

PINOY AND IMMIGRATION PREJUDICE

Growing up I loved to read the newspaper as it was something my father taught me from the age of eight. As I read the paper each day, usually the sports first, he would inquire about what I read and what my thoughts were concerning the various subjects covered. I would do my best to articulate my view and hope that it was satisfactory. Consistently, at the end of my presentation, my father would ask, “What is the opposing or contrary view?”

In the beginning such an inquiry would catch me off guard and I would have to go back and reread the paper in order to learn what the opposition view was or how others perceived the issue. Soon, however, I knew that question was coming and I would prepare my own opinion as well as arming myself with the contrary view. This training has served me well as I have grown up. I have learned that it is important to understand where others are coming from, what biases or preference if any, they might have and whether or not they will accept certain things. This perspective has helped me to prepare for the many challenges of my life and I believe this same perspective is a crucial when dealing with the with the Immigration Service.

The Immigration Service in Southern California has a long history with Pinoy immigration and as a result they have built up a certain bias, prejudice and expectation that in many cases negatively impacts Filipinos when they apply for immigration benefits. I know this because I spent time as an Officer with the Immigration Service and for the last twelve-years I have represented Pinoys in all facets of immigration. This experience has taught me that just like my father instructed, it is important for our Filipino friends to understand what they are facing at the Immigration Service, what the opposition’s view is so that they can properly prepare.

Marriage Cases

In almost all marriage based cases involving Filipinos the Immigration Service starts from the perspective that fraud is not only possible but probable. I know this sounds harsh but it is true. Over the years I have heard comments, jokes and discussions among the officers expressing their pre-judgment that Pinoy marriages are just for a green card. These opinions are formed even before the personal interview begins. Granted, in a few cases this has been true but overwhelmingly it is a false presumption and yet as a result all Pinoy cases receive extraordinary attention and scrutiny.

“The Filipino Merry-Go-Round” is a common insider phrase used by the Immigration Service when reviewing a marriage based application for permanent residency and the beneficiary has been previously married and has children in the

Philippines. The belief is once the beneficiary receives her green card he or she will divorce the U.S. citizen and remarry the spouse left in the Philippines and then petition for them to come to the U.S. Officers in such a scenario will be extra aggressive in interviewing such a beneficiary to insure the “Merry-Go-Round does not happen. If you fall in this category you must properly prepare to answer the barrage of question likely to come your way.

Many Filipinos marry older or younger U.S. citizens. The Immigration Service looks at wide age discrepancy coupled with Filipino heritage as a pretext to obtaining lawful permanent residency. It is hard for the Service to imagine you might actually be in love and marry for that reason. Properly prepared applicants armed with this knowledge will be able to do those things necessary to combat this type of prejudice.

Lost passports, I-94's and other important immigration documents happen as a result of moving and other factors, however, if you're a Filipino and you state that you lost your passport or other immigration documentation your statement will be met with overt cynicism. It may not be your fault but they believe malice is involved in loss of your document and is an inherent bias in this type of situation. There are ways to prepare for this and strong representation is needed in order to properly prepare.

Orphan or Adoption Application

Often Filipino family members step up and seek to bring recently abandoned or orphaned relatives to the United States. Their intentions are true and their hope is strong but the reality is the Immigration Service has already made a determination about your desire. That belief usually revolves around a relative just helping another relative live in the U.S. not a new parent/child relationship built upon love and trust. If not properly prepared Filipinos seeking to bring family members to the U.S. via adoption or orphan petitions will run into a buzz saw and feel the disappointment of unfair judgment.

The bias and prejudice at the Immigration Service is real and the road to lawful status for many Filipinos is difficult because of institutional biases but with proper representation and preparation you can still make your immigration goals by knowing your opposition.