

IMMIGRATION CORNER

New hope for people who 'admitted' drug use to doctors at St. Luke's

Pazcoquin case was not controlling authority, and the AAO was not bound by the 9th Circuit's ruling outside of the Ninth Circuit's jurisdiction.

Second, the AAO stated that AAO "conducts the final administrative review and enters the ultimate decision for US Citizenship and Immigration Services (USCIS) on all immigration matters that fall within its jurisdiction."

Third, in a decision by the Board of Immigration Appeals (BIA), Matter of K, the BIA held that the "validity" of an admission (or confession) for purposes of inadmissibility, required that the alien "be given an adequate definition of the crime, including all essential elements, and that it be explained in understandable terms."

In these recent AAO cases, (one involving a petition by a US citizen spouse, and the other a petition by a parent), the applicants admitted to drug use only during a medical/psychiatric examination at St. Luke's, in connection with immigrant visa processing.

The AAO further noted that the St. Luke's doctors and psychiatrists who obtained the admission or confession about drug use, "did not provide the petitioner with a definition of a crime to which he was admitting the essential elements."

applicants. Accordingly, under Matter of K, that admission or confession of drug use could not be used against the applicant.

Moreover, the AAO noted that doctors and psychiatrists at St. Luke's perform "examinations for the benefit of the US government to determine if grounds exist that render aliens inadmissible to the US" Therefore, there is no reason why the St. Luke's psychiatrists or doctors should be exempt from providing adequate warnings or definitions of crimes, especially when the admission they obtained would later be used by the Embassy to ban the visa applicant for life for admitting drug use.

The AAO concluded that, "the evidence in the record is insufficient to support a finding that the applicant is inadmissible." Therefore, the applicant's waiver application "is unnecessary."

If you or your relative were banned for life for admitting drug use, these AAO decisions are great news. I strongly suggest that you seek the advice of a reputable attorney, who can evaluate your situation, and hopefully help lift the lifetime ban (for admitting drug use) because the admission or confession of drug use was not properly obtained.

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.

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A Family's reunion after 17 long years, on this Sunday's 'Citizen Pinoy'

REDWOOD CITY, CA—The Malabed children—Joanne, Jean, James, Joseph and Judith—had a wonderful childhood growing up in the Philippines. Eventually, Jean was able to take her medical practice to the United States, and she then started a new life away from her family.

Bernard—the octogenarian patriarch of the Malabed family, was a veteran of World War II, and by virtue of this, was able to come to the US in 1991, and granted US citizenship shortly thereafter. He filed a petition for his remaining children in the Philippines.

Years passed, and while the family patiently waited for their petitions to come through, Bernard and Gloria's health started to deteriorate. Bernard underwent triple by-pass surgery, and then he also suffered a stroke. Gloria was discovered to have cancer.

Time was running out, and Jean and her parents were trying to figure out the best way to get her siblings to the US soon.

A realization hit her, when she considered getting the services of the Law Offices of Michael Gurfinkel.



A FAMILY'S REUNION ON THIS SUNDAY'S 'CITIZEN PINOY.' Bernard Malabed (right)—octogenarian patriarch and petitioner of his remaining adult children in the Philippines—discusses a parent's pain of 17 years of separation, and joy of finally having his family under one roof on this week's 'Citizen Pinoy.'

This Sunday, meet the Malabed family, and learn about their story of faith and hope, when they join "attorney-of-last-hope" Michael J. Gurfinkel, on the most popular immigration show on television—Citizen Pinoy—this Sunday, at 5:40 pm (PST).

Join "attorney-of-last-hope," Michael J. Gurfinkel (left), who also provides answers to your immigration questions and concerns on this week's 'Citizen Pinoy,' which airs on TFC: every Sunday at 5:40pm (PST), with replays on Wednesdays at 12:15am (PST).

DR. VAL'S DENTAL VIEWS



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look after treatment. Patients can get a good idea of what the recommended procedure will look like before it's done.

If you have questions, pls call Dr. Valerie de Leon at (650) 697-9000 or visit our website at www.millbraesmile.com.

When do you hire an attorney...

real estate. However, attorneys are exempt from these regulations because they are regulated by the State Bar of California.

Attorneys must give personal consultation with the client upon request. Note: This is not a legal advice. You need to talk to an attorney about your specific case.

Crispin Caday Lozano is an active member of the State Bar of California and he specializes in immigration law. His offices are located at 17057 Bellflower Blvd, Suite 205, Bellflower, CA 90706 and 1290 B Street, Suite 205, Hayward, California 94541 and at 777 N. First St., Suite 333, San Jose, CA 95112.

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