

MINDING YOUR FINANCES



ATTY. RAYMOND BULAON

Have you used credit cards to pay your mortgage?

reporting increases of 50% or more on delinquent accounts compared with the same period a year ago. Economists are predicting that delinquencies and defaults will rise further as the foreclosure crisis worsens.

Just a few years ago, a lot of debt-ridden homeowners were at least able to tap into their home equity (as a last resort to avoid bankruptcy) and use the cash to pay debts. But with the current real estate market condition where property values in some areas are down as much as 50% from just a few years back, these same homeowners are finding it impossible to refinance their mortgage or obtain an equity line of credit. Because banks are no longer willing to loan money like they used to, homeowners are now whipping out their credit cards for quick cash. Credit cards can be useful in financial emergencies provided that you can pay it all back. But borrowing more than you can repay is committing financial suicide and will only lead you to bankruptcy.

Important Update: Lately, a lot of homeowners facing foreclosure have also told me that they tried working out a loan modification with their lender but were told that due to their high debt-income ratio (as a result of having too much credit card debt), they simply do not qualify for a loan modification. What

this means is that if you have too much debt that you cannot repay, chances are that you can't afford to keep your house either and it is probably pointless to even modify your loan if you will end up in foreclosure anyway. Thus, it only makes sense to find a way to either lower or eliminate your other debts in order to improve your chances of getting a loan modification with your lender.

If you are facing serious debt problems, the time to seek help is now, not later because the longer you wait, more often than not, the more you limit the options that may be available to you. If you are one of the thousands of homeowners in this country who are dealing with a foreclosure, remember that time is of the essence and important legal and property rights may be at stake. Seek counsel immediately from an experienced and knowledgeable bankruptcy attorney who can advise you regarding possible legal options.

For a free consultation, please call our office at Toll-Free 1-866-477-7772. We have offices in Glendale, Cerritos and West Covina.

None of the information herein is intended to give legal advice for any specific situation. Atty. Ray Bulaon has successfully helped more than 4,000 clients in finding solutions to their debt problems. To schedule a free attorney consultation, please call Ray Bulaon Law Offices at TOLL FREE 1-866-477-7772.

(Advertising Supplement)

IMMIGRATION EDGE



ATTY. DANIEL HANLON

New 'background clearance' policy at USCIS

agency Border Inspection Services (IBIS) checks mandatory prior to the approval of these immigration benefits. As a result, foreign nationals were subjected to delays of several months, and in some cases years, for the adjudication of their green card applications.

Applicants weary of such delays could seek "mandamus" relief 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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PROTECTING RIGHT & \$



ATTY. JOEL R. BANDER

When moral character is an issue in naturalization

the moral standard of the average citizen in your community. Therefore, customs and expectations relating to good moral character differ according to area.

An immigration officer has the authority to examine the applicant's entire life and to closely scrutinize the 5 years preceding his/her naturalization application. Past actions relating to applicant's current behavior may be discussed, although they cannot be the basis for the denial of his/her application.

The following have been given as examples by the USCIS that might demonstrate a lack of good moral character:

Any crime against a person with intent to harm.

Any crime against property or the Government that involves "fraud" or evil intent.

Two or more crimes for which the aggravated sentence was 5 years or more.

Violating any controlled substance law of the United States, any State, or any foreign country.

Habitual drunkenness.

Illegal gambling.

Prostitution.

Polygamy (marriage to more than one person at the same time).

Lying to gain immigration benefits.

Failing to pay court-ordered child support or alimony payments.

Confinement in jail, prison, or similar institution for which the total confinement was 180 days or

more during the past 5 years (or 3 years if you are applying based on your marriage to a US citizen).

Failing to complete any probation, parole, or suspended sentence before applying for naturalization.

Terrorist acts.

Persecution of anyone because of race, religion, national origin, political opinion, or social group.

A person who has been convicted of murder at any time, or convicted of any other aggravated felony on or after November 29, 1990 cannot establish good moral character and therefore, is barred from applying for naturalization.

The applicant must not lie. All arrests, convictions and crimes should be disclosed in the application. Even those conviction records that have been expunged must be reported. Failure to tell the truth about the applicant's involvement in any crime could lead to the denial of his application for lacking good moral character.

Bander Law Firm, LLP has been providing immigration services for over 15 years and has multilingual staff who can communicate effectively in Tagalog, Spanish, Sinhala, and Mandarin. Our firm provides free initial consultation on immigration matters, except criminal-related matters. Please feel free to call Bander Law Firm, LLP at 213-873-4333 to schedule your free initial consultation. To learn more about immigration concerns and read previous columns, visit www.BanderLaw.com.

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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MOST people apply for a green card with the ultimate goal of becoming a US citizen someday. Certain benefits are granted to citizens that are not available to green card holders, such as the right to vote in federal elections, right to obtain citizenship for children born abroad, eligibility for federal jobs, and right to become an elected official.

The process of conferring citizenship on a person is called naturalization. To be eligible for naturalization, the following requirements must be met: (1) must be a lawful permanent resident for 5 years, or 3 years if applying based on marriage to a U.S. citizen; (2) must be physically present for at least one-half of the 5-year or 3-year period; (3) must be 18 years or over; (4) must have resided for at least 3 months in the state where the application is filed; and (5) must meet the good moral character requirement for 5 years prior to filing the application.

Many people may have already met the five-year residency requirement but are not eligible to apply for naturalization due to moral character issues. There is no clear definition of good moral character for the purpose of an immigration proceeding. Good moral character has been interpreted to mean that your behavior meets

Sen. Will Espero

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faculty's accomplishment is the reason why he advocated robotics education when he introduced the resolution four years ago.

"Winning competitions is thrilling, but the real achievement is that many students who previously had little interest in this tough academic area are now seeing that a career in science, technology, engineering, and math is not only possible, but satisfying as well," he wrote.

"The incredible benefits of stimulating interest in an area so

badly needed in our country are what motivates those of us who believe in STEM training to continue on this path."

He said that students are not only gearing themselves toward a field through robotics education but they also develop critical thinking skills, teamwork, and problem-solving skills.

"Developing our young people's capacity for innovation through robotics education trains them to adapt to changing times, and ensures a bright future for our state," added Espero. ■



ATTENTION NURSES AND OTHER HOSPITAL OR HEALTH CARE EMPLOYEES!

- ▶ Are you paid different hourly rates for the same job, depending on whether you are assigned an 8-hour shift or a 12-hour shift?
- ▶ Are you paid a fixed salary and work more than 8 hrs a day or more than 40 hrs a week?
- ▶ When you work more than 8 hours a day or more than 40 hours a week, are you paid only your regular hourly rate and not the overtime premium rate?
- ▶ Are you unable to take a meal break even though you work more than five hours in a day?
- ▶ Are you classified at work as an independent contractor without employee benefits although you are supervised by your employer?

If you answered **YES** to any of the questions above, you may be entitled to additional compensation. We can help you. Contact the

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Your inquiries are welcome.
No recovery, no fee.

The RN contract...

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RN is applying for US citizenship. The Immigration Service reviews the basis of the green card and determines how long the RN worked for her sponsor. If it determines that the RN has only worked for a short period of time, it may begin revocation and deportation proceedings against both the RN and her family members who obtained green cards through her.

These tragic consequences can be avoided by careful review in the beginning. For many of those currently in the position, there is still immigration and contractual relief available. The US Constitution prohibits slavery and indentured servitude and because in many cases the sponsoring employer breaches the contract, the employee is not liable for any damages. This core constitutional value is the basis for providing relief to those forced to leave their sponsors. This will be the subject of our second part of this article.

Website: www.rreeves.com.

The analysis and suggestions offered in this column do not create a lawyer-client relationship and are not a substitute for the personalized representation that is essential to every case.

(Advertising Supplement)

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Atty. Reeves has represented clients in numerous landmark immigration cases that have set new policies regarding INS action and immigrants' rights. His offices are located in Pasadena, San Francisco, Las Vegas and Makati City.
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