

IMMIGRATION CORNER



ATTY. MICHAEL GURFINKEL

Child is 'guilty' of parents' immigration crime

had successfully entered the US and became US citizens, her father divorced his American wife. Miraculously, his "dearly departed" first wife found new life, and was able to enter the US under an assumed name. (In other words, she was never really "dead"). She remarried the child's father, and he petitioned his first wife for a green card.

The root of all their problems was when the father claimed his first wife was dead, so that he could marry the American. All the while, he knew he was still married to his first wife at the time that he married the American second wife. Instead of taking the proper steps of terminating his first marriage (through annulment or divorce), he took the quick and "easy" way, by claiming she was dead. Unfortunately, however, by law, since the first wife was alive, then his marriage to the American was void as bigamous. Therefore, he obtained his green card and citizenship through fraud. The government went after them, and eventually, the father and mother pled guilty to naturalization fraud, had their citizenship revoked and they were removed/deported.

In that case, the child's father entered the United States in the 80's as a visitor. He later became a permanent resident through marriage to a US citizen. The problem was that he claimed that his first wife had died, such that, as a widower, he was able to legally marry the American.

At age 9, the child was able to immigrate to the US through her father. In her immigration application, she also stated that her mother had died in 1985. After the child and her siblings

The government then went after the children, arguing that since they all obtained their green cards and citizenship through their father's fraudulent immigration status, the children were also not entitled either to their green cards or US citizenship. The "child" (who was by now an adult) argued that because she was a minor at the time she immigrated to the US, she should not be removed/ deported, because she did not know of her parent's fraud and/or inadmissibility, and that she should not be "guilty" of her parents' immigration crimes.

The court disagreed, and held that a parent's knowledge of the fraud can be imputed (attribute the fault or responsibility) to the child. Thus, this child was forced to suffer the consequences of her parents' immigration fraud.

The lesson to be learned is that when faced with applying for immigration benefits, people have the choice of doing something "right" or "right now," meaning they can do something correctly, or take quick but often illegal short cuts. In this particular case, had the father



FUNNY WOMAN POKWANG REVEALS HOW COMEDY CAN BE SERIOUS BUSINESS ON THIS SUNDAY'S 'CITIZEN PINOY.' This Sunday, award-winning comedienne Pokwang (left) joins attorney-to-the-stars Michael J. Gurfinkel (right) and spices up the most popular immigration talk show on television—"Citizen Pinoy," where she recalls her own life as an OFW! Tune in for zany entertainment and relevant US immigration information in this encore episode of 'Citizen Pinoy' on TFC:

TFC	Sundays Wednesdays	5:40pm PST 12:15am PST
ANC US	Sundays Sundays Thursdays	1am PST 9am PST 8am PST
ANC PHIL	Sundays Mondays	4pm Phil 12am Phil

legally terminated his marriage to his first wife (through divorce or annulment), then none of these problems would have arisen. Instead, he chose the "right now" approach, and decided to obtain his immigration status through fraud. He kept pushing his luck, until he was discovered. Not only did he and his wife suffer the consequences, but their children as well.

That is why it is so important that when it comes to something as important as your immigration status, that you seek the advice of a reputable attorney, who can advise you on the "right" way to proceed.

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,

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Written and performed by Stephanie Reese for the benefit of Gawad Kalinga, a global effort that raises money to build homes and communities for poor families in the Philippines.

Executive Producers: Sylvia Candio, Pete Domingo, Shirley Domingo Line Producer: Elton Lugay

Western Union Foundation pledges immediate relief for flood response in the Philippines

Immediate direct financial aid to World Vision

ENGLEWOOD, Colo.—The Western Union Foundation, the philanthropic arm of the Western Union Company, today pledged a series of initiatives - immediate direct financial support, agent fund matching for reconstruction, employee giving and charity drives - towards relief and reconstruction efforts in the Philippines, following devastating Storm Ketsana.

The Western Union Foundation joined international relief agency World Vision to provide immediate relief including provisions, medical supplies and emergency bedding for 500 Filipino families up to the value of US\$50,000.

Western Union's Philippine headquarters and regional call center AROC, both based in Manila, have begun a charity

drive to encourage employees to donate money, supplies and volunteer hours. Financial donations, made by Western Union employees worldwide, will be matched by the Western Union Foundation under its Employee Giving Circles Program and donated to World Vision. All employee donations in-kind will be channeled to the ABS-CBN Foundation, which offers outreach programs for children, their families and the community. Employee volunteer hours will be channeled to World Vision.

The storm, which packed maximum wind speeds of nearly 110 kph, brought one month's rain to the capital city of Manila and neighboring provinces in less than seven hours. It is the worst disaster to hit Manila and surrounding areas in decades.

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