Immigrant Experience: File visa petition in U.S. to get the ball rolling

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Body

Q I am an American citizen. My Dad has a multiple-entry **_visa_** and my Mom has a tourist **_visa_**. I want to **_file_** an immigration **_petition_** on their behalf but I am confused. Should they come here first, then **_file_** the **_petition_**, or should I start the **_petition_** now while they are still in the Philippines? Also my Dad wants to work here but he can't because he is not a resident and needs a work **_visa_**. What is your best advice about this? Can my Dad and I start a business here together?

Maria ColomaNewark

A We asked Rosario Maria Hernandez, an immigration attorney from Concord, to answer your question. Here'**_s_** what she wrote:

``You have the right to **_file_** the **_petition_** for your parents while they are in the Philippines. They can apply for their lawful permanent resident status through the **_U.S._** Consulate in Manila, Philippines.

``Once you **_file_** the **_petition_**, if they travel to the **_United States_** while their **_petition_** is pending, the Department of Homeland Security may ask them if they have a pending **_petition_**, and if so, further inquire whether they have any intentions of staying in the **_United States_**.

``The basis for their non-**_immigrant_** **_visas_** is that they are not abandoning their residency in the Philippines and if they enter the **_United States_** with a non-**_immigrant_** **_visa_** with the intention of eventually staying to apply for their residency, the **_U.S._** Citizenship and Immigration Services -- the agency that will adjudicate their applications here in the **_United States_** -- can conclude that they misrepresented information to an immigration officer or a consular officer.

``Your father may not work in this country with a visitor'**_s_** **_visa_**. However, a person who decides to adjust their status in the **_United States_** is eligible for an employment authorization document while waiting for the USCIS to adjudicate his or her adjustment-of-status application.''

Hernandez suggests that you consult with an **_experienced_** immigration lawyer.

Workshop on citizenship: Services, **_Immigrant_** Rights and Education Network (SIREN) will hold a workshop on the process of applying for citizenship Oct. 7.

The workshop will be from 3 to 6 p.m. at the Tully Library, in the Family Learning Center, 880 Tully Road, San Jose.

It will be conducted in English and Vietnamese. For additional information in Vietnamese and English, call (408) 453-3013.

This information is not intended as legal advice. Any person with questions about his or her individual circumstances should contact an immigration lawyer, a state-bonded immigration expert or a federally accredited immigration representative, and should not rely on general statements made in this column.

Send your questions to immigration@mercurynews. com or fax us at (408) 288-8060. You can also write to us at: ***Immigrant Experience***, San Jose Mercury News, Newsroom, 750 Ridder Park Drive, San Jose, Calif. 95190. To have a question considered, you MUST include your name, city of residence and daytime phone number.

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