

**MINDING YOUR FINANCES**



**ATTY. RAYMOND BULAON**

ARE you thinking of hiring a debt settlement company to help you get out of debt? Were you told that this was a better alternative to filing for bankruptcy? As the economy continues to decline, more and more people are turning to debt settlement companies for help in eliminating their debts. Warning: Be very careful. As a bankruptcy attorney, I have seen a lot of people who have become victims of deception and misrepresentation

by unscrupulous debt settlement companies. Don't get me wrong, there are some debt settlement companies that are completely legitimate. However, a lot of them are also just out there to scam people. I have heard a lot of horror stories about them from people who have come to my office for advice. These fly-by-night companies misrepresent the nature of the services they are offering, don't tell you what you need to know and are simply interested in taking your money without actually helping you. They often prey on desperate consumers who see no way out of their debt problems short of filing bankruptcy. But instead of seeing light at the end of the tunnel, a lot of their victims find themselves hitting a brick wall

instead. Don't be one of these people.

One person who came to me recently for bankruptcy advice told me how she paid one company almost \$700 per month for 9 months while she continued to receive bills and collection letters from her creditors. She was under the impression that once she started paying the debt settlement company, her creditors will be contacted immediately and that she didn't have to worry about being sued. Sure enough, her biggest fear just happened. She recently got sued by one of her creditors and now they are trying to garnish her wages. She came to me to file for bankruptcy and stop the wage garnishment. After paying the debt settlement company more than \$6,000 over

the last 9 months, none of her debts have been settled. When she tried asking for a refund, they wouldn't even return her phone calls. Apparently, most of the money she paid the company only went to pay their fees although they absolutely did nothing for her. Now she even owes a lot more to her creditors after they've added interest charges, penalties and now- also collection costs.

Misinformation is the number one tool of deception used by fraudulent companies because a lot of people who sign up for their program don't even understand what they are getting into. For example, they don't know that their credit will continue to get trashed while their accounts go to collection and that they

can be sued by creditors. If a debt settlement company offers you a payment program of several years (sometimes 3-5 years), this may sound great but trust me, chances are that some of your creditors will not wait that long to collect their money. The debt settlement company is only offering you a 3-5 year program to lower the monthly amount they will collect from you every month (otherwise they can't probably convince you to sign up if they quote you a payment you can't afford) but remember- the longer you take to pay, the bigger the chances are of being sued by your creditors. If you do get sued, what will you do then? Will you file bankruptcy anyway? If so, then what's the point of doing debt settlement

in the first place? My suggestion to you is that before signing up with a debt settlement company, consult with a bankruptcy attorney first to find out all your options. It doesn't make sense to pay thousands of dollars to a debt settlement company only to be forced into bankruptcy anyway once a creditor files a lawsuit.

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)

**IMMIGRATION EDGE**



**ATTY. DANIEL HANLON**

THE processing times for some applications pending at the US Citizenship & Immigration Services (USCIS) are longer than ever before. The USCIS holds a monopoly over all immigrants applying for green cards, citizenship and other applications, since the USCIS is the only agency authorized to adjudicate requests for immigration benefits. The USCIS cannot, however, force applicants to suffer through "unreasonable delays" for their applications to be completed. Individuals who have had enough waiting may safely seek the intervention of the United States District Court to put an end to the delays.

In order to obtain a green card, become a United States Citizen or seek any other benefit available under US immigration Law, individuals must file applications or petitions with the USCIS. The USCIS has been criticized for the long delays in processing cases, which can cause people hardship in restricting their ability to travel and seek new employment opportunities.

## Mandamus actions to compel USCIS' action

The rules applicable to all Federal Agencies in the United States require that the agencies act on applications within a "reasonable time." The measure of what length of time is "reasonable" is dependent on many factors, including the average processing time for similar applications. The average processing time alone, however, cannot justify outrageous delays, and, at a certain point, may be unreasonable itself. At present, USCIS is taking over one year to process an I-140 Petition for Immigrant Worker. This length of time is unreasonable for a person who has less than six months time to remain in the United States in his current status, because he could lose eligibility for adjustment of status if he stays in the US for more than six months after his status expires.

In the Los Angeles District, interviews for basic applications are scheduled within 6-8 months of filing; however, the USCIS does not approve many cases for months following the interview date. The USCIS attributes much of reason for delays to due to progressive security clearances and fingerprint checks, but these checks are conducted electronically and should not require more than 60-90 days to complete.

Earlier this year, USCIS Associate Director of Domestic Operations, Michael Aytes, issued a memorandum revising CIS' policy of requiring complete background clearances before an application for adjustment of status may be approved. The Memo sets forth the new policy, in which the CIS, in cooperation with the FBI, will render final decisions on pending I-485 and I-601 (waiver applications) will be adjudicated within 180 days of receipt. This policy is in accord with Congressional mandate and will greatly reduce the waiting period for adjustment of status in most cases.

CIS continues to initiate the required background checks upon the receipt of applications for adjustment of status. Once the application has been pending 180 days, however, if the application is other wise approvable, CIS will adjudicate the application and issue the green card without the background check results. Under this new policy, CIS 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, DHS will render a determination as to whether

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**INSIDE IMMIGRATION**



**ATTY. DARREN SILVER**

*DO nurses have their own special category when applying for immigrant visas (Green Cards)?*

Yes, The Schedule "A" category is for nurses and physical therapists. Nurses and physical therapists are listed as shortage occupations and therefore do not need to undergo Labor certification unlike other skilled or professional occupations in the EB 3 category.

*What are the requirements for obtaining a Schedule A Visa?*

For a nurse to obtain permanent residency through the Schedule A category, the applicant must meet the following requirements:

He or she must have a diploma from a nursing school in his or her country;

Have a RN license in his or her country; and

Have a full and unrestricted license to practice professional nursing in the state of intended employment; OR Certification that she has passed the examination given by the Commission on Graduates of Foreign Nursing Schools (CGFNS), OR; Evidence that she has passed the

## FAQ'S regarding green card application for nurses

NCLEX-RN licensing examination but cannot obtain a license because she lacks a social security number.

*Are nurses in the schedule "A" Category exempt from waiting in line for a Visa number to become available?*

Not currently. Since 2006 the Schedule "A" Visa numbers have been mixed in with the General "skilled worker" category (EB-3). This requires nurses to wait in line for his or her priority date to become current before filing for an immigrant visa/Green card.

*What is a priority date?*

For the Schedule A category, the priority date is the date when the I-140 immigrant petition for alien worker is filed with USCIS. The Immigrant Petition is filed by the prospective employer.

*How can a nurse obtain his or her priority date?*

Despite visa retrogression, registered nurses with a job offer from a US employer can immediately file for an I-140, Immigrant Petition for Alien Worker in order to obtain a priority date/slot in the line.

*What is the importance of the priority date?*

The priority date establishes the immigrant's eligibility to file the Application to Register Permanent Residence or Adjust

Status, if in the US or to come in the US as an immigrant.

The "United States Department of State" United States Department of State publishes a monthly visa bulletin which lists cutoff priority dates for different immigration categories according to one's country of birth. See: [http://travel.state.gov/visa/frvi/bulletin/bulletin\\_1360.html](http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html)

Your priority date will determine how long the waiting time will be to become eligible for your immigrant visa/green card.

*When my priority date becomes available, can I file for my Green Card right away?*

Yes. Generally we will know a month in advance of priority date availability. The immigrant visa/Green Card can be filed starting the first of the month that holds the available priority date.

*Are H-1B Visas available for nurses?*

Yes, the H1B visa is a 6 year temporary working visa for professional workers. The H-1B nonimmigrant visa is available to aliens in "specialty occupations," which, generally, require at least a bachelor's degree in a specific field as a minimum employment qualification.

General RN positions do not

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