

IMMIGRATION UPDATE



ATTY. EUGENE PALACIOS

LATA Shah filed an immigrant petition under the 4th preference family-based category in behalf of her sister, Vibha Shah, on June 10, 1991. Said petition was approved on June 28, 1991.

Vibha and her family applied for immigrant visas with the United States Consulate in Mumbai, India in June 2003 and were later granted visas, with the exception of her son, Nihar (born November 10, 1982), who was then more than 21 years old. After waiting for years for the visas to become available, they were told that Nihar would not be able to accompany them to the United States as one of Vibha's dependents because he had already "aged out." Vibha,

her husband, Umesh, and their son, Sanket, left Mumbai for the United States with heavy hearts because they knew that their family would never be the same without Nihar.

Years have passed but the Shah family never gave up on their quest to bring Nihar to the United States. They continued to hope and pray that one day, a miracle would happen and they would be provided a genuine solution to their problem.

In February 2008, the Shah family read the article I wrote in the newspaper about the case of the 23-year old girl who was able to get a green card in the United States as the "minor" child of a lawful permanent resident despite her actual age and immigration status because of the provisions of the Child Status Protection Act (CSPA) and Section 245(i) of the Immigration and Nationality Act.

They wondered if the CSPA

can also apply to the case of their 25-year old son so they immediately scheduled an appointment for an office consultation with me. After carefully evaluating his case, I concluded that the US Consulate committed a grave error when it denied the immigrant visa application of Nihar in 2003. Under the CSPA, he could still be considered as a "minor" child and dependent of Vibha.

Generally, a child who turned 21 years old could no longer be considered a dependent of the principal beneficiary in an employment-based or family-based case. As an exception, however, a child could request for recalculation of his age pursuant to the CSPA.

The CSPA preserves or locks in the age of the child at the time a visa number became available for the child, or in the case of derivatives, when a visa number became available for

the child's parent, minus the period during which the immigrant petition was pending. For said formula to apply, however, the child must have sought to acquire lawful permanent resident status within one year of the visa availability date.

In March 2008, we filed with the US Consulate a formal request for the recalculation of Nihar's age pursuant to the provisions of the CSPA. We urged the US Consulate to consider Nihar as a "minor" child and dependent of Vibha and requested that his application for immigrant visa be granted. The US Consulate initially denied the request because of an issue regarding the reckoning date for the computation of the age, but after explaining the proper application of the CSPA formula, the US Consulate accepted our legal arguments and agreed to reconsider its decision.

On June 18, 2008, the US Consulate in Mumbai, India, approved our request for recalculation of age and allowed Nihar to follow and join his family in the United States as his mother's dependent or "minor" child despite the fact that he will be turning 26 years old on November 10, 2008. As a result of the approval of our request, Nihar is now in the United States after being separated from his family for several years.

Moral of the story: Miracles do happen. Because immigration laws, regulations, and policies are in a constant state of flux, however, it always pays to hire an experienced and reliable immigration attorney to represent you in your case.

If you want to find out if the CSPA applies to your case, 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. You may also visit us 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)

Son from Mumbai reunited with family after years of separation

MINDING YOUR FINANCES



ATTY. RAYMOND BULAON

HAVE recent changes in the economy or the real estate market put your back against the wall with no way out? Are you struggling to make sense out of the financial mess that you are currently in and have thought of filing bankruptcy as a possible solution to your financial crisis? You are not alone.

It has now been more than 4 years since Congress passed more restrictive bankruptcy laws. While filings did go down temporarily for a few months after October 2005, it didn't take very long for things to change. Now we are seeing a massive increase in bankruptcy filings again. Why is

Are your financial problems pushing you into bankruptcy?

this happening? Here's why:

(a) The Deepening Recession And Skyrocketing Foreclosures Fueled By The Worsening Housing Market Crisis - There is no doubt that the above factors are the major culprits in the increase of bankruptcy filings. While bankruptcy doesn't always save a property from foreclosure in every case, it may be a viable solution to qualified individuals who are desperately trying to stay in their home. If you are facing foreclosure at the moment, find out whether bankruptcy will help your situation. Currently, there is also a pending bill in Congress that may allow bankruptcy judges to force lenders to modify mortgages in the future.

(b) New Bankruptcy Laws Originally Intended To Curtail Bankruptcy Abuse Are Ineffective To Help Those In Genuine Need Of Debt Relief- According to the credit counseling agencies, so far almost 97% of people who go

through the mandatory debt counseling (required by the new laws passed in 2005) are NOT in a position to pay anything AT ALL to their creditors. This means that 97% of people who elect to file bankruptcy are clearly BANKRUPT and need help. Contrary to what the proponents of bankruptcy reform said (i.e., that most people who file bankruptcy can actually afford to pay their creditors if they just wanted to), everyone is now realizing that this is not true. The fact is that people who file bankruptcy are the people who genuinely need a fresh financial start.

(c) Consumer Debt Is Once Again At An All-Time High-The average household now owes approximately \$25,800 in credit card debts. Studies show that 65% of all credit card accounts are only paid the minimum required every month. With the outrageous interest rates charged by the credit card compa-

nies, people are bound to be in debt for many years, perhaps for decades in some cases. To make things worse, credit card companies have increased monthly minimum payments in most cases, making it harder for consumers to come up with more money every month just to stay current.

We are facing tough times ahead. This is not a good time to be in debt. If your debts are out of control, you may be headed for serious financial trouble. If you have

already maxed out your credit cards and can't even pay your monthly minimums, I suggest you immediately cut up all your credit cards before you get buried in debt.

If you feel trapped in your situation and don't know what to do, maybe you should find out what your legal options are in dealing with debt problems. Your situation may look grim but there is hope and it's not the end of the world. In some cases, bankruptcy protection may help before your problems get worse and

you end up losing everything you have worked so hard for. Don't let this happen to you. To request a free case evaluation, please call Toll-Free 1-866-477-7772 to schedule an appointment. 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)

INSIDE IMMIGRATION



ATTY. DARREN SILVER

FOR many aspiring immigrants, the negative effects of the world wide economic meltdown towards their ability to be able to work and or immigrate to greener pastures abroad has been devastating. For example, in the United States, there are scores of temporary H-1B workers that are in danger of running afoul of their status as more and more employers are facing a cash crunch and are forced to let them go. For these displaced workers the only options are either to quickly find another employer or go back home.

However, there is a 3rd relatively unknown option for these and other aspiring skilled workers to be able to realize their dream of a better life. That option is Canada. Canada has been ranked as one of the best places to live by the United Nations numerous times within the past 10 years. Other than its historically lower rates of gun crime and other violence compared to the United States, Canada mirrors its neighbor to the south in almost every other aspect. In fact upon visiting Canada, one will note that it looks like just like any other part of the United States with wide open highways, shopping malls, movie theaters, restaurants, etc. The only real palpable differences is that they use kilometers as opposed to miles, their currency is multi colored, they have a parliamentary system as opposed to our federal system of government and their head of state is the Queen of England as opposed to our President.

Geographically Canada is truly a breath taking wonder of nature. Second only to Russia, Canada is the largest country in the world with mountains in the western region to low lying plains in the eastern part of the country with fresh water lakes [Canada has the largest supply of fresh water in the world] and some of the most spectacular forested regions one has ever seen in between the two coasts. A majority of the estimated 33,000,000 people of Canada live within 150 miles of the border Canada shares with the United States with a majority of them living in the corridor between Windsor, Ontario [bordering Detroit, Michigan] and Montreal, Canada, i.e. the "401 corridor."

Economically, Canada is one of the trillion dollar class economies. Historically in order to fill the labor shortages that a country of its size encounters, the Canadian government has had to rely on a large influx of new immigrants each year. In 2007,

How about Canada, eh?

Canada admitted approximately 250,000 new immigrants with similar figures for 2008 and expected for 2009. The majority of those new immigrants arrived in Canada in one of the following categories; family, refugee and asylum, investment and skilled workers. The latter is the focus of the remainder of this article.

In 2008, the Minister of Citizenship and Immigration issued ministerial instructions to completely revamp how Canada immigration accepts and processes applications for the Federal Skilled Workers class and also put FSW applications into a Fast Track processing stream. According to the new instructions, all FSW applications will now be limited to a new list of 38 occupations that are considered to be in high demand in the Canadian economy. All that is required is that the applicant have 1 year of experience in the occupation acquired from anywhere in the world and they can have Permanent Resident status [green card] in Canada within 6-12 months! No job offer is required. Previously FSW applications to Canada were taking approximately 3-6 years to be processed! In addition to the 1 year of experience, the applicant will have to garner at least 67 points out of 100 on the assessment scale. Factors include age, education, language ability, existing ties to Canada, etc. Most of the occupations relate to health, skilled trades and finance. Please see below for a complete list:

- Financial Managers
- Computer and Information Systems Managers
- Managers in Health Care
- Restaurant and Food Service Managers
- Accommodation Service Managers
- Construction Managers
- Financial Auditors and Accountants
- Geologists, Geochemists and Geophysicists
- Mining Engineers
- Geological Engineers
- Petroleum Engineers
- Specialist Physicians
- General Practitioners and Family Physicians
- Audiologists and Speech Language Pathologists
- Occupational Therapists
- Physiotherapists
- Head Nurses and Supervisors
- Registered Nurses
- Medical Radiation Technologists
- Licensed Practical Nurses
- University Professors
- College and Other Vocational Instructors
- Chefs
- Cooks
- Contractors and Supervisors, Pipefitting Trades
- Contractors and Supervisors, Carpentry Trades
- Contractors and Supervisors, Heavy Construction Equipment Crews
- Electricians (Except Industrial

and Power System)
Industrial Electricians
Plumbers
Steamfitters, Pipe fitters and Sprinkler System Installers
Welders and Related Machine Operators
Heavy-Duty Equipment Mechanics
Crane Operators
Drillers and Blasters - Surface Mining, Quarrying and Construction
Supervisors, Mining and Quarrying
Supervisors, Oil and Gas Drilling and Service
Supervisors, Petroleum, Gas and Chemical Processing and Utilities

Alternatives to the FSW stream are the provincial programs that are being offered by various Canadian provinces [states]. One of the more popular programs being offered by the Province of Alberta is for the Fast Track Strategic Recruitment Stream for applicants currently in the United States on H-1B visas. The main requirement is that the applicant have at least 1 year of experience in a listed occupation and that they currently are still in valid H-1B status. The process generally takes around 12-13 months from the initial application to the applicant receiving permanent resident status. Please note just like the FSW program, the H-1B stream does not require that the applicant have an employer or a job offer and neither is there any language testing involved to be considered eligible.

In addition to the programs outlined above, there are many other avenues to gain fast track permanent residency to Canada, the above are just highlights of the more popular programs. Please visit our websites: www.darrensilver.com, www.canadah1b.com, www.albertah1b.com for more details or feel free to contact our Los Angeles offices for a free consultation with our resident licensed Canadian attorney. Please frequent our website often to get the latest updates and news regarding Canadian immigration.

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 poses 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. Please contact the office for free consultation:
Address: 3699 Wilshire Boulevard Suite 600, Los Angeles, CA 90010
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