

# COMMUNITY JOURNAL

## YOUR IMMIGRATION SOLUTION



ATTY. ROBERT REEVES & JEREMIAH JOHNSON

## The consequences of filing an ineligible application

The alien would leave the United States on their own or continue to remain with family in hopes of future relief or file a new application when qualified. Now, not only will USCIS deny the alien's application, but it will also issue the alien a Notice to Appear

to reunite with their families. A common ground of inadmissibility that is not solved by voluntary departure is the 10-year bar for unlawful presence. For example, an immigrant who was unlawfully present in the United States for over 1 year and voluntarily

*“Immigration law is one of the most complicated areas of law and even minor mistakes can result in severe consequences to the immigrant and his family.”*

(NTA), placing him or her in removal proceedings before an Immigration Judge. Sometimes, the alien may even be detained at the adjustment of status interview.

This stepped up enforcement policy of USCIS can leave persons with a few, albeit limited, options once the application has been filed. The first option an individual would want to consider is the possibility of renewing his adjustment of status application in Immigration Court. Sometimes USCIS wrongly denies an application. Fortunately, federal regulations provide an opportunity for the Immigration Court to review USCIS's decision. However, this option will require the assistance of an immigration attorney to fully brief the Court and can often involve novel legal issues or challenges to the immigration service's policies.

Unfortunately, some persons are simply ineligible for adjustment of status and should never have filed an application in the first place. In this case, the alien still has options before the Court and should think twice before accepting voluntary departure. Although accepting voluntary departure avoids the consequences of a removal order (a 10 year bar from returning to the United States), many immigrants still face other grounds of inadmissibility when they seek

departs still faces a ten-year bar from returning to the United States. Although the immigrant would not need to waive any bar resulting from a voluntary departure order, he or she will need to file a waiver for the unlawful presence bar. Because the consequences of failing to depart are so severe, and the benefits of returning are so limited, the privilege of voluntary departure is not for everyone.

It is never too late to obtain the advice of an attorney. Of course the best preparation you can have is to make sure your application will be approved before filing it with USCIS. Do not place your life and your family's future in the hands of an inexperienced attorney. In life it may be good to take risks but in immigration it is not. You and your family's future depend on it.

\*\*\*  
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.  
Telephone: (800) 795-8009  
E-mail: immigration@rreeves.com  
Website: www.rreeves.com  
\*\*\*

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)

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.

## David Pendleton

Former State Representative of Hawaii  
Board Member, Hawaii Labor and Industrial Relations Appeals Board



FILIPINO-American David Pendleton, 42, was born in Glendale, Calif., and moved to Hawaii when he was in preschool. He went to Windward Adventist School and then Hawaii Mission Academy. In high school, he already had an interest in government and politics, and was elected class and student council president.

For a short time at La Sierra Campus, he was a pre-med student. But Pendleton soon switched to a history and political science double major with a theology minor. He went on to receive a master's in religion from Loma Linda and became a minister. At the time, he was debating whether the best way to serve in his career was as a minister or in public service. Pendleton decided to get a law degree from the University of Southern California and is admitted to practice law in Hawaii and California.

In 1995, Pendleton moved back to Hawaii where he practiced law and specialized in workers' compensation issues. He also represented clients and argued cases before the Labor and Industrial Relations Appeals Board.

After a year as an attorney, he ran for the State House of Representatives. He was elected and eventually served four terms (eight years) as a Republican for Kailua and Kaneohe. During his tenure in the Legislature, he served as Minority Floor Leader, Minority Whip and Assistant Minority Leader. His committee assignments included the House Labor and Public Employment Committee. He was named Legislator of the Year in 2000 by the Hawaii Medical Association.

Pendleton is a former school teacher, university administrator, and pastor. He was a Pacific Century Fellow and a Henry Toll Fellow, and previously served on the board of directors of various organizations including the Filipino Chamber of

Commerce, Castle Medical Center Strategic Planning Committee, and the Young Lawyers Division of the Hawaii Bar Association. He has been a volunteer faculty member of the Center for Tomorrow's Leaders and is a graduate of the US Marines Command and Staff College Distance Education Program at Marine Corps Base Hawaii, the HPD Citizens Police Academy, and the East-West Center's New Generation Seminar.

After leaving office in 2004, Pendleton joined Gov. Linda Lingle's staff as a senior policy analyst, focusing on legislation relating to the Departments of Labor and Industrial Relations, Taxation, Budget and Finance, and Hawaiian Home Lands.

In July 2006 the governor appointed him to the Labor and Industrial Relations Appeals Board for a 10-year term. The Board conducts contested case hearings and trials concerning labor and workers compensation matters and other issues before the Department of Labor and Industrial Relations.

In 2002, Pendleton has been selected as Alumnus of the Year by the faculty of the School of Religion at La Sierra University, becoming the first Filipino-American to be honored with the award.

"I am honored and grateful to receive this award as a Filipino-American," said Pendleton. "It underscores the role education plays in the Filipino community. I owe my achievement to my former teachers and professors who took their personal time to inspire me and cultivate me as a student and person."

David and wife, Noemi, have four children: Roland, Raquelle, Danielle, and David II. ■

**Sincere**  
Hardware Supply  
Cabinets Stone Flooring Remodeling Supply

## BEST TIME to Remodel

Used in Europe for over 80 years.

-Free Kitchen Design  
-Free Granite Countertop Design  
-Delivery Services Available

-Professional Granite Countertop Installation Services  
-Huge Inventory On Cabinets & Granite

**"Family Owned and Serving The Bay Area Since 1988"**

Up to **40% Off** Kitchen & Bath Designer Brand Name

**KraftMaid**  
IT BECOMES YOU™

**PRO Warehouse**  
Powered by **Team Efforts**

**In Stock !!**  
30,000+ Cabinets  
**Over 10 Styles To Choose From**

**Up To 55% OFF**  
On Selected Styles

**Kitchen & Bath Design Center**

**Oakland**  
258-276 11th Street  
Oakland, CA 94607  
Tel: (510) 832-2838  
Fax: (510) 763-8137

**San Francisco**  
4228 Geary Blvd.  
San Francisco, CA 94118  
Tel: (415) 221-8808  
Fax: (415) 221-8817

**Sunnyvale**  
458 E. El Camino  
Sunnyvale, CA 94087  
Tel: (408) 732-3388  
Fax: (408) 732-3311

**Get 10% OFF**  
on All Granite Material, Installation & Fabrication  
(expires September 30, 2009)

**Extra 10% OFF**  
**Team Efforts**  
Signature & Design Series  
(expires September 30, 2009)

Everyday Low Price & Huge Inventory:		
Products	Starting Price	Inventory In Stock
- Ceramic Tile	\$0.89 SF	Over 300,000 SF
- Laminated Flooring	\$0.79 SF	Over 300,000 SF
- Solid Hardwood Flooring	\$1.69 SF	Over 250,000 SF
- Granite & Marble Tile	\$1.69 SF	Over 150,000 SF
- Granite Countertop	\$7.49 Lin Ft	Over 50,000 Lin Ft
- Toilet	- Bath Fixture	- Kitchen Appliance
- Kitchen Fixture	- Bath Sink	- Bath Appliance
- Kitchen Sink	- Glass Vessel	- Molding & Trims
		- Windows
		- Glass Shower Door
		- Shower Panel & More...

**Oakland**  
115 Market Street  
Oakland, CA 94607  
Tel: (510) 835-9988  
Fax: (510) 834-9988

**Modesto**  
340 Spenker Avenue  
Modesto, CA 95354  
Tel: (209) 523-3798  
Fax: (209) 523-3799

**www.SincereHardware.com**

**"Sincere Services With Sincere Prices"**

Powered by **Team Efforts**

For Wholesale Only  
1-877-TEC-1888  
Dealer@TEcabinets.com

**DEALERS WANTED**  
**www.TEcabinets.com**

Kitchen Cabinets  
Bath Vanities  
Medicine Cabinets

Granite & Marble  
Flooring  
Stainless Steel Sinks