

Couple's bid to stave off removal supported

Written by Special to the Filipino Reporter
Friday, 01 April 2011 18:12



HELP: Gideon and Rica Tonog outside the office of the Filipino Reporter and Abad, Constancio & Mallonga, LLC at the Empire State Building. (Filipino Reporter photo)

The Filipino - American Legal Defense and Education Fund (FALDEF) has formally appealed to the U.S. Department of Homeland Security (DHS) to defer for humanitarian reasons the deportation of a New Jersey couple as the wife undergoes a long-term treatment of uterine cancer.

The application for deferred action status on behalf of Gideon and Rica Tonog, of Toms River, N.J., was filed this week by FALDEF president J.T. Mallonga

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Along with that application is a petition letter bearing nearly 2,000 signatures of community residents — many of them non-Filipinos, including three mayors from Ocean County, N.J. — citing the extensive volunteer work and community service of the couple to benefit the large Filipino-American community in the area.

The couple, both 37, are currently in removal proceedings before an immigration judge in Newark, N.J. with no relief available to them, either by way of family or employment-based petitions, according to Mallonga, who is a partner of the Manhattan-based law firm Abad, Constancio & Mallonga.

“Neither do any of them qualify for other reliefs like cancellation of removal, political asylum, convention against torture or suspension of deportation,” Mallonga told the **Filipino Reporter**.

“In a manner of speaking, both of them are literally at a legal end.”

“Rica’s medical condition and her need for continuing critical medical care is the primary reason for this request for deferred action status,” Mallonga pointed out.

“Her husband is the only relative she has, and Rica relies on him entirely to take care of her and to bring her to the doctors for treatment.”

Rica, a marketing management graduate of St. Scholastica’s College in Manila, came to the U.S. 2004 and obtained a labor certification through a Filipino-American-owned staffing company.

But the application to adjust her work permit to green card was denied by the DHS due to financial incapacity of the employer to pay the proffered wages.

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Meanwhile, Gideon, who was a dependent of Rica in her immigration application, lost his status earlier after his sponsoring company shut down following the 9/11 attacks.

He is an electrical and computer engineering graduate of San Carlos University in Cebu.

In July 2010, the couple got a notice that they have been placed in removal proceedings.

A month later, as they prepared to go back to the Philippines, Rica was diagnosed with cancer of the uterus (severe endometriosis and endometrial hyperplasia) following a surgery at Monmouth Medical Center in Long Branch, N.J.

It was then that she was told to undergo aggressive treatment to save her life.

Rica also had previously suffered two miscarriages which were believed to be connected to her medical condition.

"Deporting her at this time would literally spell a death sentence," Mallonga said.

Aside from the medical aspect, Mallonga said he also emphasized in the deferred action request the couple's active involvement in civic and charitable organizations in Tom Rivers and outlying communities.

The husband and wife are among the founding members of the Filipino-American Cultural Enrichment School for the U.S.-born Fil-Am youths and have contributed greatly to developing the curriculum and teaching it themselves.

They also have worked with the Filipino-American Medical Society of Toms River in raising funds for victims of natural calamities in the Philippines, the lawyer added.

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The request to DHS also contained testimonies from several leaders who have vouched for the immense civic contributions and excellent standing of the Tonogs in the community.

Among those leaders are Dr. Timothy Gabriel, president of the Filipino-American Medical Society (FAMS) of Toms River; Marley Nicolas, R.N., president of the Philippine Nurses Association of N.J. (PNA-NJ); Dr. Jose Ramon Suatengco, president and board chairman of the Filipino-American Community Development Center, Inc. (FCDC); and Ronnie Dato, R.N., of PNA-OC.

Meanwhile, three Ocean County mayors have also submitted letters of support for the Tonogs.

They are Mayor Thomas Kelaher of Toms River, Mayor Michael Fressola of Manchester Township and Mayor Stephen Acropolis of the Township of Brick.

According to Mallonga, two U.S. congressmen from New Jersey — Jon Runyan and Christopher Smith — have requested copies of all the documents of the case to see what their offices can do to help.

In his argument stopping the deportation, Mallonga indicated that the Tonogs do not fall under classes of deportable aliens whose removal has been give high enforcement priority such as violent criminals, drug traffickers and terrorists.

“They have no criminal records and they are law-abiding tax-paying citizens,” Mallonga said.

“They even have a proven track record of service to the community.”

On Feb. 19, the FCDC, in cooperation with the PNA-NJ, FAMS of Toms River, and PNA-Ocean County, sponsored “Dinner-Dance for a Cause” to help cover Rica Tonog’s medical expenses.

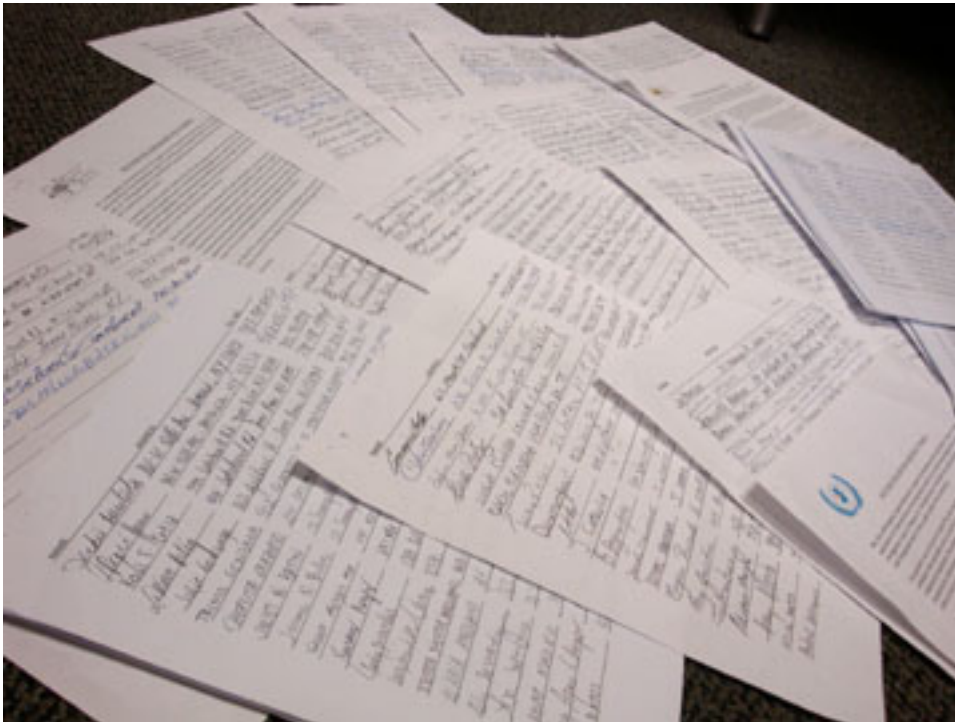
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“We are really overwhelmed by the outpour of support from respected professionals and regular individuals to elected public officials,” the couple told the **Reporter**.

“Aside from legal, financial and moral support, we are very thankful for the many people who have been praying for us.”

An online petition in support of the Tonogs has been set up at ipetitions.com/tonog



Copies of signed petition. □ *(Filipino Reporter photo)*