

# COMMUNITY

## JOURNAL

### YOUR IMMIGRATION SOLUTION



ATTY. ROBERT REEVES & ATTY. JEREMIAH JOHNSON

## More than just a form: The importance of a well-documented waiver

United States if he later becomes eligible, the alien may be subject to reinstatement proceedings if he even tries to apply without the proper waivers. In other words, the alien would be immediately deported. However recent case law provides aliens a way to remain in the United State and adjust their status with a properly submitted I-212 waiver. The Ninth Circuit Court of Appeals held that "if permission to reapply is granted, the approval of Form I-212 is retroactive to the date on which the alien entered the country, and therefore, the alien is no longer subject to the grounds of inadmissibility." However, simply submitting the proper I-212 form will not result in an approval.

Mindful of recent case law, the Department of Homeland Security established criteria to be applied to determine whether an alien should be granted readmission. The criteria include establishing good moral character, recency of the deportation, the need for applicant's services in the United States, and length of time applicant had been in the United States. This list of criteria should not be considered exhaustive, and an I-212 waiver applicant should be prepared to submit additional information that makes his or her waiver stand out. Mere existence of a United States family alone is most often not enough for a successful waiver. An I-212 waiver should evidence the alien's good moral character and that the alien's exclusion from the United States would result in not only extreme hardship to the alien but more importantly to their United States family.

Although the Department of Homeland Security did not specifically set forth hardship as a criterion for an I-212 waiver, evidence of hardship to an alien's United States family is considered essential for a successful I-212 waiver. Indeed, almost all families suffer hardship as a re-

sult of the separation caused by immigration removal. However, an I-212 waiver should evidence hardship that is unusual, whether that hardship includes health, financial, education or personal considerations such as close relatives in the United States or length of residence in the United States. Immigration officials will also take into consideration special factors such as cultural, language, religious and ethnic obstacles. A well-prepared I-212 waiver should demonstrate hardship above and beyond what immigration official might be used to seeing.

An alien needs more than just an I-212 waiver to return to the United States, but the good news is that the I-212 waiver may be combined with other required waivers. As with applying for any immigration benefit, an alien should be prepared to rise far above the minimum. Although the I-212 form is just one page, a proper I-212 waiver is a well-documented and voluminous request to return to the United States and should be at least one inch thick or more of supporting documentation and well written declarations explaining and presenting why they should be granted a waiver. Think of it this way, immigration officials deny most waivers. It is just not enough to be married to a United States citizen or have a United States relative residing in the United States.

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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.

## Rep. Lyla Berg

by JOSEPH PIMENTEL  
AJPress

SHE is a Jill of all trades.

Fil-Am Lyla Berg is not only a Hawaii Representative but also carries the title doctor, radio host, state coordinator and Chief Executive Officer.

The 57-year-old is a member of the Democratic Party and represents the 18th Representative District in the Hawaii State House of Representatives of the Hawaii State Legislature.

Her district includes HaHaione, Kuliouou, Niu Valley, Hawaii Loa Ridge, Aina Haina, Wailupe and Kahala on the island of Oahu.

Berg was elected to the Hawaii State of Representatives in 2004 and reelected in 2007.

She is the Assistant Majority Floor Leader.

Born in 1951, Berg was an overachiever from the start.

After graduating from Punahou School, Hawai'i, she attended Georgetown University where she double majored.

During her time at Georgetown, she attended the University of Salzburg, Salzburg, Austria.

After graduating with a Bachelor in Arts in German and English degree, she earned her Masters in Education at The American University in Washington D.C. and Masters of Education Degrees in Curriculum & Instruction and Educational Administration at the University of Hawai'i-Manoa in Honolulu, Hawai'i.

In 1994, she then received her Ph.D. in Education at The Union Institute, in Cincinnati, Ohio.



Most recently in 2006, she graduated at John F. Kennedy School of Government at Harvard, Cambridge, MA.

A career educator with the State of Hawai'i Department of Education, she has served in a number of teaching capacities from classroom teacher, student activities coordinator, Vice Principal to Principal.

She also became an instructor to help other teachers in the Department of Curriculum & Instruction of the College of Education at the University of Hawai'i-Manoa.

In 1990, she became a small business owner. She founded Lyla Berg & Associates, a business training organization aimed at consulting, training, and facilitation services on leadership development, effective communication skills, interpersonal relationships, and customer service.

She is also the founder of Kids Voting Hawaii and is the moderator for "211," a talk show sponsored by Aloha United Way, which airs weekly on a local Hawaii cable channel.

As a Hawaii State representative, she serves at the Vice-Chair of the Education Committee, a member in the House Policy Committee; Water, Land & Ocean Resources; Energy & Environmental Protection; Hawaiian Affairs; and Higher Education Committees.

Many supporters credit Berg for her commitment to support working people, the environment and issues and policies that affect women and families. ■

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