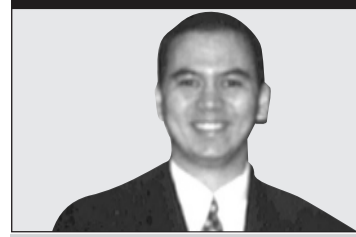


IMMIGRATION UPDATE



ATTY. EUGENE PALACIOS

Consequences for failure to work for employer after getting Greencard

DEAR Atty. Palacios, I am a registered nurse who just arrived from the Philippines pursuant to an approved immigrant petition filed by my employer here in California. The U.S. Embassy in Manila issued me an immigrant visa and I expect to get my greencard anytime soon. I signed an employment agreement with my employer but I am now getting better offers from other hospitals. What are the consequences if I fail or refuse to work for the employer who petitioned me after getting my greencard?

Sincerely,
Maria

Dear Maria:

When an employer files the petition on behalf of a foreign national, whether a registered nurse (RN) or not, the package normally includes a letter containing the employer's offer of full-time and permanent employment to said individual. This letter is a pre-requisite before any employment-based immigrant petition can be approved because it determines whether the employer, from the beginning, has intent to employ the foreign national on a full-time and permanent basis. Please note that absent such intent, the petition will be considered fraudulent or bogus and will be denied.

Generally, before some employers agree to sponsor a foreign national, they require the individual to sign an employment agreement with them, typically for a period of two years. If there is an employment agreement, such document is likewise normally submitted to United States Citizenship & Immigration Services (USCIS) because it serves as evidence not only of employer's intent, but also of the foreign national's intent to work for the employer on a full-time and permanent basis.

In your case, the petition filed by your employer on your behalf was approved and you were issued an immigrant visa by the U.S. Embassy on the basis of your employer's representation that there is a full-time and permanent employment as an RN that awaits you in California and on the basis of your representation that you intend to work for said employer as an RN on a full-time and permanent basis upon your arrival in the United States.

Therefore, to maintain lawful permanent resident status (LPR) status, it must be shown after your admission that there was in fact a genuine offer of employment and a genuine intent on your part to work for that particular employer that petitioned you. To establish this, we normally advise our clients who have been admitted into the United States by virtue of an employment-based petition to work and continue working for that particular employer for a reasonable period of time. As to what period of time is considered reasonable, some lawyers opine that 180 days is sufficient but the USCIS has not yet issued any guidelines regarding this issue. To play it safe, we usually tell our clients to work for at least a year from time they received their greencard.

Failure or refusal on your part to work full-time for your employer for a reasonable period of time, unless due to justifiable circumstances, may result in the latter taking an adverse action against you, e.g., filing with the USCIS a complaint indicating your lack of genuine intent to work for the company, as well as the filing of a complaint with the superior courts of California for breach of contract.

If the USCIS finds out that you did not work at all or you only worked for a very short period of time as an RN for the petitioner that sponsored you, there is a

risk that it might initiate actions leading to the revocation of your LPR status as well as those of your derivative beneficiaries. Even if the employer did not file a complaint against you with the USCIS, the USCIS could still find out a few years later that you did not work at all or you only worked for a very short period of time as an RN for the petitioner that sponsored you when you apply for naturalization or file a petition for a family member.

Further, please note that the employment agreement you signed with your employer constitutes a binding contract between you and your employer. By virtue thereof, you have voluntarily bound yourself to comply with the terms and conditions contained therein and should you breach any of its terms, you may be held liable for a substantial amount of monetary damages.

If you want to know more about this topic, please feel free to call us at (818) 956-8844 [Glendale] or at (626) 331-8188 [Covina] to schedule an appointment for your free initial consultation, or visit us at www.palacioslawfirm.com.

Attorney Eugene M. Palacios is the founder and principal of the Law Offices of Eugene M. Palacios, APLC. He has great depth of experience and a successful track record in handling employment and family-based petitions as well as PERM and naturalization applications. He is licensed as an attorney in California and is admitted to practice before US Immigration Courts, the US Central District Court, and California State Courts. He is also an active member of the American Immigration Lawyers' Association. His offices are located at 100 North Brand Boulevard, Suite 600, Glendale, California 91203 and at 800 South Barranca Avenue, Suite 250, Covina, California 91723.

The above article does not, and is not intended to, constitute legal advice for a specific immigration problem and does not create an attorney-client relationship between our office and the reader. It is for informational purposes only and reflects our law firm's opinions and views on general issues.

(Advertising Supplement)

MINDING YOUR FINANCES



ATTY. RAYMOND BULAON

How to rebuild your life after foreclosure

IF you have recently lost your home to foreclosure, you may feel like it's the end of the world. You may feel depressed and emotionally devastated. You may even wonder if life can ever be the same again. Listen to me. Believe it or not, there is life after foreclosure and things may not be as bad as you think. You may not see it now but trust me, like most things in life, this, too, will soon pass.

The truth is that most foreclosure victims eventually become homeowners again. But you need to have a solid plan for the future- and the time to start is now. The amount of effort you put in will determine how long it will take for you to rebuild your finances, your credit and your life.

If you have not found a new place to live, obviously that is the first thing you need to do. In looking for a house or apartment, do not be embarrassed to tell the landlord that you recently lost your house to foreclosure and that you are now starting over. These days, there are a lot of houses for rent and what I am seeing is that landlords have somewhat become more flexible when screening prospective tenants. If you have good personal references, stable employment and the money for the first months' rent and the required security de-

posit, you should have no problem finding the right place. Of course, not all landlords have the same criteria so you should look around and see what's out there for you.

A foreclosure shows on your credit report for 7 years but most banks will give you a chance if it is at least 3 years old and you have some type of re-established credit. Work on improving your credit score by paying your bills on time and making sure that your debt to income ratio is not too high. If you were forced to file for bankruptcy as a result of your foreclosure, the bankruptcy will also be reported on your credit report for 7 to 10 years, depending on what type of bankruptcy you filed. But again, although the bankruptcy stays on your credit report for that long, most people are able to re-establish credit only after about 3 years. As a bankruptcy attorney who has helped thousands of clients over the years, I have found this to be true.

If your household expenses have significantly gone down after foreclosure due to your reduced housing expenses, for the first time you may now be in a position to save money. This is the time to start an emergency fund. Make sure you have at least 3 months' worth of living expenses put aside. Start putting together a financial plan for your retirement, perhaps a college plan for your children if you are raising a family. Make sure you

have adequate life insurance to protect your loved ones. Open a savings account and start putting aside at least 10% of your income every month. If you do this consistently, in a few years, you can have enough money to use for a down payment on your next house.

I don't know the circumstances that led to your foreclosure but whatever they were, remember that they are no longer of any consequence- unless you allow them to be. So pick yourself up and quit blaming yourself or others for what has happened. The past is an undeniable and an unchangeable fact. But your future is an unlimited, boundless opportunity. Do not allow your awareness of past failures or difficulties to adversely affect your current and future possibilities.

If you have not lost your property to foreclosure but are currently in foreclosure proceedings, you may still have time to act. Or maybe you're not even sure if you should keep your property or not, and/or if you will be liable for any foreclosure deficiencies after the sale date. For a free office consultation, please call 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 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)

TAPAT SA BATAS



ATTY. RHEA V. SAMSON

Ang student visa

na magsisimula ng October 1, 2009. Hindi pa nagbibigay ang USCIS ng update kung ilang H1-B Petition na ang kaniyang natanggap at kung ang quota ay naubos na. Ngunit inaasahan na sa susunod na linggo, ang USCIS ay magbibigay na ng update.

Dahil maaaring ang H1-B ay hindi na option para sa mga gustong magpalit ng nonimmigrant status dito sa US, marami ang nagtatanong kung ano pa ang mga ibang nonimmigrant status ang available sa kanila. Isa ito ay ang student visa.

Ang student visa ay maaaring makuha ng dayuhang estudyante na gustong mag-full-time academic study sa elementary school, academic high school, college, university, seminary, conservatory o language training program. Ang academic study ay maaaring bachelor's degree, master's degree, PhD o post-doctoral studies.

Ang mga kailangan sa student visa ay ang mga sumusunod:

1. Ang student ay kailangang mag-enroll sa isang approved SEVIS (Student and Exchange Visitor Information System) School ng Attorney General. Ang buong listahan ng SEVIS Approved Schools ay makikita sa <http://www.ice.gov/sevis/map/statenames.htm>.
2. Ang student ay kailangang mag-enroll sa "full-course of study." Ang student ay sinasabing naka-enroll sa full-course of study kapag ang mga kursong kanyang kinukuha ay sapat para matapos niya ang kanyang pag-aaral sa karaniwang panahon ng pagtatapos nito. Halimbawa, kung ang number of units na kinukuha ng student para sa kanyang bachelor's degree ay sapat upang matapos niya ang kanyang pag-aaral sa loob ng apat na taon, siya ay sinasabing naka-enroll sa full-course of study ng bachelor's degree.
3. Ang student ay kailangang dalubhasa sa Ingles o naka-enroll sa mga kurso ng English language patungo sa pagiging dalubhasa sa Ingles;
4. Ang student ay may sapat na finances para suportahan ang kanyang pag-aaral, pati na rin ang kanyang living expenses, sa buong panahon ng kanyang student visa. Ito ay dahil ang isang student ay hindi maaaring mag-trabaho

BARRISTER'S CORNER



ATTY. KENNETH URSUA REYES

Divorce consequences of moving from a common law state to California

California's marital property laws are designed to provide for uniform treatment of quasi-community and community property when the parties have changed their domicile to this State and legally seek to alter their marital status in a California court.

CALIFORNIA is a community property state. This means property acquired by a couple during the marriage is community property for which each spouse has an equal interest. Other states such as New York and Connecticut are common law states. Property acquired by each spouse even during the marriage are the respective spouse's separate property. What happens to a property purchased in a common law state if the couple moves from a common law state and established domicile in California which is a community property state? What if the couple continues to own properties in the common law state but initiates divorce in California after they have established domicile in California? The establishment of a California marital domicile may trigger what is called California "quasi-community property" law, under which the parties' common law separate property will be treated as if it were community property for certain purposes. This means quasi-community property will be treated as part of the community property estate and

will be divided as if it were community property. "California's marital property laws are designed to provide for uniform treatment of quasi-community and community property when the parties have changed their domicile to this State and legally seek to alter their marital status in a California court."

"Quasi-community property" is defined as real and personal property, wherever situated, which would have been community property had the owner spouse been domiciled in California at the time of acquisition, and any property acquired in exchange for such property. In order for the out of state property to be treated as Quasi-community property, both spouses must have established California as their marital domicile unless the non California domiciled spouse consents to jurisdiction in California and to the appli-

cation of California marital law. Also, if the out of state property would have been treated as the spouse's separate property if the spouses were domiciled in California at the time it was acquired, then the property cannot be quasi-community property.

Couples that own properties in common law state should obtain the assistance of an experienced attorney when contemplating divorce, legal separation, or annulment proceedings.

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 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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Entry visas that...

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enter the U.S. One should also know the impact of that visa before filing to change or adjust status. This is clearly a situation where knowledge is power and what you don't know could hurt you.

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.
Telephone: (800) 795-8009
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Website: www.reeves.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)

o habang nag-aaral angstudent.

Si Attorney Rhea V. Samson ay abogado dito sa California at sa Pilipinas. Nagtapos siya ng kanyang Juris Doctor Degree sa Ateneo de Manila University Law School. Siya ay nagturo sa Ateneo De Manila University ng Essentials of Philippine Business Law, Obligations and Contracts, Corporation Law, Partnership Law at Labor Laws and Social Legislation. Siya rin ay nagkatha ng librong, "Working With Labor Laws, A Comprehensive Guide on Conditions of Employment, Employee Benefits Under Special Laws, Termination and Retirement" na inilathala ng Ateneo de Manila University Press at University of Hawaii Press. Itong

libro niya ay kasalukuyang textbook sa kursong Labor Laws and Social Legislation ng Ateneo de Manila University. Siya ay humuhugot ng inspirasyon mula sa kanyang mga magulang na sina Engr. Roger Samson at Gng. Bella Valle Samson, na tubong Batangas. Si Attorney Samson ay mahilig mag-kape at manood ng The Filipino Channel.
Nagbibigay si Attorney Samson ng free initial consultation sa kanyang opisina, Samson Law Corporation, 3550 Wilshire Boulevard, Suite 1765, Los Angeles, CA 90010; telephone no: (213)637-5630; fax no: (213)637-5637; email address: samson@samsonlawcorp.com; website: www.samsonlawcorp.com.

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