

# Four Mistakes That Can Come Back to Haunt You

by FRANKLIN W. NELSON, ATTORNEY AT LAW

I'VE been practicing immigration law for nearly 15 years now, and perhaps the most painful part of my practice is telling people I can't help them. Sometimes, this is simply because U.S. immigration law doesn't provide benefits for everyone and the person in my office is one of the people the law is simply not designed to help. However, much more often, it is because their case, by the time they bring it to me, is either broken beyond repair or, if repairable, the fix is so costly they simply can't afford it. The tragedy of so many of these cases lies in the fact that they often started out as fairly simple cases but, through either inattention and/or mismanagement, they became increasingly difficult, and eventually, irretrievable. Although it usually takes more than one mistake to ruin a case, there are several common errors that I see repeatedly and all of them are very easy to avoid.

## 1. "I can't wait that long, attorney."

Waiting is perhaps the most difficult thing for anyone to do - so, we tend to reject any option that requires us to do it. All family-based preference categories are backlogged. This was true when I started practicing immigration law in 1994, is still true today, and will most likely remain true for many years to come. In other words, if you want your relatives to join you here in the U.S., you will have to do two things: 1) you will have to petition them, and 2) you will have to wait. Waiting is a very hard thing to do when you miss your family, but even if the expected waiting period is several years, that is still much less waiting than you will do if you don't petition them. If, because you don't want to wait that long, you decide to not to petition your relatives, you won't just be waiting years, you will be waiting forever.

## 2. "A friend told me it would work."

A person is not qualified to give you immigration advice just because he or she is your friend, or even your relative. They may tell you that what they are advising you to do has worked for them, or perhaps for other people they know, and their cases were "just like" yours. Well, I have been doing this for a very long time and have handled thousands of cases. Yet, I have never seen two cases that were exactly alike; Not ever. Moreover, something that might get you a short-term benefit, such as a work permit, might seem to work, when in fact all it is doing is ruining your chances of getting your green card and having a future in the U.S.

## 3. "The attorney said he could do it."

Being an attorney doesn't give a person magical powers. Attorneys still have to work within the law and they can't file an application or petition for an immigration benefit when their client is not eligible for that benefit. In addition, most applications are discretionary, requiring a persuasive and

organized presentation. If an attorney says he or she can do something for you, ask them how. Ask detailed questions and expect explanations you can understand. Don't accept statements like "trust me" or "it's too complicated to explain." This is your life, your future, and you're putting it into someone else's hands and giving them a lot of money to take care of it for you. Be certain they know what they are doing.

## 4. "I thought I could do it myself."

Most applications look pretty simple. The questions are not hard and the answers seem to be obvious. However, looks can be deceiving - and almost always are deceiving when it comes to immigration. Immigration law is, at its core, administrative practice, which means there is a form for everything. That does not mean, however, that filling out and filing the form is sufficient, by itself, to present an approvable case. Most applications for immigration benefits require persuasive letters or declarations, and sometimes both letters and declarations, in addition to other evidence which must comply with very specific criteria. If your mistake is simply not submitting sufficient evidence in support of your case, you will have wasted the time and effort you spent to put it together, plus the filing fee, but you might still be able to fix it and re-file it. If, however, your mistake is that you submitted the wrong document, or said the wrong thing, simply because you didn't know any better, that mistake likely cannot be corrected with a subsequent filing.

All of these mistakes can have disastrous consequences, but all of them can be easily avoided. So please, avoid them. It will make your life, and my job, a lot easier.

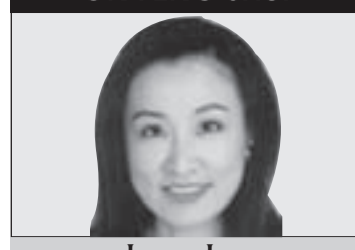
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Mr. Nelson obtained both his Bachelor's Degree in Economics and his Juris Doctorate Degree from the University of Southern California. He has been practicing law since 1990 and immigration law since 1994. A member of the American Immigration Lawyers Association, the Los Angeles County Bar Association, and the American Bar Association, Mr. Nelson is admitted to practice before all courts in the State of California, the United States District Courts for the Northern, Central, and Eastern Districts of California, the United States Court of Appeals for the Ninth Circuit and the United States Supreme Court. Further inquiries should be directed to Attorney Nelson at his Pasadena Office by calling (626) 683-3451.

(Advertising Supplement)



Atty. Franklin W. Nelson

## ON FENG SHUI



JENNY LIU

Can you tell us a little about your client?

Master Jenny: Mr. Wu owns a restaurant in a good location. Ever since his grand opening, he had been doing very well. The restaurant brought in at least \$30,000 every month and there were always customers waiting to be served. Because it was so busy, Mr. Wu decided to expand and invited his two brothers into the business. To minimize business loss, they quickly remodeled and enlarged the restaurant.

Q: Why did the client call you?

Master Jenny: Not long after the partnership and expansion were implemented, business went down dramatically. They suffered substantial financial loss each month, which resulted in bitter disputes between Mr. Wu and his brothers. Mr. Wu could not figure it out, the food is the same, there are more waiters and tables, and he has advertised in all the local papers. It did not make any sense to him. He tells me he has never believed in feng shui, however in his desperate situation, he has no choice but to try an alternative solution.

Q: What led the client to Liu Feng Shui, Inc?

Master Jenny: A good friend of Mr. Wu recommended me to him. The friend had been in a similar situation facing bankruptcy. After we adjusted his feng shui, his business improved within six months.

Q: Did you discover an underlying issue during the consultation that the client was un-

# Compatibility in business - Feng Shui case study

aware of?

Master Jenny: I looked at Mr. Wu and his two brothers' birth charts, auras, past lives, faces, and palms, and consulted the Yi Jing. Of the three brothers, only Mr. Wu's birth chart indicates that he is suited to the restaurant business. His other brothers are better suited to other businesses.

All three brothers have strong potential for running their own business and being the boss, which means that working in partnerships is not promoting. Each of them needs to exert power and be in control. Before their partnership, there was one boss who was able to take control and make the decisions. Now with three opinions and solutions, little can be accomplished without chaos.

Q: Did this discovery resonate with the client?

Master Jenny: Yes! The three brothers all had a good laugh and admitted that this was true. If Mr. Wu can afford to, he should buy out his brothers or they should consider being silent partners.

Q: How was their feng shui? What are some of the adjustments they needed to do?

Master Jenny: First of all, in their remodeling, they put the main entry in the wrong orientation for Mr. Wu and his brothers. I recommended changing the main door to the southeast - one of their compatible directions. There is also a large yellow parking structure facing their restaurant that is blocking energy and causing conflict. I recommended using reflective materials or the color blue on the outside of the restaurant to counteract this negative energy.

In their remodel, they added on private banquet rooms that

made the shape of their restaurant irregular and created missing sectors in their wealth directions. This can be adjusted through strategically placed mirrors and special Chi Art with mantras for creating business. The interior chi also needed to be adjusted. The color of the tablecloths and drapes were peach, which is not a strong color frequency for them. Mr. Wu and his brothers are promoted by cooler tones such as green, blue, and purple. They should also move the aquarium to the south and their cashier to the left, or east side, of the entry. This stimulates prosperity coming into the restaurant.

What is the lesson from Mr. Wu's case?

Master Jenny: Before you go into business with someone, make sure that your birth charts are compatible. Do not adjust the feng shui carelessly or too quickly. When remodeling or expanding, you are changing the form and energy of your home or work place. If you make the wrong alterations, you could unknowingly induce personal harm, money loss, problems, and chaos.

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Jenny Liu is a fourth generation feng shui master and is available for residential and commercial consultations. To learn more, please see her website at Liu-FengShui.com, or call her at (626) 272-4901 for a free estimate. Mention this article in Asian Journal and receive a 10% discount.

Guide to a Harmonious 2009-156 pages, full color, soft cover - on sale now for \$25 or two for \$45. To order or preview book, go to www.Liu-FengShui.com or call Julie at (626) 862-1788. Audio book format also available. Download a FREE Zodiac Scroll and see our FREE Library Seminar Calendar at Liu-FengShui.com. Join Jenny Liu for Feng Shui Tea Time: 2009 Feng Shui on Saturday January 31, 2009. For more information call Julie at (626) 862-1788.

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# Home Affordable Modification Program

RECENT news from Capitol Hill has been talking about 'Home Affordable Modification Program Guidelines'. Almost 10 day ago, President Obama's staff has drawn a trial loan modification program. The following is a summary of the program's main points:

Monthly Payment reduction Cost Share: The US Treasury Department will partner with financial institutions, including investment houses and banks, to reduce homeowners' monthly payments. More emphasis will be placed on borrower's DTI ratio.

Servicer Incentive Payments and Pay for Success Fees: Servicers, identified as financial related organization which collect payments made on secured and unsecured debt from borrowers in managed escrow accounts, will receive incentive payment of up to \$4,000 for each eligible modification.

Borrower Pay-for-Performance Success Payment: Borrowers can receive up to \$5,000 towards their principles as long as the borrower is current on his/her monthly payments.

Current Borrower One-Time Bonus Incentive: Borrowers who are current on their payments can receive a one-time bonus incentive payment of \$1,500 towards their mortgage payments

and \$500 will be provided for modification. Acting on behalf of the lender/investor, the servicer will be required to maintain and establish records proving eligibility of borrowers during the trial period.

Program Payment Conditions: No lender, investor or servicer will be eligible for any kind of payments unless they enter into an agreement with Treasury's financial agents by December 31st of 2009.

Origination Date of Loan Subject to Modification: Only mortgages made on or before January 1st of 2009 are eligible.

Program Expiration: New borrowers will be accepted until December 31st of 2012. Payments made will be monitored through the life of the program.

Qualification Terms: The home must be an owner occupied Single Family residence (up to four units), condominium, cooperative, and manufactured home affixed to a foundation and treated as real property under state law).

The home must be primary residence (verified by tax return and credit reports).

The home may not be investor-owned.



The home may not be vacant or condemned.

First lien loans must have an unpaid principle balance equal to or less than \$729,750 for 1 unit.

There are no LTV requirements

As a homeowner and a borrower, you owe it to yourself to save your right of ownership and enjoyment of private property. Servicers, lenders and investors have hired powerful law firms to protect their own interests. Hiring a law firm to represent you in modification procedures will give you leverage. Please call Elbert at 800.249.4529 x102 or email us at Elbert@habasylaw-firm.com.

Mr. John Habashy is an attorney at law, graduated from USC, with an extensive loan modification experience.

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# New background clearance...

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lief in the Federal Courts, enlisting the intervention of a US District Court Judge to order the USCIS and related agencies to complete the background checks within a "reasonable time" as required under the Administrative Procedure Act (APA). While Mandamus remains a viable tool to obtain long overdue adjudication of green card applications, USCIS' new policy may help individuals avoid litigation in many cases.

Under the revised policy of February 2009, the USCIS will continue to initiate the required background checks upon the receipt of applications for adjustment of status. Where the application is otherwise approvable and has been pending at least 150 days, the USCIS adjudicator must contact USCIS headquarters to determine the reasons for the background check delay. Case-

by-case, USCIS Headquarters will authorize approval of the application for adjustment of status. As with the previous policy, USCIS will retain the files of cases where the application has been adjudicated pending the results of the background clearance. If the background clearance reveals a criminal history or other potential basis for ineligibility, USCIS will render a determination as to whether rescission or removal proceedings should be initiated against the alien.

The USCIS will continue its requirement that all applicable background clearances must be obtained before adjudicating N-400, Applications for Naturalization. An applicant for naturalization, however, may seek the intervention of a US District Court Judge if more than 120 days have passed since the interview and no

decision has been rendered.

Applicants for adjustment of status may still look forward to receiving a decision from USCIS within 180 days. If more than 180 days elapses with no decision forthcoming, the applicant may consider filing a lawsuit seeking Mandamus relief to enforce the new CIS policy. Of course, litigation is generally a last resort and an applicant's Immigration Attorney should exercise diplomacy with the USCIS to obtain a favorable resort for any applicant prior to filing suit in Federal Court.

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## CREATIVE SMILES



DR. NELLY LYN MONTILLA

PEOPLE seek cosmetic dentistry for a variety of reasons. Some people simply want to look younger, and cosmetic dentistry is like a dental facelift that can quickly "reverse" the natural aging process of the teeth. Others, the majority, have had unattractive teeth their whole lives and have always felt self-conscious because of them. They will rarely smile, which can often hide a warm side of their personality. Modern dentistry offers a wide variety of treatment options for people seeking to enhance their smile. The options range from porcelain veneers to braces! In many cases, a combination of these techniques is required to deliver the best results.

Porcelain Veneers Porcelain Laminate Veneers, or simply "veneers", are custom-made porcelain wafers that the dentist places over the fronts of the teeth to enhance their appearance and also to repair dam-

# How cosmetic dentistry works

age. Veneers can dramatically change a person's smile and help improve their self-confidence. In the 1920's and 30's, actors, actresses and other performers would often go to the extreme measure of having their teeth extracted and dentures (false teeth) made to improve their smile. Fortunately, this radical procedure has given way to veneers, a far more conservative approach. Veneers are what give many Hollywood movie stars that dazzling smile we see on the silver screen. Veneers can be used to improve a wide variety of cosmetic dental problems. They can whiten stained or discolored teeth, close gaps between teeth, "correct" a crooked smile without the need for braces, repair chips and imperfections, and create a more attractive or youthful looking smile. The procedure usually involves removing only a thin amount of the outermost layer of the tooth, called the enamel. The dentist then takes molds (impressions) of the mouth. Temporary veneers

are then placed for the patient to wear while the permanent veneers are being made. The procedure usually takes between one and a half and two hours. Next, the laboratory carefully crafts the porcelain into veneers. In about two weeks, the veneers are ready for the dentist to fasten to the fronts of the teeth. This process improves the teeth's appearance and strength. You can have the smile of the stars without being a star yourself and minus the celebrity hustle.\*

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The following information is provided as a general guideline. It is NOT intended in place of professional care. Since every pregnancy may vary, consult your physician or dentist for advice on your particular situation.

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# The Filipino will teach the world

CSI Professionals on Filipinos: Riding Against the Current of Depression

AN analogy: Like a mother penguin would hunt for food for their young while the father penguin keeps the egg warm, Filipinos constantly look for ways on how to manage making their families survive, no matter what the economic situation may be. Filipinos are well known to be easygoing, flexible and always happy despite all kinds of adversities that come their way individually or in their families; but their "other side" is characterized by dedication, perseverance and loyalty to their families, as reflected by the majority of Filipinos fleeing their home country just to find any type of decent-paying job overseas.

Undeniably, everyone can feel and is worried about the global economic recession, especially the family's breadwinners. It is quite strange though, that most people from outside the U.S. still risk going to America to at least try and look for work, despite this crisis' impact being strongly felt in a first-world country like the U.S. While America continually feels the effects of this economic slump, Filipinos, with their devoted nature of survival (and as expected), ride against the current of depression and seek for better opportunities from fragments left

by this inflation.

Right now, all we know is that President Obama and the government are making efforts for the betterment of the economy, and they reiterate that this recovery would not happen overnight. It is now then a matter of hope and optimism in this positive change wherein most immigrants will dwell in deciding for their purpose.

In relation to this, a certain individual 'caught our eye' when he came to us in his mature age, but fresh from the Philippines and looking for work. While we are only concerned about placing our applicants in our client companies, we could not help but admire the persistence of this mature man in diving into a condition of unemployment, together with the thousands of younger Filipino employment-seekers in L.A. We had come to know, from his account, that his friend back home defined the employment condition in the U.S. being the same to that of the Philippines, especially among their age range. Even if there was this 'temptation' of returning home, he was stirred by this hint of hope, just like what CSI has always believed in.

For any incidence, there is always a reason. For every action, there is an equal and opposite re-

action, and so on. We are experiencing what man has inflicted in himself; and WE are to do a collective effort to make all things better.

In this global crisis, there is a reason and there will be a realization. For every adversity, there is always the tendency for either hope or acceptance of defeat. No one wants to be 'eaten alive' by all these global concerns. It is now a matter of survival and a decision whether to unselfishly pursue an absolute objective.

An analogy: Keys to man's survival: hope; unselfishness; solidarity.

Keys to CSI's proven objective of service: unselfishness, concern, unwavering assistance.

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