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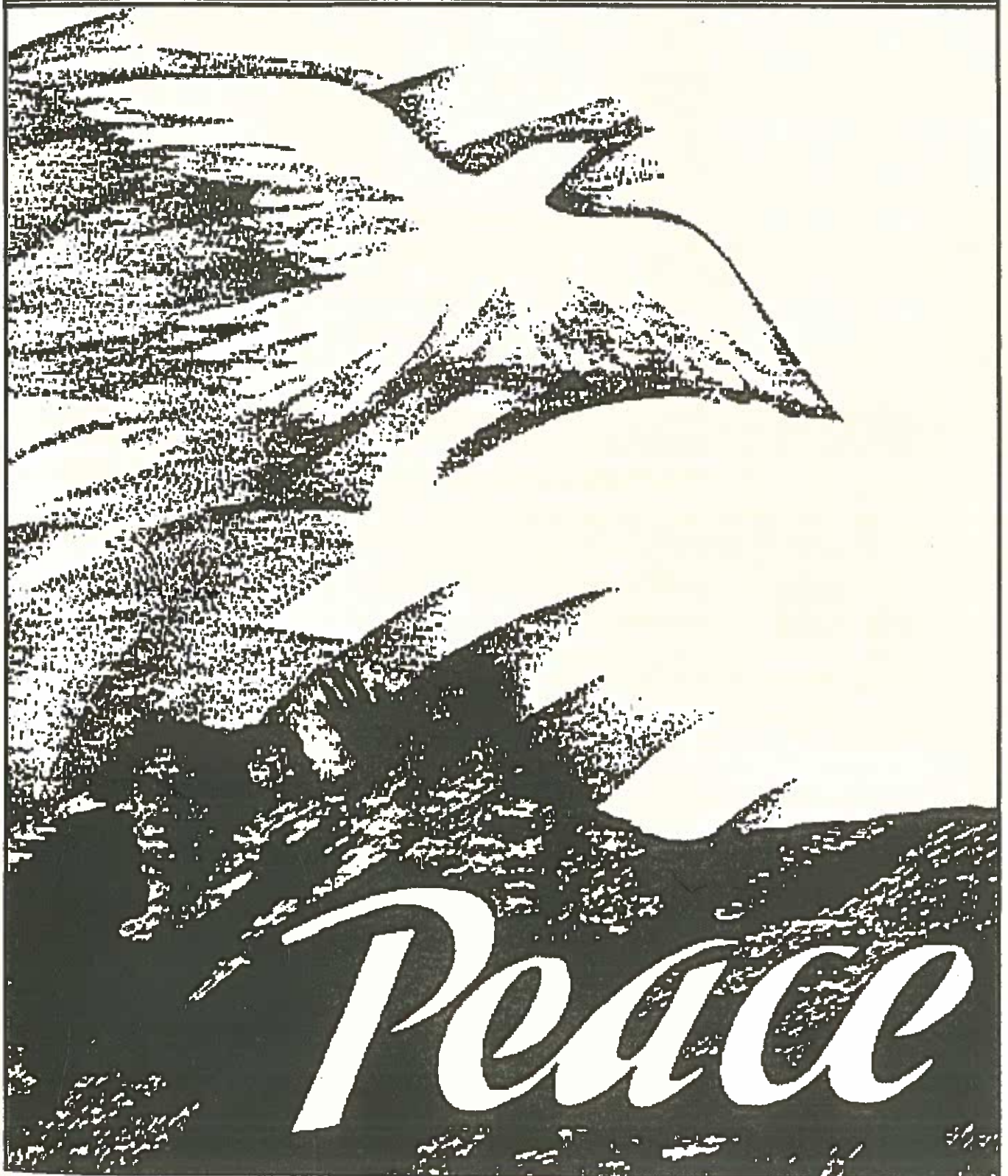
The Filipino Mirror

The Migrants' Newsletter

Vol. 7 No. 1

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Bayanihan Center for Filipino Migrants - Denmark®

March 2003



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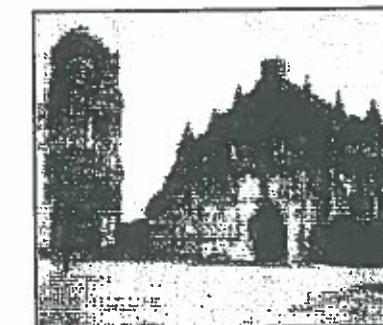
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FAD President Brian Peter Naidas



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The Paoay Church

'In 1986, life as I had known it changed forever!'

By Imee R. Marcos

On February 24, 1986, my father called the American ambassador in Manila, Stephen Bosworth, urging an explanation of dispatches from the US State Department and other official sources requiring him to give up the presidency and establish "an interim government."

I listened to my father argue for "a peaceful transition" and the necessity for "Filipinos to decide their own future." I think the ambassador must have answered it was too late, for I heard my father declare, "I am not leaving, I would rather die here than abandon the presidency."

My father later told me that the ambassador warned that this would be tragic, that already thousands of troops were marching toward the palace. My brother and some aides soon found this untrue. My family did leave Malacañang, and for my father this was indeed tragic.

For years I blamed myself for our departure, and many times I felt that my father blamed me, too. For four days, Philippine Air Force helicopters had been firing at the palace with rockets, some apparently foreign to the Philippine inventory.

On February 26, the Palace was again strafed, and I ran, together with the rest of the family, to the basement, crouching with my two infant sons inside a linen closet. After the attack, I told my mother, "I am sending the children away with General Allen."

My mother said, "There will be no one to take care of them. You go with them." I

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EDSA ONE remembered

It's been 17 long years since the first EDSA People Power revolt that shook the nation and the world. The so-called EDSA children are grown-ups too. How has it been for them? What do they remember of the fateful event? Newsbreak asked the children of the key players on both sides of the fence to share their thoughts about the revolution on EDSA 17 Februaries ago.



protested that we must all remain with my father now that he was sick and under siege. "Your father will never leave. I will stay with him," my mother decided.

After the request to be flown to Ilocos Norte had been ignored and we found ourselves in Hickam Air Base, Hawaii, General Allen was quoted as saying, "Mr. Marcos refused to leave. But I told him that I have orders from higher authorities to fly him out. And I am going to do it even if I need to take him



bodily into the plane."

Perhaps they would have taken him to the US, anyway, but because I couldn't bear my sons' lives threatened, it was still somehow my fault that we finally left the palace. My father would later comment that women and children should not be found in a battleground, and I felt chided for my weakness.

Perhaps our mistake was to forget that Malacañang, the palace of our childhood, was not home but a battleground.

Continue on next page

'Until now, it still shapes my beliefs'

By Benigno C. Aquino III

I was 26 when EDSA I happened. All the volunteers of Makati who were with us were rejoicing when Juan Ponce Enrile and Fidel Ramos declared they were leaving Ferdinand Marcos. But Jejomar Jojo Binay and I looked at each other because we knew its implication - that we were much closer to a potential civil war.

I was supportive of my mother's call for civil disobedience - the boycott of crony firms and all that - but we were not exactly sure where we were heading. But with all that display of military might, and given all the personalities, persuasions, ideologies represented in EDSA, it seemed like it would be very easy to initiate a bloody civil war. So when no violence happened, my faith was renewed - God was looking down, guarding all of us, and that it seemed all our guardian angels were doing overtime work.

People were hoping that there would be rapid and complete transformation of government and society. But two months after EDSA, we got back to reality - the bankrupt economy, moribund industries, anti-revolutionary activities by certain quarters. I look at it this way. We were in a situation of blackness during the martial law years, so I wouldn't grant that we would become white right after EDSA. Even my father said that in the movement from black to white, we would have to go through the gray. Our duty is to have lighter and lighter shades of gray, not darker and darker shades and go back to black. If we use that standard

Continue on next page

IMEE MARCOS...

My mother has frequently said, "Edsa was the best thing that ever happened to my family. We became more cohesive, and my children, who were protected and weak, are now strong." I like to argue with my mother, but while such a sanguine view is not altogether mine, I doubt that she is too far wrong.

I remember little of the flights from Malacañang to Clark Air Base, Clark to Anderson Air Base in Guam, Guam to Hickam in Honolulu. Or maybe I simply chose to forget over time, remembering only what remained important to me. I struggled to nurse my second son, Michael. Borge, the first Marcos grandchild, was two and a half years old. Campaigning hard during the snap elections, I was often exhausted and dehydrated, barely able to keep up with a hungry baby. By the time we reached Guam, I had no milk at all. I shall always remember it was the kindness of strangers and Ilocano immigrants working on these bases that brought my children their milk at every stop.

Unlike the rest of my family, I did not remain in the US for long, leaving upon my father's instructions. I left for Morocco, a strange and beautiful country, barbaric and mystical by turns, where the late King Hassan II had been my mother's great friend. But I shall forever remain grateful for the Moroccans' generosity and friendship.

We lived first in a palace guesthouse, and then in a bungalow in the diplomatic quarter of Rabat, the king's golf course providing the sole source of entertainment. In time, language ceased to be a problem, and the boys played loudly in French and Arabic.

Over the years, my family was repeatedly refused Filipino passports, making proper identification and any sort of stable residence difficult. From Morocco, we moved constantly through Europe, afraid of burdening friends with our security and legal problems. We finally settled in Portugal in 1988, living on a farm until we were allowed to return to the Philippines at the end of 1991.

It is an easy mistake to make that you love your country less because it seemed to have betrayed your family. It is an even easier mistake to assume that returning to your country is easier than leaving it.

The Christmas of 1991 was the first time I saw my mother in over six years; and my third son, Matthew, was introduced to the rest of the Marcos clan. It had been such a long time, for I had not seen my father from March 1986 until he died in 1989. Exile in my case at least has been merciful because, unlike my mother, my brother, and my sister who bore witness to much illness, I shall remember my father well, strong, playful, and brilliant.

There are still many stories to tell, an equally long self-imposed exile in Singapore, and many questions linger perhaps never to be answered.

I was never at EDSA, but in February 1986, life as I had known it changed forever. For me EDSA is not a direct and continuous highway; it is a tangle of interconnected alleys and dead-ends that exists better in memory than in fact. Byzantine and dark, it has mysteriously taken me back to politics and to Congress, never the directions I myself would have chosen. ❀

BENIGNO AQUINO III... there have been significant changes after Edsa.

When I was growing up, government was seen as the oppressor and the people were seen as powerless. But if you look at television programs like "Hoy Gising!" which had so much impact on our politics, I think it would seem that the people have been empowered. They are aware of what's their due; they are aware of their rights; and they are not timid at all in exercising their rights. Look at the media from being the mouthpiece of the Marcos regime, right after Edsa we had a very critical media performing their watchdog role; certain quarters even argue that they went overboard in doing that.

To me, the meaning of EDSA I has not changed over the years. Because Edsa was not an isolated event; it was the culmination of the struggle. Some quarters say people kept vigil for four days until we regained our freedom. They forgot the build-up toward that event.

During the darkest period, when everybody seemed to have abandoned us, I think I asked my dad what was the point of the sacrifices when everybody else seemed to want to do what was wrong. Up to what point, I asked, is our responsibility and commitment to our country? I was twelve when martial law was declared, and it was never clear to me. Suddenly we had the miracle of Edsa. Until now, it still shapes my beliefs. Of course, there were mistakes made afterward. It tells us of our limitations. It points to the power of the Almighty as a very significant influence and factor in our daily lives. It was an apparent miracle, and I'm sure it will be recognized

as such at some point officially by the Church.

In hindsight, there are things that you would want done better, like not appointing certain people who were placed in positions where they diluted the gains of Edsa. But there are some things I would not change. For instance, they keep on harping that we did not throw the books at all the Avsecom (Aviation Security Command) personnel involved in my father's assassination. The criticism during my mother's administration was that she wasn't able to get full justice for my father. But, to attain "full justice," we would have had to manufacture evidence and witnesses, and we would be doing exactly what our opponents did which we said were wrong when they were in power.

I never thought of our family as having the sole claim to Edsa I. We were the beneficiaries, like the rest of the country. Gone are the days when the moment a military private looked your way, you would think it's the end of your life. We now have the responsibility to prevent a repeat not only of the martial law years but of the conditions that made martial law acceptable to a lot of people during the initial stages.

For those who didn't pay the ultimate sacrifice to attain Edsa, and are therefore the beneficiaries of the post-Edsa I situation, there is a responsibility to preserve these gains.

The biggest tragedy, for me, would be to ask certain quarters to repeat all the sacrifices. *Parang babayaran ulit natin iyong nabayaran na natin nang napakamahal* (It would be like paying again for what we had already paid for dearly). ❀

The Danish Parliament *Folketinget* has passed a number of comprehensive amendments in the Aliens Act, most of which took effect on 1 July 2002.

All foreigners seeking a residence permit on and after 1 July 2002 will be considered under the new rules. All applications submitted prior to 1 July 2002 will be considered under the old rules.

Family Reunification

Residence Permit

Under the rules on family reunification as described in the Danish Aliens Act, aliens with relatives in Denmark have an opportunity to obtain a residence permit in Denmark. Provided certain mandatory conditions are fulfilled, residence permits can be granted to:

- o Spouses, cohabiting companions, and registered partners
- o Children under 18 years of age

Residence permits are initially issued for a limited period of time with a possibility for extension, provided the mandatory conditions for issuing the permit remain valid. Applicants may also have the opportunity, after a number of years, to apply for the conversion of a time-limited permit into a permanent one.

As a general rule, a residence permit carries with it the right to work in Denmark.

Aliens can obtain a residence permit in Denmark if they have a spouse, cohabiting companion or registered partner who is already a resident in Denmark. However, a number of requirements must be met, both with regard to the spouses or partners themselves, and to their marriage/partnership. There are also a number of specific requirements for the individual who is already a resident in Denmark. These concern the conditions for his/her residence in Denmark, and his/her ability to support both himself/herself, as well as the spouse/partner.

DANISH Immigration Law

Requirements for Marriage

1. The marriage or registered partnership should be recognizable according to Danish law.

2. The marriage or registered partnership must have been entered into voluntarily, i.e. there must be no doubt that it is according to the wishes of both parties.

3. The marriage or registered partnership must not have been entered into *pro forma*: i.e. solely for the purpose of obtaining a residence permit for one of the parties.

Requirements for Spouses

1. Both spouses or registered partners must be over 24 years of age.

2. The spouses or registered partners must be living together at the same address in Denmark when the residence permit has been granted.

3. The attachment of both of the spouses or registered partners to Denmark must be greater than their attachment to another country (Attachment Requirement).

Requirements for the Individual Resident in Denmark

The resident individual in Denmark must:

- o be a Danish citizen or a citizen of one of the other Nordic countries: Norway, Sweden, Finland and Iceland; or,
- o be a refugee or have protection status in Denmark; or,
- o have had a permanent residence permit in Denmark for at least 3 years.
- o must reside permanently in

the country.

- o must have an accommodation of reasonable size at his or her disposal (Housing Requirement).

- o must provide documentation proving that he or she has an income that is sufficient to support the alien spouse or registered partner (Support Requirement).

- o must provide an economic guarantee of 50,000 Dkr. to cover any future public expenses to support the spouse/partner.

- o must not have received public financial assistance for a period of one year prior to submission of the application for the residence permit, nor during the time it may take for the permit to be issued. For this purpose, public assistance is defined as any economic aid paid out under the terms of the Danish Integration Act or under the terms of the Act on an active social policy.

Housing Requirements

To have a personal accommodation means that the individual living in Denmark must have a place to live that he or she owns, rents, or cooperatively owns. If the property is a rental, the lease period must be permanent, or extend at least 3 years beyond the date on which the residence permit application is submitted. A sub-let on a property does not fulfil the housing requirement.

The residence must be of reasonable size. There must be no more than two people living in each room; or, the total

residential area must be at least 20 square metres per person.

Attachment Requirements

When the Danish Immigration Service assesses the Attachment Requirement, attention to the following circumstances are considered, among other things:

- o How long both the resident individual in Denmark and the applicant have lived in Denmark.
- o Whether one or both have ties to other individuals in Denmark, for example, family members.
- o Whether one or both have custody of or visiting rights to minors in Denmark.
- o Whether one or both have completed an education, or have a permanent connection to the labour market in Denmark.
- o The Danish language proficiency of both parties.
- o The extent of both parties' ties to another country, including whether both or either of them have/has made extended visits to that country.
- o Whether the applicant has children or other family members in another country.

Support Requirements

The resident individual must document that he or she earns enough to support the spouse or cohabiting companion applying for a residence permit.

The resident's income must be above the amount that the spouse or partner would be entitled to under the welfare assistance. This amount is regulated annually.

Residence permits must be granted before entry into Denmark. Therefore, applications for family reunification must be submitted in the applicant's country of origin.

Applications for family reunification are generally not permitted following an applicant's entry into Denmark. This rule particularly applies to applicants with so-called procedural residence: those with a right to reside in Denmark, but have no residence permit (for example asylum seekers).

However, individuals who already have another form of residence permit in Denmark, or who are residing in Denmark visa-free or with a valid visa, may submit their applications for family reunification in Denmark.

If the applicant first submits his or her application after he or she has arrived in Denmark, the Danish Immigration Service reserves the right to reject the application. The applicant must then submit a new application from his or her country of origin. If the Danish Immigration Service rejects this new application, the applicant can file a complaint with the Ministry of Immigration, Refugee and Integration Affairs.

The application for family reunification must be submitted to a Danish representative office - an embassy or a general consulate where an application form can be obtained from - in the applicant's country of origin. The representative office will forward the application to the Danish Immigration Service, where it will be examined.

If the applicant has resided legally in another country for more than the preceding 3 months, the applicant may also submit his or her application to a Danish representative office in that country.

If there is no official Danish representative office in the country where the applicant is presently residing, the application can be submitted in another country,

if approved by the Danish Immigration Service.

If the application is submitted in Denmark, the applicant can remain legally in the country while the Danish Immigration Service examines the case.

Application forms can be obtained at the Danish Immigration Service reception, where the completed application form should also be submitted. If the applicant resides outside of the Greater Copenhagen area, the application form can also be obtained from and returned to the local police.

Application Enclosures

The time taken to process an application depends largely on the necessary documents enclosed with the application form. The applicant must include the following documents with his or her application:

- o The applicant's valid passport or other form of travel identification papers. If the applicant is a child under 18 years of age without his or her own passport, the passport of one of the parents must be enclosed, if the child is registered in the passport.
- o A recognizable passport photo of the applicant, and of the child applying together with the primary applicant. The photo must be in half-profile, sized 35 x 45mm. The applicant's facial features - the chin, jawline, cheekbone, forehead, nose, eyes, eyebrows and mouth (such that the shape of the face is clear) - must be clearly displayed in the photo.

The other documents required depend on the family relationship between the applicant and the relative residing in Denmark.

- o Spouses or cohabiting companions must submit an original marriage certificate or registered partnership certificate, together with an authorised Danish or English

translation. If the couple is unmarried or unregistered as partners, documentation proving cohabitation must be submitted. Furthermore, a declaration of cohabitation signed by both parties should be enclosed with all applications.

- o Children must submit an original birth certificate and any possible original documents concerning parental custody (for example, a legal verdict or custodial agreement following a divorce) with authorised Danish or English translations.

The Danish Immigration Service will examine the application and all information relevant to the case. In many cases, it will be necessary for the Danish Immigration Service to gather more information or undertake further investigations in connection with the application. These might include document authenticity (for instance marriage certificates), DNA testing (for family ties), or the applicant's age.

If the Danish Immigration Service receives information that do not match the information provided by the applicant, he or she will be usually invited to explain the discrepancy before the Service issues its decision. This is also the case when the results of an investigation yield information disputing what an applicant has reported. If the applicant has consciously submitted false or inaccurate information, he or she will usually be reported to the police.

The Danish Immigration Service will send its decision (a refusal of any further examination of the case, like no decision, a rejection of the application, a cancellation of an existing residence permit, or the granting of a residence permit) to the Danish representative office in the country where the applicant currently resides. The representative office will forward the decision to the applicant, or request the

applicant to receive the findings in person. The family member residing in Denmark will receive a copy of the decision.

If the applicant is residing in Denmark, the Danish Immigration Service will send its decision to the applicant's address in Denmark, or to the applicant's attorney. The board can also ask the police to forward the decision to the applicant, or the Danish Immigration Service can request that the applicant report to the Danish Immigration Service at the reception.

If the Danish Immigration Service has not granted a residence permit, the applicant will be asked to leave Denmark on a certain date. In this event, the applicant will be informed of his or her avenues for appeal.

Avenues for Appeal

The Danish Immigration Service initially makes decisions regarding an application for family reunification. If the applicant is dissatisfied with the decision of the Danish Immigration Service, he or she can file a complaint with the Ministry of Immigration, Refugee and Integration Affairs. The procedures for appeal are explained in the decision sent to the applicant.

If the applicant is currently residing in Denmark, he or she will normally be required to leave the country while the Ministry of Immigration, Refugee and Integration Affairs examines the appeal.

However, if the complaint is with regard to the revocation or denied extension of an existing residence permit, the applicant will often be permitted to remain in Denmark during the examination of the appeal. There is, however, one condition: the complaint must be filed no later than 7 days after the applicant has been informed of the decision of the Danish Immigration Service. These regulations for appeal are also explained in the letter sent to the applicant.

TO BE CONTINUED