

IMMIGRATION CORNER



ATTY. MICHAEL GURFINKEL

DEAR Atty. Gurfinkel:

While I was still an immigrant, I filed a petition for my spouse and minor children in the F-2A category (spouse and/or minor children of green card holder). My understanding is that all of my family members were covered by that single petition.

I later took the oath of citizenship, and am being told that my petition for my family now covers only my spouse and not my children. So, I need to file new, separate petitions for each of my kids. Since all my family members were previously covered under my F-2A petition, why do I need to now file separate petitions for my kids?

Very truly yours,
L.D.

Dear L.D.:

By law, a green card holder need only file one F-2A petition to cover several family members, such as a spouse (who is the "principal" beneficiary) and all minor children (who are "derivative" beneficiaries). However, when the green card holder naturalizes, the F-2A petition automatically converts from F-2A (spouse/minor child of green card holder) to immediate relative (spouse/parent/child of US citizen). That conversion changes the classification of the spouse and children to the status of "im-

US Citizens must file separate petitions for each 'Immediate Relative'

mediate relatives." Petitions by US citizens of immediate relatives (spouse, minor child, parents) allow only one beneficiary per petition. Derivatives are not allowed.

In your case, when you became a US citizen, only your spouse (as the principal beneficiary) remained under your original petition, since only one immediate relative can be covered by a petition by a US citizen. Your children, as F-2A derivative beneficiaries, "dropped off" that petition. Therefore, you must now file new petitions, one for each of your children, so that they, too, will again be "under petition as immediate relatives."

I know of one case where an immigrant had petitioned his wife and three kids, under one petition. The priority date in the F-2A category (green card holder petitioning spouse and minor children) was already current, and the family was already in the middle of immigrant visa processing at the US Embassy, when the petitioner took the oath of citizenship. When the family went to the interview, only the wife was entitled to the visa. Because the petitioner became a citizen, he had to go back and file new immediate relative petitions for each of his three kids.

Although a single petition by a green card holder can cover several family members, if the immigrant wants to file for naturalization, the immigrant may wish to, at the outset, file separate

petitions for each of his immediate relatives, so as to avoid the situation of naturalizing and then having some family members no longer being "under petition."

Please note that the above situation (where each family member must have his own separate petition) applies only to immediate relatives of US citizens (spouse, minor child, and/or parent). This rule does not apply to petitions by US citizens for unmarried son or daughter (first preference), married son or daughter (third preference), or brother or sister (fourth preference). These petitions would also cover or include derivatives (minor children and/or spouses where applicable).

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. Each case is different. The information contained herein (including testimonials, "Success Stories," endorsements and re-enactments) is of a general nature, and is not intended to apply to any particular case, and does not constitute a prediction, warranty, guarantee or legal advice regarding the outcome of your legal matter. No attorney-client relationship is, or shall be, established with any reader.

WEBSITE: www.gurfinkel.com
Call Toll free to schedule a consultation for anywhere in the US:
(866) - GURFINKEL
Four offices to serve you: LOS ANGELES · SAN FRANCISCO · NEW YORK · PHILIPPINES
(Advertising Supplement)



EXCLUSIVE ONE-ON-ONE INTERVIEW with Philippine Entertainment's Most Influential Woman on Citizen Pinoy! Ms. Charo Santos, popularly and lovingly referred to as "Ate Charo" on the multi-awarded and longest running drama anthology program on Philippine television, "Maalaala Mo Kaya" will share her valuable insights and life lessons as she joins attorney-to-the-stars Michael J. Gurfinkel for a very rare and special one-on-one interview on a 4th of July encore presentation of Citizen Pinoy. Citizen Pinoy—which airs every Sunday at 5:40pm (PST), with replays on Wednesdays at 12:15am (PST) on TFC. Citizen Pinoy also airs on ANC-US every Sunday at 12am with replays on Sundays at 8am and Thursdays at 7pm, all PST; and on ANC-Philippines every Sunday at 4pm with replays at 12 midnight on Mondays.

IMMIGRANT LIVING: 101 AND BEYOND



MONETTE ADEVA MAGLAYA

Part 1 of 7

Thinking of coming home for a visit, *kababayan*?

In the best scenarios, a three-week whirlwind trip to the Philippines is what most Filipino expatriates living and working in the US or elsewhere in the world can shoot for. Aside from putting together the somewhat hefty logistical requirements (translation: money, whether in cash, debit cards or "kaskas" meaning credit cards), one truly needs to be a proactive tactician in mapping out how a Philippine trip pans out. So move over, Marco Polo. This is the way it's done.

How do you make a Philippine trip memorable? For the jaded traveler who routinely goes back and forth several times a year, either for business purposes or as a jet setting lifestyle choice, the question is moot and academic. But for the majority of expatriates who can only go on rare occasions because of personal circumstances affecting finances, workloads or family responsibilities, an expensive transcontinental time-out such as this merits thought—lots of it. A Philippine trip should result in a treasure

A Case for Coming Home ...

"Travel makes one modest. You see what a tiny place you occupy in the world."
— *Gustave Flaubert*

trove of feel-good experiences and ultimately, memories—that make the journey worth all the effort and time spent in excruciating detail, worth all of the expense and maybe, more importantly, worth every nanosecond of one's hurried and harried expatriate life. The trip must be so good that it must be worth doing all over again.

There's much to see and do, remembering all too well that we lose a day going there which we regain on the return trip. We have to make allowances for the effects of jet lag to settle in. How does one get the best homecoming experiences? In a word, PLANNING. Know that well-meaning friends and relatives already have first dibs on your limited time. So map out your itinerary (the places and experiences that you must see and do that are on the top rung of your priority list) and itemize your to-do list in detail, way in advance with the proviso that you must be open and flexible in your schedule. The fine art of travel is remembering that an itinerary is just a guide and not necessarily written in stone. If need be, you must be able to revise on the fly when the occasion calls for it.

Going on a trip is like any other project. It

needs a blueprint. It involves the mind-body-spirit connection. You have to be physically fit and mentally agile. Consult your doctor before going on a regular exercise and diet routine a month before leaving. Your immune system will be severely taxed, so a word to the wise—wash your hands often with a sanitizer you keep with you at all times in your travel purse, and take Airborne effervescent tablets with you so your system can brace for the assault on your body particularly in self-contained, confined spaces like airplanes and waiting rooms where air is re-circulated. Some swear by it as I do; others swear at it claiming it to be no more than a placebo effect. Just do whatever works for you. No one is immune from the cold and flu virus so be on the defensive. If at all possible, stay away from the obviously afflicted and hydrate always. Well, maybe not on the plane itself to prevent frequent trips to the bathroom.

You estimate and gather the money required to pull it off. Fudge the figure twice as much and be warned. Your money will be as fluid as water gushing out of a broken water main. Have one or two credit cards with you for back-up and call the 800-number and give them a heads-up to let them know that you will be in the country during a particular period. Fraud units of credit card

companies study your spending patterns and, much to your dismay, may put a hold on your credit card transaction if it registers you are buying far away from your place of residence. You will end up calling their number to prove your identity, which is not an 800 number, and for which you will pay for the long distance call. Make sure you bring dollars in near-mint condition because the moneychangers will refuse old, tattered currency with cuts or writing. A lot of non-mall shopping transactions will be in cash, so be prepared to bring cash on your person or in a zippered, discrete purse you keep with you at all times. Vigilance is the key when out in public. Thieves have trained eyes and can home in on a victim who is not alert. Keep your purse on the side of your body where your shopping companion walks. Beware of distractions and scripted street dramas designed to keep you offguard.

(To be continued ...)

Nota Bene: To ask questions, send feedback and requests as well as to inquire about advertising in any or all of the 6 print editions of Asian Journal in California, Nevada and New York/New Jersey and/or advertising in the Print Edition Online of Asian Journal, e-mail monette.maglaya@asianjournalinc.com thank you to those who gave feedback.

Californians expand use of computers, Internet, broadband

But digital divide leaves many behind

SAN FRANCISCO—The percentage of Californians with Internet access and a broadband connection at home has grown since last year despite tough economic times. A survey released today by the Public Policy Institute of California (PPIC) finds that broadband adoption increased 7 points from last year (62% today, 55% in 2008) and the share of Californians with Internet access at home is up 4 points (67% today, 63% in 2008). Overall Internet use rose 6 points (76% today, 70% in 2008). Computer ownership is up 3 points (75% today, 72% in 2008).

Residents have increased their use of social networking sites 11 points from last year (37% today, 26% in 2008). They are also more likely to turn to the Internet to get government resources (51% today, 43% in 2008) and news (63% today, 55% in 2008), go shopping (58% today, 52% in 2008), and find information about health (55% today, 50% in 2008), their communities (53% today, 47% in 2008), and housing (44% today, 40% in 2008).

"Californians increasingly see their computers and the Internet as necessities, not luxuries," says Mark Baldassare, PPIC president and CEO. "At a time when most economic indicators are going down, these technology indicators are going up."

Although most demographic groups report increases in computer ownership, Internet connectivity, and broadband

adoption, a digital divide persists. Just over half of Latinos (52%) say they have home computers, far lower than the percentage of Asians (89%), whites (87%), and blacks (75%) who do. Only 39 percent of Latinos have a home broadband connection, compared to 75 percent of whites, 74 percent of Asians, and 62 percent of blacks.

There is no divide when it comes to Californians' views about the importance of Internet access: Nearly all residents (93%) say it is very (72%) or somewhat (21%) important. Across demographic groups, Californians place a high value on access, with 75 percent of Latinos—the least likely to have an Internet connection—saying it is very important. Most non-Internet users (84%) also say access is important.

Asked about the use of federal stimulus dollars to improve access, more than half say it is very (22%) or somewhat important (34%) to use this money to improve the availability of broadband technology and to teach people to use it (25% very important, 31% somewhat important).

"Californians perceive that the digital divide is an important and persistent societal trend," Baldassare says. "And a majority are saying that the government has a role to play in addressing this challenge."

an Internet connection at home (67% vs. 72%) and just as likely to have broadband at home (62% vs. 63%), according to a 2009 Pew Internet & American Life Project survey.

Computer, internet use increases overall

In addition to the 6-point increase in overall Internet use, computer use rose 5 points in the last year (80% today, 75% in 2008). There are differences across demographic groups that are similar to the digital divide in computer ownership and home Internet access. Specifically:

- The digital divide persists between Latinos and other groups. While Latinos increased their Internet use (53% today, 48% in 2008), the growth among whites was greater (88% today, 81% in 2008). Whites' computer use (89% today, 85% in 2008) increased by about the same amount as Latinos' (61% today, 58% in 2008). Latinos today are far less likely to use computers and the Internet than Asians (87% computers, 85% Internet) and blacks (89%, 81%).
- Nearly all high-income Californians use a computer and the Internet. Ninety-seven percent of Californians with household incomes of \$80,000 or more use computers and the same percentage use the Internet. Those with household incomes of less than \$40,000 are far less likely to report doing either (65% use computers, 58% use the Internet).
- The rural/urban divide has closed, but regional differences persist. Similar percentages of rural (82%) and urban (80%)

residents use a computer, in contrast to last year's findings (66% rural, 76% urban). The gap has also closed between rural (77%) and urban (76%) residents who use the Internet (63% rural, 70% urban in 2008). Computer and Internet use grew in the San Francisco Bay Area, Los Angeles, Orange/San Diego Counties, and the Inland Empire. But computer use in the Central Valley is unchanged (74% today, 74% in 2008) and Internet use has declined slightly (67% today, 71% in 2008).

• Younger Californians are far more likely to use computers, the Internet. Although majorities of adults over 55 use computers (71%) and the Internet (68%), residents between 18 and 34 are much more likely to do so (86% computers, 83% Internet).

• Residents with disabilities are much less likely to go online. Sixty percent of Californians who report having a disability use the Internet, compared to 79 percent of those without a disability.

Why some aren't wired

When Californians without computers are asked the open-ended question of why they don't own one, 45 percent cite cost. Fewer say they are not interested (23%) or don't know how to use one (16%). Among those who don't use the Internet, 30 percent say they simply aren't interested in doing so, 15 percent say they don't have a computer, and 15 percent say it is too expensive.

TAAL VIEW HEIGHTS

View of Tagaytay

FOR SALE

750 sqm lot in Prime location. Great view.
Close to the City but nestled to the rolling hills of Tagaytay.
Best for retirement, investment or vacation house.
Price is negotiable

In Full Swing

With fully operational amenities and facilities, Taal View Heights Park and Country Club in Taal View Heights is why much prefer to call it your real and recreational home. With so many things to do, you would definitely love to stay awhile. We have opened 10 Single Homes, 10 Double-Team-Playing Homes and 4 Deluxe Family Homes that are accommodations for 6 persons. These are ideal for those who want a short vacation or grand outings. Top amenities are also available upon request.

Swimming pool overlooking the lake and city.

Open area having a full tennis court with the new clubhouse in view of the lake.

Interior view of a 2-Bedroom Cottage.

A swimming pool for the lake view.

Enjoy a hearty meal at the Club Restaurant.

Host your next private meeting at the Executive Lounge.

Play like a pro at the Basketball Court.

At Taal View Heights, your property will be part of a master-planned community with tasteful Filipino architecture

VISIT WWW.TAALVIEWHEIGHTS.COM
FOR MORE INFORMATION
CALL 626.373.4189