

PROTECTING RIGHT & \$



ATTY. JOEL R. BANDER

How do I bring my family to the US?

YOU can bring your family to the United States if you are a US citizen, Legal Permanent Resident or US non-immigrant.

A US citizen or Legal Permanent Resident (LPR) needs to file Form I-130 immigrant petition for the alien relative. Visas are immediately available for the parents, spouses and unmarried minor children of a US citizen. Any unmarried son or daughter of a US citizen 21 years of age and above will have to wait 9-17 years (depending on your country of chargeability) before visas become available. For the married son or daughter and siblings of a US citizen the waiting period may even take longer.

Legal Permanent Residents can also bring their spouses and unmarried minor children but the waiting period is 4-7 years depending on which country they were born. They can also petition for their unmarried son or daughter 21 years of age and above but cannot petition married children, parents, brothers or sisters.

US non-immigrants (such as students, specialty workers, intracompany transferees, trainees, etc.) can also bring their loved ones to the United States. There are no numerical limits or processing delays related with dependent visas. Medical examination is also not required.

Immediate relatives of US citizens (parents, spouses and unmarried minor children) are

not subject to numerical limitation but it may take 8-12 months before the relative can obtain his/her immigrant visa. The process may take longer if required additional documents are not submitted promptly. Some Consular Officers may require DNA testing if birth records presented are insufficient.

As part of the regular process, the relatives of US citizens and Legal Permanent Residents will be required to take medical examination prior to their interview. Certain health issues and presence of illegal drugs found in the system of the applicant may cause further delay or denial of the application. Criminal conviction is also another cause for denial and possible lifetime bar.

Petitioning a relative seems easy but lack of knowledge about the process could turn money, effort and time spent on the case into tremendous frustration. That is why it is very important to consult with lawyers or people who have the knowledge, experience and qualification to ensure success of your application.

Bander Law Firm, LLP has been providing immigration services for over 15 years and has multilingual staff. Feel free to call Bander Law Firm, LLP at 213-873-4333 to schedule your consultation regarding your legal concerns. Bander Law Firm provides a full range of legal services in the fields of Immigration, Mortgage Litigation, Personal Injury, Bankruptcy, Criminal and Removal Defense, Civil and Business Litigation, Wage and Hour Litigation and Class Action lawsuits.

Bander Law Firm, LLP Downtown office address: 1055 W. 7th Street, Suite 1950, Los Angeles, CA, 90017. Tel: (213) 873-4333 Fax: (213) 873-4334. San Gabriel Office address: 1045 E. Valley Blvd., #A215, San Gabriel, CA 91776. Email: info@banderlaw.com.

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BARRISTER'S CORNER



ATTY. KENNETH URSUA REYES

Awarding Child Custody in California

ONE of the most emotional aspects of a marital dissolution case is dealing with Child custody issues.

Sadly enough, this is an area where most parents play games with each other trying their best to deprive the other parents of their right to maintain relationship with their child. Child custody comes in two parts, 1) physical custody and 2) legal custody. Physical custody may be awarded solely to one parent or jointly. Sole physical custody means that the child will reside primarily and under the supervision of one parent subject to visitation from the other parent upon order of the court. Family Code §3007. Joint physical custody on the other hand means that the child gets to spend frequent and continuing contact with both parents. Family Code §3004. The court would state specifically the periods of time the child will be under the supervision of each parent.

Legal custody on the other hand deals with the right and responsibility of a parent to make decisions regarding the health, education, and welfare of the child. Family Code §3006. Examples would be decisions such as where the child shall attend school, whether the child can travel to another jurisdiction or state, legal decisions involving the child. In cases where joint legal custody is ordered by the court, either parent alone can make decisions concerning the health, education, and welfare of the child unless otherwise specified in the order.

In making its determination on child custody issues, the court considers various factors depending on the specific facts of the case. The court usually follows the public policy of ensuring and encouraging the child's frequent and continuing contact with both parents after the divorce unless it would not be

in the best interest of the child. Fam. Code §3011. If the court is inclined to order sole custody to one parent, the consideration boils down to which parent is more likely to allow the child frequent and continuing contact with the noncustodial parent. Family Code §3040(a)(1). A major factor that would tilt the courts decision are incidents or history of child abuse and domestic violence. This can be from the part of a parent, a parent's co-habitant, or other person to whom a parent has a relationship with. The child's amount and nature of contact with the parents is also another factor considered. Fam. Code §3011(c). Other factors that can be considered are the parent's use of controlled substance, prior criminal convictions and registration as a sex offender, and existence of restraining order against a parent.

The family code requires that the parties go to mediation and attempt to agree on the custody issue prior to the court hearing the contested case. Family Code §3170(a). If the case is not settled in mediation, it gets decided in court through a contested hearing. At times, the court will order a child custody evaluation if it determines that it would be in the best interest of the child. The court may also appoint a minor's counsel if it feels it would be in the best interest of the child. Family Code §3150(a). The court retains continuous jurisdiction over issues of child custody and support until the child reaches 18. This means the order may be modified all throughout this period if there has been a change in circumstances.

Attorney 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. Website kenreyeslaw.com

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DEBT RELIEF



ATTY. LAWRENCE YANG

Senate rejects mortgage reduction bill BK amendment

trust deed balance of \$400,000, and a second trust deed balance of \$75,000, would be able to ask the judge to reduce the \$400,000 to \$250,000, and void the second trust deed balance of \$75,000 completely. The House approved this proposal last month, and with the Democrats controlling the Senate as well as the House, it was expected that the Senate bill would sail through without any obstacle. But 12 Democrats joined Republicans with a vote of 51 to 45 to reject the proposal. Current Bankruptcy law does not allow judges to reduce any balance of the first trust deed that exceeds the current fair market value of real property but allows judges to lien strip the second trust deed if there is no equity supporting it. This has been the law in California for the last

ten years when Judge Mund of the Woodland Hills bankruptcy court first allowed it. The unsecured second trust deed is converted into an unsecured debt, just like a credit card debt, and is discharged when all plan payments are completed. In many cases, where debtor operates on a very tight budget, available disposable income is small, and debtor's end up paying only the default portion of the first trust deed over 3 years where the second trust deed holder practically gets nothing.

Many homeowners have been waiting for this part of Obama's plan for foreclosure mitigation to take effect. Loan modifications allow creditors to pick and choose accounts they want to modify, but the proposed amendment to bankruptcy law would allow

debtors to force modifications to the terms of the mortgages that they want. In addition, many homeowners in California have two mortgages, a senior and a junior lien because many people here bought houses using 80/20 loans, and many homeowners here obtained home equity lines when house values continuously escalated. Thus, many homeowners in California could not qualify for the TARP program which allows refinancing up to 105% of the current fair market value because they had second trust deeds, not to mention the fact that house values here have plummeted too drastically leaving large balances on first trust deeds unsecured by any equity. But with the new program introduced by the President last week, the government will swoop in to buy second trust

deeds at 5 to 10 cents to a dollar, relieving homeowners of the second trust deed burden. Whether or not this program will work remains to be seen. A proliferation of loan modification experts has emerged in the last several months. Even McDonald's offers loan modification with the Big Mac, and KFC offers loan modification with the 20 pc. Family bucket.

The defeat in the Senate was a surprise to Democrats themselves. Citibank and other banks had signaled their consent to the proposed amendment several months ago. But that was during the time that the government was doling out bail out funds to them. Now that the banks have lined their pockets with the lion's share of bail out funds, they have done an about face. Banks lobbied very

strongly in the Senate to have this bill defeated. No wonder 12 Democrats were convinced to join Republicans in voting against the amendment to bankruptcy law. What else is new? Politics and bank lobby money have always gone hand in hand. However, we certainly hope that the President will bring his tremendous charm to bear the next time this bill is taken up by the Senate.

If you need debt relief, contact my office. I will analyze your case personally.

Lawrence Bautista Yang specializes in bankruptcy, business, real estate and civil litigation and has successfully represented more than five thousand clients in California. Please call Angie, Barbara or Jess at (626) 284-1142 for an appointment at 1000 S. Fremont Ave., Bldg. A-1 Suite 1125 Unit 58, Alhambra, CA 91803.

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LBC offers new service – Instant Peso Padala

From Dollars to Peso in an instant – for only \$3

"The IPP is an innovative product that will deliver value and convenience to both the recipients and senders of LBC's money remittance service in the U.S.," says Hugo Bonilla, president and CEO of LBC USA.



SOUTH SAN FRANCISCO – As an innovator and leading provider of "padala" services for Filipinos in the US, LBC Mundial Corporation (LBC USA) brings its money remittance services to an even higher level by introducing a new form of delivery to the Philippines.

Responding to the growing needs of Filipinos in the US who send money to the Philippines, LBC USA launched its new Instant Peso Padala (IPP). Starting May 1, 2009, LBC branches in the US that offer money remittance services have also started offering the IPP.

Like its name implies, the IPP service allows recipients in the Philippines to immediately pick-up the money sent from the US from any LBC branch in the Philippines.

"The IPP is an innovative product that will deliver value and convenience to both the recipients and senders of LBC's money remittance service in the US," says Hugo Bonilla, president and CEO of LBC USA. He further notes that the IPP "will allow Filipinos in the US to immediately respond to the financial needs of their loved ones in the Philippines, particularly in cases of emergencies."

By eliminating the waiting time for money remittance, LBC USA has given Filipinos in the US a better way of meeting the financial needs of their loved ones back home.

"The IPP service is LBC's response to the changing and growing needs of Filipinos for money remittance services. Through the IPP, we hope to help them help their families and loved ones back home better and faster," adds Mr.

Bonilla. The IPP service is initially available in Metro Manila branches of LBC but will soon be offered in all 750 LBC branches located all over the Philippines. Money remitted through the IPP service is limited only to P10,000.00 per transaction.

Prior to the introduction of IPP, money sent by Filipinos in the US through LBC can be delivered using four methods – LBC's ATM Bilis Padala service, home delivery, branch pick-up and bank-to-bank deposit.

LBC's ATM Bilis Padala service is the fastest money remittance service offered by the company – with the money available for withdrawal from any ATM in the Philippines after only 15 seconds.

While many LBC customers still prefer the traditional home delivery service and branch pick-up or the convenience of the ATM Bilis Padala service, LBC has also learned that many customers want the flexibility of sending money anytime.

With the IPP, both senders and recipients can enjoy the safety offered by the branch pick-up and home delivery services and at the same time the convenience of immediate availability of the funds.

In addition to the benefits of IPP, customers using the new service can also avail of the new lowered pricing that LBC has implemented starting May 2009.

For as low as \$3 for every transaction, customers can avail of the value and benefits of sending money to their loved ones in the Philippines through IPP.

For more details on the new IPP service, please call LBC USA at 1-800-3385424 or visit www.teamlbc.com for the location of LBC USA's 60 branches in the US.

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HELPING FILIPINO EMPLOYEES OBTAIN FAIR WAGES UNDER THE LAW

As an employee, you may be entitled to additional pay if:

- You work more than 8 hours a day, even though you are a "salaried" employee.
- You work before or after your shift without extra pay.
- Your job title is "Manager," "Administrator," or "Supervisor" but you do not make managerial or executive decisions and are not paid overtime.
- You are classified as a professional (for example, accountant or chemist) but do not have a California license and are not paid overtime.
- You are not provided a 30-minute uninterrupted meal break or a 10-minute rest break.
- You are classified as an independent contractor without overtime pay or benefits even though the employer controls your work.
- You are a nurse or healthcare employee and paid different hourly rates for the same job, depending on the hours of your shift.

With more than 22 years of litigation experience, we have a track record of fighting and winning for employees and their families. For a confidential, no-cost inquiry, please call:

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