

INSIDE IMMIGRATION



ATTY. DARREN SILVER

H1B holders have an exciting opportunity with a new Canadian Permanent Residency Program

manent residency with NO job offer or employer requirement.

To qualify for this program, an H1B worker must meet the following basic criteria:

A Candidate must demonstrate a clear ability and intention to live permanently in Alberta;

A Candidate must be currently working in the United States and possess a valid visa in one of the following temporary skilled worker visa categories: H1-B, H1-B1, H-1C, E-3 at the time the AINP makes a final decision on the application;

A Candidate must have a minimum of one year of work experi-

ence in the United States in one of the qualifying visa categories listed above; and,

A Candidate must have an occupation on the AINP Occupations Under pressure List. See www.AlbertaH1b.com for List.

The Process consists of two independent applications. Initially, the application for the AINP will be filed with the Province of Alberta. The processing time is currently 4 to 6 months. Upon approval from Alberta, the application will be filed Federally with an approval of the Landed Immigrant Status taking approx 6 months. As such, the entire pro-

cess form commencement until Permanent Residency under this "Fast Track" program is taking less than one year.

The Law Firm of Darren Silver & Associates is proud to offer assistance with this exciting Alberta H1b Program. Our Attorneys are licensed in the United States and Canada. Darren Silver & Associates has concentrated in the area of Immigration Law for over 15 years. The Firm has excelled in Business and Employment immigration and has achieved notoriety in these areas. All Attorneys are members of the American Immigration Lawyers Association

(AILA), State Associations and Canadian Associations where applicable. Our firm consisting of Both U.S and Canadian Licensed Attorneys has a unique vantage point for processing The Alberta H1B Program. Our Expert Attorneys are familiar with BOTH the complex nuances that are involved with the U.S H1B Visa program And the Canadian Residency laws. Together, they must be analyzed carefully in order to properly and successfully lodge the Alberta Fast Track Program.

Darren Silver & Associates is a nationwide practice that concentrates exclusively in the area of immigration and naturalization law.

Attorney Silver has over 14 years of immigration experience and possesses an extensive knowledge in all aspects of immigration law and procedures. Darren Silver was a former Immigration Department Adjudications officer in Los Angeles California and has headed Darren Silver & Associates since 1999. Immigration Attorney, Darren Silver can be contacted directly through his website www.darrensilver.com. Darren Silver & Associates is one of the Nations' preeminent Immigration Law Firms with a focus on Family, Business and Employment Immigration law.

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(Advertising Supplement)

The economic downturn and its effects on laid-off sponsored workers and H1B visa holders

As of the end of February 2009, almost every aspect of our communities has been affected by the global economic downturn. To address this problem, our new President, Barack Obama, recently signed the "American Recovery and Reinvestment Act of 2009," more fondly referred to as the "Stimulus bill." This bill provides a large number of tax credits and billions in U.S. dollars to programs that support American businesses and families, including extending the Unemployment Insurance benefits for thousands of laid-off workers.

However, precisely because of the economic problems in American businesses nowadays, many Sponsored workers and H1B visa holders have been displaced by being laid off of work. As if losing one's employment and source of income is not devastating enough, it is worse because one's immigration status is threatened to be lost too. Most of the time, family members are also involved.

Available remedies for laid-off sponsored workers and H1B visa holders

If you were a Sponsored worker or H1B visa holder and you were recently laid off, please do not lose hope. There are available remedies for you. Please call our office to discuss options

available to preserve your status. We would be happy to assist you in finding other Employers/Sponsors for you.

Unemployment benefits for laid-off sponsored workers and H1B visa holders

Many laid-off Sponsored workers are eligible to apply for unemployment benefits. What are "unemployment benefits?" Briefly, these are benefits paid from unemployment insurance programs governed by State laws following federal guidelines. Such insurance programs are paid for by each State's employers. For unemployment benefits to be provided, the programs require that employment be lost through no fault of the employee. This means that if the employee voluntarily resigns or is terminated for cause, he or she is ineligible for unemployment benefits.

However, some of these laid-off Sponsored workers do not apply for unemployment benefits, even if they are eligible to do so, for fear that such benefits may cause problems due to the public charge removability provisions under Immigration laws. Under the current Immigration laws, persons may be removed (deported) if they become subject to "public charge" within five years of their entry to the United States.

It is important to understand that unemployment benefits are not public charges per se because first, they are from insurance programs paid for by the employers; second, there is no government fee for this service; and third, there is no requirement for the employee to pay it back to the State. In fact, unemployment benefits are considered "taxable income" by the IRS. Thus, eligible laid-off Sponsored workers should apply for these benefits while they are unemployed.

This article is not intended to provide the reader any legal or tax advice. For more information on applicable legal remedies or tax benefits for you, please call our office at (714) 530-0042 or visit our website at bellareyes.com.

Bella Reyes is a Federal Tax and Immigration Attorney and has been practicing for over 12 years. She has clients in several states, including California, Texas, Nevada, Maryland, Washington, D.C., Florida, New York, and New Jersey. She is a member of the bars of the U.S. Supreme Court, U.S. Tax Court, and Maryland. Ms. Reyes graduated from Georgetown University Law Center and is one of the first female graduates of the Ateneo De Manila University. Her office is located at 421 N. Brookhurst Street, Suite 200, Anaheim, California 92801. She can be reached at Tel. (714) 530-0042, and her website address is: bellareyes.com.

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The New Anti-Foreclosure Law, Civil Code Section 2924

by GENE CHOE, ATTORNEY AT LAW

QUESTION: I lost my job for 5 months ago, due to companywide restructuring. I have desperately tried to look for employment, but to no avail. Naturally, I am behind my mortgage payments for 3 months. I called my bank numerously but no one there seems interested in helping me out. Meanwhile, just yesterday, in the mail box, was the dreaded Notice of Default, with a "Certified Mail" tag on it. Can I save my house? I have two young kids and my wife does not work. Incidentally, I bought the house in April, 2006 for \$550,000 and have two mortgages, 1st with Countrywide for \$400,000 approximately and \$80,000 as a second. The Countrywide mortgage is an adjustable interest rate loan with negative amortization feature. Now, my neighbor, whom I ran into yesterday, tells me that another house, foreclosed by a bank, was sold for little less than \$200,000.

Answer: The California legislature enacted a new foreclosure prevention law, Senate Bill 1137, now codified as Civil Code 2924, to assist the homeowners just like you. The law became effective September 6, 2008. To foreclose a residential property, mortgagees or banks (borrowers are mortgagors) have two options: judicial foreclosure or trustee sale. Banks usually opt for the trustee sale method, because it is quicker and cheaper. The disadvantage, however, is that junior lien holders (after the primary or 1st mortgage) are "wiped out" or discharged, if the sale proceeds is less than the first mortgage amount.

The first step in a trustee sale is for the lender to record Notice of Default ("NOD") and give the homeowner 90 days to reinstate the loan by paying up the delinquent amount. Next, the lender must file and record "Notice of Trustee Sale" ("NTS") and provide additional 20 days from the filing of Notice to the borrower to save his house from the foreclosure sale. The new 2924 requirement mandates the lender to file Notice of Intent to Foreclose ("NIF") before filing NOD and wait 30 days. In the meantime, lender must contact the borrower either in person or by phone, explore all options available to prevent foreclosures, analyze income and expense of the borrowers, inform the HUD foreclosure counselor's telephone number, and advise that the borrowers have a right to a second meeting with the lender within 14 days of the first contact. Lenders must offer various options to stave off foreclosure, including but not limited to, forbearance, short sale, and loan modification. Loan modification usually means lower interest rate to lower monthly payments. Principal balance of the mortgage may be reduced or temporarily reduced to match the current market value of the property.

If the lender satisfied their duties under the new foreclosure prevention law, then they must include statements stating so, in the NOD or NTS, by way of "Due Diligence Declaration". If they fail to do so, then the NOD or NTS is illegal and invalid. In such situations, homeowners facing foreclosure may alert the lenders as to the impropriety of the foreclosure process and demand the lender to re-engage in meaningful discussions to restructure the mortgage payments. Should the lenders persist on continuing with unlawful foreclosure process, homeowners may file suit for wrongful foreclosure and obtain a court order, or injunction to stop the foreclosure.

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FINDING IT HARD to find REAL HELP with your LOAN MODIFICATION?

Many homeowners are in distress and need help urgently. With so many people struggling with their mortgages or facing foreclosure, there are equally as many who are offering assistance, for a fee. If you are considering Loan Modification, be careful! Don't hire an illegal loan modification company.



Put the Right Lawyer on your side.

Talk to a Legal Home Help representative. We're here to help you.

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- LOTS OF WAYS TO PAY** - Everyone can afford care. Regular maintenance is not costly. We make every effort to accept most insurance plans and it's simple because we do all the paperwork for you!
- EMERGENCIES** - Your pain is our concern. Dental emergencies receive quick attention. We're on call 24 hours a day, 7 days a week. STOP YOUR SUFFERING NOW and call us.



Dr. Reynaldo Fernandez



Dr. Teresita Fernandez

If you have questions or would like to make an appointment for you or one of your family members, then call one of the offices most convenient for you.

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2 CONVENIENT LOCATIONS

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