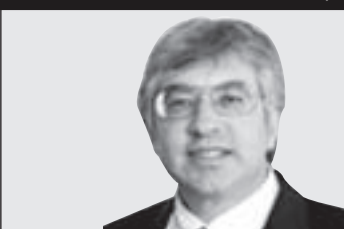


**PROTECTING RIGHT & \$**



ATTY. JOEL R. BANDER

# Getting a green card without going through labor certification

**E**XTRAORDINARY individual petitions (EB-1) are an extremely quick route to a green card. Petitioners need not go through the labor certification process, and the category is current for all countries, allowing all beneficiaries worldwide to apply for a green card simultaneously with the filing of the immigrant petition. Moreover, aliens with extraordinary ability may self-petition and do not need an employer or specific job offer.

EB-1 refers to the first preference employment-based immigrant worker category and applies to aliens with extraordinary ability in the sciences, arts, education, business or athletics, outstanding professors and researchers, and certain multinational executives and managers.

To qualify for EB-1, the beneficiary must meet the criteria prescribed for each classification. Aliens with extraordinary ability are defined by the USCIS as those with "extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation." Extraordinary ability may be evidenced by the beneficiary's receipt of a major internationally recognized award, such as a Nobel Prize, or by at least three of the following:

1. Receipt of lesser nationally or internationally recognized prizes or awards;
2. Membership in association in the field for which classification is sought, which requires outstanding achievement of their members, as judged by recognized national

- or international experts;
3. Published material about the person in professional or major trade publications or other major media;
4. Participation as a judge of the work of others;

5. Evidence of original scientific, scholastic, artistic, athletic or business-related contributions of major significance;
6. Authorship of scholarly articles in the field;
7. Artistic exhibitions or showcases;
8. Performance in a leading or cultural role for organizations or establishments that have a distinguished reputation;
9. High salary or remuneration in relation to others in the field; or
10. Commercial success in the performing arts.

For outstanding professors and researchers, it must be shown that the alien is recognized internationally for his outstanding academic achievements in a particular field, has at least three years experience in teaching or research in that academic area, and is entering the US in a tenure track or permanent teaching or comparable research position with the petitioning employer. Evidence of outstanding academic achievements must include at least two of the following:

1. Receipt of major prizes or awards for outstanding achievements;
2. Membership in an association which requires outstanding achievements;
3. Published material in professional publications written by others about the applicant's work;

4. Evidence of the person's participation as a judge of the work of others;
5. Evidence of original scientific research; or
6. Authorship of scholarly books or articles in the field.

A multinational manager or executive is eligible for EB-1 category if he has been employed outside the US for at least one year in the last three years preceding the petition by a firm or corporation and is entering the US to continue service to that firm or organization. The petitioner must be a US employer, doing business for at least one year, and is an affiliate, a subsidiary, or the same employer as the entity that employed the manager or executive abroad.

Although EB-1 is only applicable to a select number of people because of its stringent requirements, those who qualify for this category will find the application process easy with the help of an experienced immigration attorney. If you want to know your eligibility for this category, contact us.

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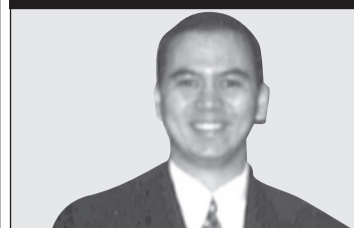
Atty. Joel R. Bander is the partner of Bander Law Firm, LLP. With over 15 years of litigation and immigration experience, Mr. Bander is a leading litigator and accomplished trial strategist. He has successfully handled numerous cases before Federal, State, Civil, and Criminal Judges and has participated in hundreds of arbitrations and trials.

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(Advertising Supplement)

# Aged-out children reunited with parents after years of separation

**IMMIGRATION UPDATE**



ATTY. EUGENE PALACIOS

**H**OW would you feel if after waiting for years, sometimes even decades, for the visas to become available in your case, you were told that your child would not be able to accompany you or follow and join you in the United States as your dependent because your child had already "aged-out"?

Fortunately, there is a possible solution to your problem—the Child Status Protection Act (CSPA). Our recent CSPA victories illustrate how the provisions of said law could be utilized to provide a solution to the aging-out problem.

**Recently filed case may retain earlier priority date**

The law states that if a derivative child is determined to be 21 years old or older under the CSPA when the visa number of the parent becomes available, the petition shall be converted to the appropriate category and the child shall be allowed to retain the original priority date issued upon receipt of the original petition.

Last February 2008, the US Citizenship and Immigration Services (USCIS) approved our request that the 29-year old daughter of our client be allowed to retain the August 3, 1989 original priority date of the case filed by her grandmother in behalf of her mother pursuant to the CSPA.

The daughter was still a minor at the time of the filing of the case but had already aged-out at the time the priority date became current on March 1, 2003. Her mother petitioned her upon arrival in the United States in 2003 but there is a 10-year backlog in her family-based category. As a result, however, of the approval of our request, her priority date has become current and she is now in the process of obtaining her immigrant visa from abroad. She will soon be reunited with her family after being separated from them for more than 5 years.

**21 years old or older but may still be considered a minor**

The CSPA preserves or locks in the age of the child at the time a visa number became available for the child, or in the case of derivatives, when a visa number became available for the child's parent, minus the period during which the immigrant petition was pending. For said formula to apply, however, the child must have sought to acquire lawful permanent resident status within one year of the visa availability date.

On April 11, 2008, the US Embassy in Manila, after agreeing to re-compute his age pursuant to the CSPA, allowed the 22-year old son of our client, a registered nurse who was able to obtain his greencard through employment in 2006, to follow and join his father in the United States as his dependent or "minor" child. He arrived as a lawful permanent resident and reunited with his family on May 11, 2008.

On June 2, 2008, we had another CSPA victory. The US Embassy in Manila approved our request that the age of the 22-year old son of another nurse,

Continued on PAGE C3

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# Are your debt problems pushing?

**MINDING YOUR FINANCES**



ATTY. RAYMOND BULAON

**Y**OU into bankruptcy? With two million people in foreclosure and rising unemployment, personal bankruptcies have surged once again. Experts predict that by the end of this year, there will be approximately a total of 1.1 million bankruptcies filed for 2008. Did you know that according to the American Bankruptcy Institute, families are now going bankrupt at the rate of 22,000 a week? If you are one of these individuals, perhaps you are starting to panic and are feeling a sense of urgency to act before things get worse.

Although no one ever likes to think of bankruptcy, the reality is that we are living in very difficult financial times and bankruptcies are becoming an ever-growing part of American life. In a past article, I stated how a lot of people felt extremely frustrated when they found out that there was absolutely nothing for them in the \$700 billion federal bailout handed to the large financial institutions. Out of this now comes the desperate realization for a lot of individuals that bankruptcy may be their only personal bailout. They say that if that if these giant financial institutions had to be bailed out just to get out of debt and recover financially, what about the debt-ridden consumers who could barely put food on the table in the midst of rising unemployment and this recession we're now in? Can filing for bankruptcy help you?

Of course, most people think of bankruptcy only as a last resort and would try to exhaust other options first if they are available. For example, if you are facing what may be a temporary hardship, it may be possible to communicate with creditors right away to work out a partial payment option until you get back on track. If you have fallen behind on mortgage payments, most banks are willing to work out a repayment plan or allow a suspension of payments for a few months. These days, more and more banks are also becoming more flexible in negotiating loan

modifications with homeowners in foreclosure.

Chapter 7 bankruptcy can often help people in foreclosure by wiping out credit card debts that are taking a huge portion of the household income. When you see someone who is buried in credit card debt and using almost half of his or her income just to make minimum payments on credit card debts every month, it is not hard to understand why making mortgage payments is such a struggle or almost impossible. This easily leads to delinquency and foreclosure becomes almost inevitable. By wiping out unsecured debts that you can no longer afford to pay, you may now be in a better position to afford your mortgage payments. In some cases, Chapter 13 may be the better option so you can consolidate all debts into one low payment. All debts, including back mortgage payments and property taxes, can be included in the consolidated monthly payment and the foreclosure is stopped immediately upon filing of the Chapter 13 case.

If your present financial difficulties are pushing you into bankruptcy, I understand how difficult it is to deal with this decision emotionally especially if you've never been in this situation before. However, I also want to encourage you to look on the bright side: If you have no other viable alternatives, remember that more than a million people file bankruptcy every year and they do just fine after bankruptcy. Most people with debt problems already have negatives on their credit report anyway and filing bankruptcy actually allows them to wipe the slate clean, start over and rebuild credit in as little as 2-3 years. Don't focus on short-term consequences. Look at the bigger picture and ask yourself how solving your debt problems now can produce long-term benefits.

These are very hard times and if you have to take the personal bankruptcy route, remember that you are not the only person who is going through financial difficulties at this time because a lot of people are on the same boat. For a free office consultation, call Toll-Free 1-866-477-7772. We have offices in Glendale, Cerritos and West Covina.

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None of the information herein is intended to give legal advice for any specific situation. Atty. Ray Bulaon has successfully helped over 4,000 clients in getting out of debt. For a free attorney evaluation of your situation, please call Ray Bulaon Law Offices at TOLL FREE 1-866-477-7772.

(Advertising Supplement)