

IMMIGRATION EDGE



ATTY. DANIEL HANLON

LAST Tuesday, August 26, 2008, the US Immigration and Customs Enforcement (ICE) announced its decision to "scrap" the "Scheduled Departure" pilot program it had announced only three weeks prior. Under "Scheduled Departure," ICE indicated that it would

allow certain "fugitive aliens" to depart on a scheduled date in lieu of enforced deportation, without remaining in custody while awaiting travel arrangements. The program was scheduled to run for an initial period of several weeks, with a planned expansion upon expiration of the pilot program, but a "lack of interest" has caused ICE to discard the entire program.

When an immigration judge has entered a final order of deportation or removal and no appeals remain available, the foreign national subject to that order could be apprehended and

deported by ICE without further judicial proceedings. Similarly, when a foreign national overstays a grant of "voluntary departure," which is a form of relief that allows the person to depart on his own accord without deportation, he could also face the same fate. Once deported, a foreign national incurs at least a 10-year bar from readmission to the US, among other possible penalties.

At present, the USICE estimates that there are at least 500,000 such people in the US. Recently, ICE has aggressively stepped up efforts to apprehend and swiftly deport these "fugi-

tives." However, manpower requirements, housing availability and humanitarian concerns have forced the rethinking of this strategy.

Under the "Scheduled Departure Program," any foreign national subject to a final order of deportation would have been eligible to avoid custody and return to his country of origin at a set date but on his own terms, as long as he is not a criminal and poses no threat to the community or national security. Once such an eligible foreign national reports to ICE, he may be released under an order of supervision and al-

lowed to remain with his family until such time arrives for up to 90 days prior to departure.

As of this writing only eight "fugitive aliens" took part in the pilot program. Critics, including the Immigration Bar, pointed out that the program offered no real incentives, since a foreign national leaving under an order of "Scheduled Departure" would not avoid the usual penalties that flow from an order of deportation, such as a 10-year bar from readmission.

This decision leaves ICE with the enormous task of attempting to round up approximately

one half million so-called fugitive aliens remaining in the US. Absent any further compromise solutions or sweeping Immigration Reform next year, ICE would require at least 20 years removing every such "fugitive alien" from the United States.

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(Advertising Supplement)

'Scheduled Departure' program a bust!

DEBT RELIEF



ATTY. LAWRENCE YANG

WHEN asked when he thought life began, Senator Obama's response was that the matter was beyond his pay scale. In other words, he had no comment about it. There was some play at being humble because he was ignorant of the correct answer, but the "no answer" comment was designed to not alienate women and men who are abortionists, those who want the right to murder babies. Why does the Senator who could likely be the next President of the United States of America not want to protect unborn babies but want to cater to abortionists? Simple. Abortionists vote. Unborn babies have no right to vote. If unborn babies were given the right to vote, each of them would certainly vote to stay alive because they all have their entire lives ahead of them.

Indeed, all of them would not vote for Senator Obama for president because Senator Obama's heart has no place for even one of them. If unborn babies since 1972 would have been born in the United States of America, a supposedly Christian nation, all of these murdered babies would have been American citizens who would have lived their lives here in America as productive citizens.

Sen. Obama's heart has no room for the little ones

They would have become mothers and wives, just like Mrs. Obama. They would have become sons and fathers, just like the Senator. Some of them would have become presidential candidates and maybe even presidents, just like the Senator. Some of them might have debt problems and problems with their houses going into foreclosure. And some of them might be contemplating bankruptcy to get rid of their debts just like some of you.

But Senator Obama, who must cater to democrats, 75% of whom favor the availability of abortion, has not made any room in his heart for these little ones. If the Senator becomes President of the United States of America, more babies will be murdered. This year alone, 1.2 million unborn babies will be killed. The Senator talks about saving the lives of our men and women in Iraq and Afghanistan by pulling them out of there. Well and good. On the other hand, the Senator would allow his voters to continue killing unborn American babies by the hundreds of thousands every month. Perhaps the Senator's Christian faith is a matter of expediency so that he can get elected as the president of a supposedly Christian nation. If the Senator will not take a stand for what is true and right but will instead choose to sit on the fence and refrain from making any comments about when he believes human

life begins, maybe the Senator has no courage, and maybe he has no wisdom. Where did his 'cajones' go? The answer is that they will go wherever the wind blows and wherever the votes are.

If you are Catholic or Christian, or even if you are neither, but you are a decent human being with little room for the little ones in your heart, your vote for Senator Obama is a vote for killing 1.2 million unborn babies every year for the next four years. You and your president will have the blood of 4.8 million murdered babies in your hands. How can you live with yourself after that? How can you pray and ask for God's blessings if there is no room in your heart for the little ones? The Blessed Virgin Mary will not intercede for you, I can tell you that for sure. I am neither Republican nor Democrat. I am an independent, like many of you, who will not vote for a president who has no room in his heart for the little ones who cannot vote.

If you need debt relief, contact my office. I will analyze your case personally.

Lawrence Bautista Yang specializes in bankruptcy, business, real estate and civil litigation and has successfully represented more than five thousand clients in California. Please call Angie, Barbara or Jess at (626) 284-1142 for an appointment at 1000 S. Fremont Ave., Bldg. A-1 Suite 1125 Unit 58, Alhambra, CA 91803.
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BARRISTER'S CORNER



ATTY. KENNETH URSUA REYES

Apetition for nullity of a marriage is based on an allegation that an impediment existed at the time of the marriage that prevented the marriage from ever existing. Whereas a petition for dissolution of a marriage typically alleges that some issue arose during the marriage that precludes it from continuing further (i.e. "irreconcilable differences"), a petition for nullity focuses on an issue which existed at the time of the marriage which makes the marriage "void" or "voidable."

A marriage is "void" if it is incestuous or bigamous. A marriage is incestuous if it is between a parent and child, ancestors and descendants, brother and sister, half brother and half sister, uncle and niece, or aunt and nephew. A bigamous marriage is generally one where a person who had a prior marriage marries a subsequent time before termination of the prior marriage. Incestuous and bigamous marriages are considered to be against public policy; they are deemed "void" from a legal perspective and are treated as they have never existed. Accordingly, technically speaking, parties to a "void" marriage may simply go their separate ways without any further legal action. However, from a practical standpoint, a nullity judgment should be obtained for formality and to officially declare the marriage "void."

On the other hand, a marriage

Annulment of marriage and its advantages and disadvantages over dissolution

may be considered to be "voidable" at the option of one of the parties. Voidable marriages do not violate public policy, and typically focus on one party's lack of consent in entering into the marriage. A party may seek to nullify a marriage on the basis that he/she did not freely and voluntarily consent to marry—the "consent" was a result of an unsound mind, fraud, force or physical incapacity. It is important to note that a petition to nullify a voidable marriage has certain time limitations prescribed by the Family Code. Further, the grounds for nullity may be lost if a person finds out about the impediment (for example, a spouse finds out about the fraud which resulted in her "consenting" to the marriage), yet continues with the marriage.

A judgment of nullity has certain advantages and disadvantages over a dissolution judgment. One advantage of nullity is that it does not have the residency requirements imposed on one who is seeking dissolution. The requirement that a person live in the county for three months and in the state for six months prior to the filing of a dissolution proceeding does not apply to one who petitions for nullity. In addition, no waiting period exists for the finality of a nullity judgment—the parties are restored to single-person status upon entry of the judgment. With dissolution, each party must wait a minimum of six months prior to restoration of single-person status. Further, a spouse who would be subject to

support obligations post-divorce is not subject to payment of support after a nullity judgment. In addition, the general rule is that there is no community property absent a valid marriage, a party who has more assets may seek to invalidate the marriage to make his/her spouse's claim of a community interest more difficult.

However, nullity also brings with it certain disadvantages. Unlike a no-fault divorce, nullity often requires that one party prove an element of fault (for example, fraud which induced a party to enter into the marriage), and as a result, is often more hotly-contested than a dissolution proceeding. In addition, a party seeking support and division of property in a nullity proceeding has the burden of showing that he/she qualifies as a putative spouse. Accordingly, given the foregoing advantages and disadvantages, it is advised that one consult with an experienced attorney prior to filing a petition.

Atty. Kenneth Ursua Reyes was President of the Philippine American Bar Association. He is a member of both the Family law section and Immigration Law section of the Los Angeles County Bar Association. He is a graduate of Southwestern University Law School in Los Angeles and California State University, San Bernardino School of Business Administration. He has extensive CPA experience prior to law practice. LAW OFFICES OF KENNETH REYES, P.C. is located at 3699 Wilshire Blvd., Suite 700, Los Angeles, CA, 90010. Tel. (213) 388-1611 or e-mail kureyeslaw@aol.com. Visit website Kenreyeslaw.com
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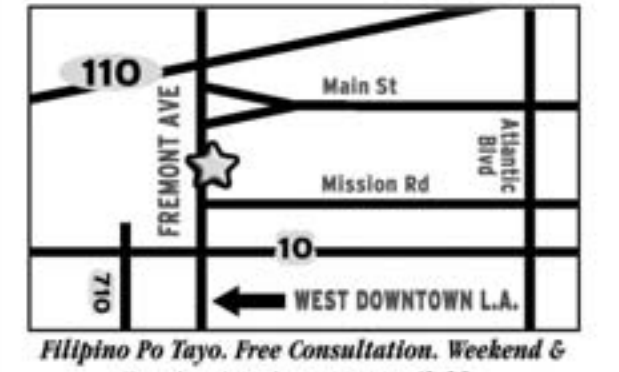
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LARRY YANG is a graduate of Georgetown University Law Center with a master's degree in Law and practices before California State Courts, United States District Courts, the California Appeals for the 9th Circuit and U.S. Bankruptcy Courts.

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