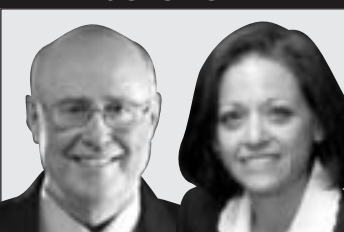


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ATTY. ROBERT REEVES & NANCY MILLER

Entry visas that create adjustment problems

can adjust even if the child is over 18 at the time her parent marries the USC because she is not entering as a step-child but rather as the child (under 21) of the K-1.

K-3 visas allow the spouse of a USC who has filed a family petition on her behalf to come to the US to await the approval of the petition. If the petition has already been approved, the alien will not be issued a K-3 visa. She will have to immigrate through regular processing.

K visa holders cannot change status. K-3's can extend that status if the family petition or the adjustment application is still pending. With one exception, they cannot adjust status based on any ground other than the marriage to the person who filed the K petition. If the USC spouse is abusive, the K holder can adjust under the Violence Against Women Act. The K-3/K-4 (unmarried children under the age of 21 of K-3s) status is terminated within 30 days of any of the following occurrences: the denial or revocation of the I-130; the denial or revocation of the application for adjustment; the marriage of the K-4 (minor child of the K-3); or the termination by divorce of the K-3 marriage. In the 9th Circuit, divorce does not prevent the K visa holder from adjusting.

J visas are exchange visitor visas. The typical recipient of a J visa is a college student, a student in a travel/work program, an au pair, a teacher or a foreign physician. Many J-1 visa

holders (and their J-2 spouses and children) are subject to a requirement that they return to their country of citizenship or lawful permanent residence upon completion of their training before they are eligible to adjust status, apply for an immigrant visa, apply for an H or L visa or change status in the US. Grandfathering under 245(i) does not waive the two year residency requirement which is a separate ground of inadmissibility. Waivers of the requirement are possible under certain very specific circumstances. The bases include persecution, exceptional hardship or a no-objection waiver (not for medical doctors or where the US government provided funding). Going to a third country or repayment of the funding will not waive the residency requirement. In addition, J visa holders are not eligible for cancellation of removal.

An alien who enters without inspection (EWI) is subject to being placed into removal proceedings. However, an alien who is apprehended at the border and cannot prove that he has been present in the US for 2 or more years, or, one who is apprehended within 100 miles of the border and cannot establish that he has been physically present in the US continuously for the preceding 14 days, is subject to expedited removal. Unless he asserts that he has a credible fear of persecution or torture in his home country, he can be placed on the next

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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.

Robert Bunda

by JOSEPH PIMENTEL
AJPress



hard working ethics especially their contributions in Hawaii.

"Filipinos have contributed to this state's rich multicultural heritage," said Bunda. "Their hard work and perseverance

HAWAII Senator Robert Bunda (D-HI) became the first Fil-Am to attain a presidency of any state legislature in the US when he was appointed a Senate President in 2001.

The third-generation Fil-Am was born in Waialua. Now, the Democratic President Emeritus senator represents the 22nd District of Kaena-Wahiawa-Pupukea. He is one of Bunda, a former Bank executive and insurance broker, has been a member of the Hawaii State House of Representatives from 1983 to 1994 and currently a member of Hawaii state senate since 1994.

He was appointed Presidential Elector for Hawaii in 1996 and chosen as a delegate to Democratic National Convention from Hawaii in 2004.

Aside from his political duties, Bunda volunteers actively with the Lions and a member of the Filipino Chamber of Commerce in Oahu.

Bunda graduated from Texas Wesleyan College and finished graduate studies at the University of Texas.

He pursued business right after his graduation before working as insurance agent and a Bank Executive in the late 1970's.

He has also been a member of the Hawaii National Guard, Texas Army National Guard, and United States Air Force.

Bunda has never shied away from being a Fil-Am and has praised Filipinos for their

have not only created notable individual accomplishments and success stories, but they have, collectively, led to significant contributions to the state's business community and overall economy."

When it comes to Hawaii, Bunda believes that despite the global economic downturn, Hawaii would be able to "find innovative ways to turn adversity into opportunity."

"The Legislature needs to avoid a piecemeal approach to lawmaking that sometimes sends mixed signals to the business community," Bunda wrote in the Hawaii Star Bulletin. "Hawaii's Superferry fiasco is a perfect example. Our major islands need to stay connected for commerce and communication and family connections. The Legislature should facilitate improvements to interisland transportation systems, not obstruct them."

Bunda is one of five Fil-Ams in the Hawaii state senate joining senators Will Espero, Lorraine Inouye, Donna Mercado Kim, and Ron Menor. ■



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