

FROM YOUR LIFE COACH, BING



CARLYNE ODICTA-KOHNER

LOSE WEIGHT, meditate, have more wealth, recycle things, volunteer, plant beautiful flowers, be compassionate, learn Spanish, take life lightly and on and on. Those are some of my goals for 2010. How about you? Does my list sound similar as yours? Are you overwhelmed by what you wrote? Have you even gotten the courage up to have a list?

Year after year we prepare our list of things yet we always struggle to fulfill them. It's nice to write down ideas and it's uplifting to read the plan for the year yet it's hard to do the first step. Right now, it's easy to procrastinate. How are you starting your January so that this year you'll actually get what you want? How do you get a magnificent momentum going? We know what to do yet we don't do it. The challenge is to do the first step. How do you do that?

Do you remember our belief on New Year's day in the Philippines? We have to do our routine on the 1st day of the year if we want to follow that routine for the rest of the year. Did you really do it? Let's face it, it's New Year, we are in the mood for the Holiday, "Fiesta" time. One thing I insist on is that on January 1st, is that we have to be at home altogether as a family. Not at someone else's house, not in another country and not traveling on that day. I also told my husband to be good to me just in case that will duplicate for the rest of the days to come.

I am a Life Coach but I am still a human being. I procrastinate. I use coaching skills and other

It's New Year 2010: What now?

tools to keep me on that right course. I use physical, mental and psychological structures to keep me disciplined and focused on my goals. And yes, I get off track sometimes. This is one of the reasons I have my own Coach. She keeps me going when I don't want to. She picks me up when I am down, challenges me, sees my potential and holds me accountable for my actions. She reminds me of my values. She champions me.

For example, several years ago, my coach told me that I should write a column for us Filipinos. I never thought in my life that I could write articles! My coach however, didn't take "no" for an answer. She saw this potential in me and wouldn't let me give up. And now look! I have a monthly column here at Asian Journal. Having a coach will not only help you have previously unbelievable goals come true but those goals that you sell yourself out on as well. What could you have this year that you just didn't let yourself achieve last year? How much more time and joy do you want to waste?

It's easy for your family and friends to support you in not succeeding. We don't have many role models for successful support of others. But imagine if you had a person on your side, who supported you, challenged you, made you laugh, made you proud of yourself helped you be more than you ever imagined no matter what road blocks you and life found for yourself.

I assume you don't have a Coach. So let me do a little coaching with you. My request is to put down this newspaper and get a pencil. Ready? I want you to honestly answer the following questions.

Do you want this year to be different than last year?

What are the 10 things that you want to accomplish this year?

Among those 10 items, which

3 things are more important to you?

Pick 1 from the 3 things. How important is this to you?

If you value this so much, I challenge you to do it in the next 7 days to come.

(On that note, I would like to tell you that it does not matter what the result is. My request is just do it. Are we agreeing?)

When can you do it? (Write the time and date.)

Imagine how you will feel when you accomplish this goal?

Imagine how you will feel if you had someone help you accomplish this goal.

How will I know that you did it? (Email me on the day that you did it at bingkohner@limitbusters.net.)

How are you now? What's your thought on my coaching?

What I found out was that, it is so much more powerful when someone other than your loved ones holds you accountable to your goals and dreams and doesn't let you settle for any less! Your list becomes official when that person is truly listening to you, not "bola-bola!" Am I right?

I mean it, you email me and you will get one month of free coaching from me for being my avid reader here at AJ. I will give you 30 minutes per session once a week. My own general agenda is for all of us Filipinos to start the year brilliantly beginning today. I am hoping that your "First step" will continue for the rest of the days to come. You can write me in Ilonggo, Tagalog or English. Here is CHEERS to making our 2010 the best of this year!

Bing (Carlyne Odicta-Kohner) was trained as a Life Coach here in the US at the Coaches Training Institute (CTI). She is a member of International Coaching Federation (ICF). She owns Limitbusters Coaching & Training, Inc. (LCT). Please visit her at www.limitbusters.net or email her at bingkohner@limitbusters.net.

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PROBLEM SOLVED



AGNIESZKA DOLINSKA

THE need to address this particular topic comes in response to many inquiries we have received from prospective clients involving visa petitions filed by petitioners who have passed away before the intended beneficiaries were able to receive permanent residency in the United States. A significant number of those prospective clients contacted our office after having read other attorney's vague and incorrect articles on this issue. Therefore, we feel that explanation regarding this area of immigration law is appropriate and timely, especially in light of the recent legislation.

On October 28, Congress passed the Department of Homeland Security Appropriation Act, Public Law Number 111-83. The Act includes two measures addressing the rights of surviving spouses of United States citizens and survivors petitioned by relatives other than spouses. Most importantly, the Act effectively eliminates so called "widow penalty," which provided for automatic denials of visa petitions filed by United States citizens for their spouses (and alien spouses' children) if the death of the citizen occurred prior to adjudication and prior to the second wedding anniversary. The new law does away with the two-year marriage requirement and allows widows and widowers of United States citizens to self-petition (unmarried children under 21 are included) as long as the marriage was entered in good faith.

There are several provisions of interest as related to self-petitioning surviving spouses. First and most important, surviving spouses are able to self-petition even if their marriage lasted less than 2 years. This is done by filing Form I-360. Second, if the surviving spouses are in the United States pursuant to a lawful admission or entry, they can file their application for adjustment of status concurrently with self-petitions. If the surviving spouses are currently abroad, they are able to apply for immigrant visas once their I-360 self-petitions are approved. Third, if the surviving spouses had I-130 visa petitions filed by their citizen spouses before citizen spouses died, it is expected that those I-130 petitions will

Dealing with death of petitioner in family-based cases

be automatically converted to I-360 self-petitions.

There is no need to submit an affidavit of support. There is, however, a timing requirement. I-360 self-petitions filed by those who were married less than 2 years have to be submitted within 2 years of the new law's enactment. The new law became effective on October 28, 2009. Thus, the deadline to file self-petitions is October 28, 2011.

It is important to keep in mind the October 28, 2009 law is new. As such, it is and will be subject to policy guidance and interpretation from the Department of Homeland Security (DHS). As of today, the DHS has not yet come out with specific guidelines as to how it intends to implement this new law. Thus, prudence and caution are recommended, especially when dealing with automatic I-130 visa petition conversions to I-360 petitions. Finally, the new law appears to have no effect on surviving spouses married for at least 2 years at time of their citizen spouses' death. They remain under the obligation to file their I-360 self-petitions within two years of their spouses' death.

The second provision of the Department of Homeland Security Appropriation Act deals with surviving relatives who were petitioned by family members other than spouses. This new law changes the prior rule, which stated the following: an approved I-130 visa petition will be revoked upon the death of petitioner unless the DHS chooses to reinstate said petition for humanitarian reasons and there is a substitute financial sponsor. This is no longer the case for surviving relatives presently living in the United States. Pursuant to the new law, beneficiaries of visa petitions filed prior to the death can still be adjudicated regardless of the petitioner's death (or the death of the primary beneficiary) as long as they resided in the United States at the time the petitioner (or primary beneficiary) died and will continue to live in the United States.

This new law covers immediate relatives (parent, and minor children of United States), family preference relatives, employment-based derivative beneficiaries, refugee/ asylee relative petition beneficiaries, certain non-immigrants such as victims of tracking and victims of crimes

(T or U visa), and asylees. Affidavits of support have to be submitted by requisite substitute sponsors (related to the beneficiary). The accepted relations include spouses, parents, siblings, grandparents, children over the age of 18, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, and grandchildren, and legal guardians.

The second provision applies only to surviving relatives who are residing in the United States. Those who are beneficiaries of approved visa petitions and are living abroad will have to request in writing to have the visa petitions reinstated for humanitarian reasons.

Unfortunately, requests for humanitarian reinstatement are not granted automatically or quickly. They are subject to the DHS's discretion, to be exercised based on specific facts of each individual case, with some deference given to cases where the denial would result in breaking up families.

Surviving relatives, including widows and widowers, should keep in mind that each case turns on specific facts and circumstances. In another words, no two cases are alike. While surviving spouses may be fortunate to have their visa petition preserved, they may not ultimately obtain permanent residency in the United States if they have criminal record or complicated immigration history. Therefore, they are strongly encouraged to seek professional advice from reputed immigration attorneys. Our office is very experienced in dealing with similar matters and we will be glad to help. Please do not hesitate to contact us at one of our three locations within Southern California.

Agnieszka (Aggie) Dolinska is admitted to both the State Bar of California and the State Bar of Utah. She is also admitted to the United States District Court for the Central District of California and to the US Court of Appeals for the 9th Circuit. Ms. Dolinska's immigration practice involves all areas of Immigration and Nationality Law, including family and employment-based immigration, non-immigrant visas, deportation defense, litigation, and asylum law. She is also a member of the Orange County Bar Association and J. Reuben Clark Law Society, Orange County Chapter. You may contact Ms. Dolinska at (562) 207-6789. Wilner & O'Reilly, APLC, is located at 17777 Center Court Drive, Suite 200 Cerritos, CA 90703. Visit the firm's website at www.wilneroreilly.com.

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Federal litigation to force...

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a motion to have a Federal Judge decide the Naturalization case.

Whether Federal Court intervention is appropriate depends on the facts and circumstances of each case. The question of how long is too long merely depends on the individual applicant's desire to have his case finished once it has been pending beyond a reasonable time.

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The three quills symbolize art (through the Balibkayan Museum and Library), journalism and Filipino-American Symphony Orchestra (FASO). We use the colors of the Philippine flag to connote nationalism. The quills were formed together into a flame to represent passion and love of country.

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Some key issues you have to watch...

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or individual health insurance may not impose any preexisting condition exclusion with respect to such plan or coverage."

2. Premiums and other costs

Another issue hotly debated is the concern on premiums. The Administration seeks to "drive down costs, put more money in the hands of the American people, and ensure all Americans receive the healthcare services they need and deserve." The argument they have been providing here is the rising healthcare costs relative to increase in wages. From 2000 to 2009, the average premium for insurance has doubled and compared to wages, premiums have gone up three times faster than what Americans earn. Premium costs, according to reform supporters, is one area where Americans struggle to get healthcare, and since the purpose of the potential overhaul is to encourage and provide everyone coverage, this issue is widely contested.

Many argue that through premium assistance, "average premiums will be less than half of what they would be without reform." However, critics suggest that premium assistance is not a form of reform as there are already provisions for such in today's laws.

The issue of premiums is directly related to other health-

care costs such as deductibles, copayments and out-of-pocket costs incurred by those who are insured, which serve as a hindrance for low-income families to get insurance. These expenses have left many Americans uninterested and incapable of procuring coverage; the issue of "job lock" or the situation where an employed individual will not leave his or her job due to fear of losing health benefits has led to billions of foregone wages workers may have earned. Such constraint exasperates the dire financial situation of an American who has coverage but is burdened by the attached expenses to maintain it.

3. Public option (or lack of it)

Another major point of discussion, one which private insurers are adamant about, is the proposed government-run public health insurance option. It is a health insurance plan that will be made available by the federal government. Many conservatives label this as a government takeover of the healthcare industry, suggesting that by having a public entity compete with private insurers - the whole insurance industry will collapse.

The bill passed by the House of Representatives contains the public option, while the Senate's does not. In order to for the re-

form to take place, a reconciled version of the bill passed by the Senate and House has to be made via a Congressional conference of both chambers. The public option is one item that, as of January 5, 2009, leading House Democrats are willing to drop from the bill, considering other provisions will allow them to hold insurance companies responsible.

These three issues will be hot topics during debates, public discussions and news coverage of what could be one of the biggest changes that will occur in American society. It is imperative that we monitor this and take note of the issues this gigantic overhaul will affect, especially because it will have an effect on us and how we receive, and for industry professionals, provide, care in the years to come.

Charmaine Teodoro is the Senior Vice President of JUNO Healthcare Staffing, a group of companies that recruits RNs, LPNs, CNAs and allied healthcare professionals and deploys them to healthcare facilities on a full-time, part-time, per diem or travel assignment. It also sponsors foreign-trained RNs for immigration to the US. JUNO Healthcare California, LLC 4929 Wilshire Blvd., Suite 328 Los Angeles, CA 90010 T 323-937-7210 F 323-937-4947 Website: www.junohealthcare.com Twitter: twitter.com/junocareers

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Pitfalls of marriage-based ...

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the beneficiary and any derivative beneficiary to avoid a denial of the petition. The petitioner must submit evidence of rehabilitation and any other relevant evidence clearly demonstrating, beyond any reasonable doubt, that he or she poses no risk to the safety and well-being of the beneficiary(ies). This showing must be made at the time of initial filing or when responding to a request for evidence.

It should be noted that this rule does not apply to petitions in process only. An approved petition may still be subject to revocation if

USCIS becomes aware that the petitioner has a conviction for a specified offense against a minor.

Mary Lyn Tanawan Sangra is an associate attorney at Bander Law Firm, LLP and is licensed to practice in California and the Philippines. Ms. Sangra obtained her Bachelor of Science in Economics and Bachelor of Laws from the University of the Philippines. She is experienced in the areas of Immigration and Naturalization Law and Business Litigation, and is a member of the American Immigration Lawyers Association (AILA).

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