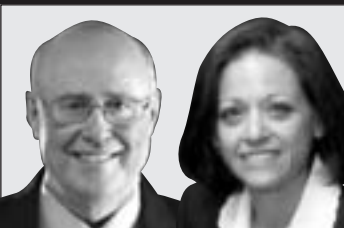


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ATTY. ROBERT REEVES & NANCY MILLER

Aliens ineligible to obtain a green card in the US

assurance of transportation to destination and have permission to enter the third country. The period of stay cannot exceed 29 days. If the alien is a crewman joining a ship, he will need a letter from the shipping company agreeing to pay cost of removal if necessary.

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.

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.

Dr. Ruth Uy Asmundson Mayor: City of Davis, California



Dr. Ruth Uy Asmundson, who reelected to the Davis City Council in 2006, is currently serving as City of Davis Mayor until her term expires in 2010.

A native of Gamu, Isabela, Philippines, Ruth was successful in her first bid for the City Council in 2002, garnering the highest number of votes among the candidates. She served as Mayor Pro-tem from 2002 to 2004, and as Mayor from 2004 to 2006. Ruth is one of three people to serve two terms as Mayor of Davis.

Ruth Asmundson, who was named Davis Citizen of the Year in 1989, is actually the widow of Vigfus Asmundson, himself a former Mayor of Davis. So far, the Asmundsons are the only recorded instance where both the husband and wife have held the mayoral seat in Davis.

Before the City Council, Dr. Ruth Asmundson was the first Asian American elected to the school board in Davis in the early 1990s.

Mayor Asmundson has advocated for stronger sister city relations throughout her tenure. Since her election, she has inked sister city relations with four Asian cities, two of which are located in the Philippines, namely Los Baños (Laguna) and Muñoz (Nueva Ecija).

During her stewardship, Davis residents have claimed that their city took big steps in economic development as big businesses opened shop in Davis, and that there have been improvements in the promotion of arts and culture.

Mayor Asmundson, while having shown her leadership and commitment as Mayor of Davis, has also demonstrated an appreciation for her roots by making regular visits to the Philippines and providing assistance to projects in her home-

town. Her family is responsible for building and furnishing a community library in Barangay Mabini, Gamu, Isabela in 1998.

For her alma mater, Adamson University, from where she got her Bachelor's degree in Chemistry, Ruth Asmundson has provided annual scholarships for needy students and supported faculty scholarship chairs. She has been conferred the Outstanding Alumni of the Year twice (2002 and 2003) for her contributions to the university and her achievements in public office, and was the recipient of the Adamson Award for Outstanding Alumna in 2007 during

the university's 75th Jubilee Anniversary.

Mayor Asmundson is a 2006 Pamana ng Pilipino Award recipient (given by President Gloria Macapagal-Arroyo of the Philippines), and was also named in October 2007 as one of the "100 Most Influential Pinays in the US."

Among other awards Dr. Asmundson has received include a Distinguished Service Award and Golden Apple Award as Outstanding School Board Member (given out by the Yolo County School Boards Association and Yolo County Association of School Administrators), a Women of Distinction Award from Soroptomist International of Davis, a Commendation for Outstanding Service to the Filipino Community in the Greater Sacramento Area in 2004 from the Philippine Consulate General in San Francisco.

Ruth Asmundson earned her Master's in Chemistry at Wilkes University in Pennsylvania and her Ph.D. in Agricultural Chemistry at UC Davis (both as a Fulbright scholar). Ruth and her late husband Vigfus have six children: Alinia, Irena, Wilfred, Vigdis, Jonas and Sigrid.

(Information obtained from Wikipedia and DavisWiki)



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