new, separate petitions for each of my kids. Since all my family members were previously covered under my F-2A petition, why do I need to now file separate petitions for my kids?

Very truly yours, L.D.  
Dear L.D.: By law, a green card holder need only file one F-2A petition to cover several family members, such as a spouse (who is the "principal" beneficiary) and all minor children (who are "derivative" beneficiaries). However, when the green card holder naturalizes, the F-2A petition automatically converts from F-2A (spouse/mi-

nor child of green card holder) to immediate relative (spouse/parent/child of US citizen). That conversion changes the classification of the spouse and children to the status of "immediate relatives." Petitions by US citizens of immediate relatives (spouse, minor child, parents) allow only one beneficiary per petition. Derivatives are not allowed.

In your case, when you became a US citizen, only your spouse (as the principal beneficiary) remained under your original petition, since only one immediate relative can be covered by a petition by a US citizen. Your children, as F-2A derivative beneficiaries, "dropped off" that petition. Therefore, you must now file new petitions, one for each of your children, so that they, too, will again be "under petition as immediate relatives."

I know of one case where an immigrant had petitioned his wife and three kids, under one petition. The priority date in the F-2A category (green card holder petitioning spouse and minor children) was already current, and the family was already in the middle of immigrant visa processing at the US Embassy, when the petitioner took the oath of citizenship. When the family went to the interview, only the wife was entitled to the visa. Because the petitioner became a citizen, he had to go back and file new immediate relative petitions for each of his three kids.

Although a single petition by a green card holder can cover several family members, if the immigrant wants to file for naturalization, the immigrant may wish to, at the outset, file separate petitions for each of his immediate relatives, so as to avoid the situation of naturalizing and then having some family members no longer being "under petition."

Please note that the above situation (where each family member must have his own separate petition) applies only to immediate relatives of US citizens (spouse, minor child, and/or parent). This rule does not apply to petitions by US citizens for unmarried son or daughter (first preference), married son or daughter (third preference), or brother or sister (fourth preference). These petitions would also cover or include derivatives (minor children and/or spouses where applicable).

Michael J. Gurfinkel is licensed, and an



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 a 4th of July encore presentation of Citizen Pinoy. Citizen Pinoy—which 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.

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.

WEBSITE: www.gurfinkel.com  
Call Toll free to schedule a consultation for anywhere in the US:  
(866) - GURFINKEL  
Four offices to serve you: LOS ANGELES · SAN FRANCISCO · NEW YORK · PHILIPPINES (Advertising Supplement)

### IMMIGRANT LIVING: 101 AND BEYOND



MONETTE ADEVA MAGLAYA

## A case for coming home ...

"TRAVEL MAKES ONE MODEST. YOU SEE WHAT A TINY PLACE YOU OCCUPY IN THE WORLD."  
— GUSTAVE FLAUBERT

Part 1 of 7  
THINKING of coming home for a visit, kababayan?

In the best scenarios, a three-week whirlwind trip to the Philippines is what most Filipino expatriates living and working in the US or elsewhere in the world can shoot for. Aside from putting together the somewhat hefty logistical requirements (translation: money, whether in cash, debit cards or "kaskas" meaning credit cards), one truly needs to be a proactive tactician in mapping out how a Philippine trip pans out. So move over, Marco Polo. This is the way it's done.

How do you make a Philippine trip memorable? For the jaded traveler who routinely goes back and forth several times a year, either for business purposes or as a jet setting lifestyle choice, the question is moot and academic. But for the majority of expatriates

who can only go on rare occasions because of personal circumstances affecting finances, workloads or family responsibilities, an expensive transcontinental time-out such as this merits thought—lots of it. A Philippine trip should result in a treasure trove of feel-good experiences and ultimately, memories—that make the journey worth all the effort and time spent in excruciating detail, worth all of the expense and maybe, more importantly, worth every nanosecond of one's hurried and harried expatriate life. The trip must be so good that it must be worth doing all over again.

There's much to see and do, remembering all too well that we lose a day going there which we regain on the return trip. We have to make allowances for the effects of jet lag to settle in. How does one get the best homecoming experiences? In a word, PLANNING.

Know that well-meaning friends and relatives already have first dibs on your limited time. So map out your itinerary (the places and experiences that you must see and do that are on the top rung of your priority list) and itemize your to-do list in detail, way in advance with the proviso that you must be open and flexible in your schedule. The fine art of travel is remembering that an itinerary is just a guide and not necessarily written in stone. If need be, you must be able to revise on the fly when the occasion calls for it.

Going on a trip is like any other project. It needs a blueprint. It involves the mind-body-spirit connection. You have to be physically fit and mentally agile. Consult your doctor before going on a regular exercise and diet routine a month before leaving. Your immune system will be severely taxed, so a word to the

wise—wash your hands often with a sanitizer you keep with you at all times in your travel purse, and take Airborne effervescent tablets with you so your system can brace for the assault on your body particularly in self-contained, confined spaces like airplanes and waiting rooms where air is recirculated. Some swear by it as I do; others swear at it claiming it to be no more than a placebo effect. Just do whatever works for you. No one is immune from the cold and flu virus so be on the defensive. If at all possible, stay away from the obviously afflicted and hydrate always. Well, maybe not on the plane itself to prevent frequent trips to the bathroom.

You estimate and gather the money required to pull it off. Fudge the figure twice as much

and be warned. Your money will be as fluid as water gushing out of a broken water main. Have one or two credit cards with you for back-up and call the 800-number and give them a heads-up to let them know that you will be in the country during a particular period. Fraud units of credit card companies study your spending patterns and, much to your dismay, may put a hold on your credit card transaction if it registers you are buying far away from your place of residence. You will end up calling their number to prove your identity, which is not an 800 number, and for which you will pay for the long distance call. Make sure you bring dollars in near-mint condition because the moneychangers will refuse old, tattered currency with

cuts or writing. A lot of non-mail shopping transactions will be in cash, so be prepared to bring cash on your person or in a zippered, discrete purse you keep with you at all times. Vigilance is the key when out in public. Thieves have trained eyes and can home in on a victim who is not alert. Keep your purse on the side of your body where your shopping companion walks. Beware of distractions and scripted street dramas designed to keep you offguard.  
(To be continued ...)

Nota Bene: To ask questions, send feedback and requests as well as to inquire about advertising in any or all of the 6 print editions of Asian Journal in California, Nevada and New York/New Jersey and/or advertising in the Print Edition Online of Asian Journal, e-mail monette.maglaya@asianjournalinc.com thank you to those who gave feedback.

## PAFCOM-Sponsored Filipino Idol Grand Finals winners

**1st Place Winner: Riana Balahadia**  
RIANA Criseta Jumamil Balahadia was born on January 20, 1992 and is 17 years old. She currently lives in the Jersey City Heights area with her mother and attends High Tech High School in North Bergen, New Jersey. She started singing since she was 3 years old, and started playing the piano since she was 7. From then on, her love for music and theater grew and she has since performed at many events and competitions and in many plays—both in school and professionally outside. She has competed in other voice competitions including *Pinoy Pop Superstar* and *Maharajah Idol*, winning first place for the latter. In addition, she has participated in her high school's Musical Theater program and will attend the Wachovia Jazz for Teens Program at the New Jersey Performing Arts Center. Although her career goals are science-oriented, her passion for music—particularly Broadway, bossa nova, and jazz—has remained the same. One day she hopes to be a pediatrician by day and a jazz club singer by night.

**2nd Place Winner: Jon-Michael Eclar**  
Jon-Michael is a 2008 graduate of Syracuse University, where he majored in Music Industry with a concentration of classical voice. Jon-Michael has had extensive training in voice and has studied opera, jazz, choral literature, and musical theater. In 2006, Jon-Michael was selected to participate in an early music opera festival in Urbana, Italy where he studied the Italian language and opera, and played the role of Aminta in Jacopo Peri's opera *Euridice*.

As a music industry major, Jon-Michael has worked with various non-profit arts organizations which include: the Syracuse Symphony Orchestra, the Central New York Jazz Arts Foundation, the Lincoln Center for the Performing Arts, the John F. Kennedy Center for the Performing Arts, as well as the Washington National Opera. Jon-Michael currently is on the administrative staff at the Washington National Opera in Washington, DC. When Jon-Michael is not working at the opera company, he spends much of his free time singing with his choir, the 18th Street Singers, and enjoys participating in the many cultural amenities Washington, DC has to offer.



ERNIE PENA Overall Chair, Hector Magno with Filipino Idol Grand Finals Winners(3). AJ contributed photo by Ernie Peña

**3rd Place Winner: Vanessa Angela Villena**  
Vanessa is a college student from Monmouth Junction, NJ. She was once a beauty queen and finds time singing in competitions. Music is her passion.

"Hello Everyone! My name is Vanessa Angela Villena. I was born on April 20, 1989 and am now 20 years old. I grew up and currently reside in South Brunswick, NJ. I am the oldest of two children. My mother's name is Eddie and Amy Villena and the older sister of Angelica Villena. I am a Rutgers student with a major in accounting. Singing has always been my passion. Ever since I was two years old. I have videos of me singing songs to my *lolo* and *lola* back in the Philippines."

"Other contests I have joined in *Diwa Ng Kalayaan* where I was crowned Hiyas Ng Pilipinas. I also was lucky enough to sing for Ryan Cayabyab when I was only sixteen years old. In 2006 and 2007, I also participated in *Pinoy Pop Superstar*. Singing in *Filipino Idol 2009* was a terrific experience. It was a lot of fun mainly because of all the support I had. I am so blessed to have such a loving and supportive family there by my side and cheering me on till the very end. I love all of you so much words cannot even explain. On the day of the competition, I sang *You dont have to say you love me* and can say that I wasn't that nervous. I enjoyed myself so much and thought everyone did a great job. Congratulations to everyone!"

\*Advertising Supplement

# GIVE US YOUR BEST SHOT!

## GET THE CHANCE TO HAVE YOUR PHOTOS PUBLISHED BY SENDING THEM TO US WITH COMPLETE CAPTIONS.

**ASIAN JOURNAL PUBLICATIONS**

Tel. No: 213.250.9797  
Fax No: 213.481.0854

email:  
[info@asianjournalinc.com](mailto:info@asianjournalinc.com)