

TAPAT SA BATAS



ATTY. RHEA V. SAMSON

(Ikalawang Bahagi)

NOONG aking huling artikulo ay aking tinalakay ang 245(i). Sinabi ko na ang beneficiary ng immigrant visa petition, o kaya labor certification, na may filing date bago ang January 14, 1998 ay maaaring mag-file ng adjustment of status application o green card application, kahit siya ay nawalan na ng status. Ang 245(i) ay nagkaroon ng limited extension kung saan ang beneficiary na may immigrant petition o labor certification application na may filing date bago ang April 30, 2001 ay maaari ring mag-file ng green card application kung siya ay makapagpapakita ng physical presence niya sa US mula December 1, 2000.

Sinabi ko rin na bago magkaroon ng 245(i), ang isang dayuhan na nag-aapply ng green card na wala nang status ay kailangang mag-consular processing, o kaya ang magpa-interview para sa immigrant visa sa abroad. Ngunit ito ay makapag-trigger ng 3-year at 10-year bar rule. Dahil sa 245(i), ang isang dayuhan na nawalan na ng status ay maaari nang mag-adjust ng status o mag-file ng green card application dito sa US. Marami ang nag-aakala

Ang 245(i)

na basta sila ay may 245(i), at matagal na silang nasa US at walang status, maaari na silang mag-file ng green card application kaagad. Ito ang aking tatalakayin ngayon.

Ang 245(i) ay hindi nagbibigay ng status sa isang dayuhan na nawalan na ng status. Hindi rin ito nagbibigay o nagpapahintulot ng pagtira o pagtrabaho sa US na walang work authorization. Ang 245(i) ay nagpapahintulot lamang sa dayuhan na makumpleto ang green card process dito sa US para hindi na mag-consular processing at mag-trigger ang 3-year at 10-year bar rule. Ang ibig sabihin nito ay kailangan pa rin ng dayuhan na sundin ang requirements ng green card application at processing.

Ang karaniwang basis ng green card application ay family-based petition (I-130 Petition) o employment-based petition (I-140 Petition). Kailangan ang relative petitioner o kaya ay employer petitioner. Hindi maaaring mag self-petition maliban kung ito ay sa ilalim ng Violence Against Women Act (VAWA). Kung mayroon nang approved relative petition o employment based-petition at ang dayuhan ay nasa US na, hindi automatic na pwede na siyang mag-apply ng green card dahil sa siya ay may 245(i).

Ang isa pang requirement para sa green card application ay current na ang priority date ng dayuhan para sa immigrant petition na basis ng green card

application niya. Halimbawa ang dayuhan na nasa US at nawalan na ng status ay unmarried child over 21 years old ng isang green card holder (F2B category), at ang kanyang priority date ay January 1, 1999, hindi pa siya maaaring mag-file ng green card dahil siya ay mag-245(i). Ito ay dahil ang priority date para sa F2B category ay May 1, 1998. Kailangan maging current muna ang priority date bago makapag-file ng green card application. Ngunit dahil ang dayuhan ay may-245(i), maaari na niyang makumpleto ang green card process dito sa US pag current na ang kanyang priority date at hindi na mag-trigger ang 3-year at 10-year bar rule.

Si Attorney Rhea V. Samson ay abogado dito sa California at sa Pilipinas. 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.

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)249-1605; fax no: (213)637-5637; email address: samson@samsonlawcorp.com; website: www.samsonlawcorp.com.

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JUNO CONNECTION



CHARMAINE TEODORO

IT'S a common misconception that the only way you can work in healthcare is to become a doctor or a nurse. No wonder then, that a lot of young people are taking up nursing, and most immigrants who come to the US, knowing healthcare jobs are in demand, study to become doctors. Though there's a continuous demand for doctors and nurses, especially due to shortages projected for the latter, they represent only half of healthcare providers.

There are many options a student/professional can choose to become a healthcare worker, which means not everyone needs nursing, medical or dental training to become a healthcare industry professional. In fact, more than sixty percent of healthcare providers are individuals that do not practice nursing or medicine.

The other sixty percent of healthcare providers

There is another set of healthcare providers who are also involved, directly or indirectly, with patient health and who work with facilities and other healthcare institutions. There are approximately 5 million of them and they encompass up to 200 health careers. This group of health professionals represents an estimated 60 percent, more than half, of all healthcare providers. They are called allied health professionals, individuals who play a crucial role in working with clinicians, informing them of their patients' progress and response to treatments.

Allied health professionals are distinct in such that they are not trained to become a doctor, dentist or nurse. They are prescribed by these commonly known workers to assist a patient with a particular issue he/she is experiencing. They are licensed professionals in charge of helping you deal with a specific health-related issue so that the bigger picture of your overall health will be the best possible outcome.

Role and significance of allied health professionals

An allied health professional

How to be a healthcare professional without a nursing or medicine degree

is either a technician or a therapist/technologist. Technicians are trained to perform a specific type of procedure and usually work under a therapist or technologist. A therapist or technologist on the other hand, are practitioners that need to have the procedural skills and ability to evaluate patients, diagnose conditions, develop treatment plans and understand the reason behind treatments for the purpose of identifying which one is appropriate for a patient. He/she must also be aware of the side effects of such treatment.

Although these professions are not as popular compared to the more famous career paths of nursing, medicine and dentistry, they are just as important.

Commonly known allied health professions

There are more than 80 different professions that fall under allied health. For those interested, the Association of Schools of Allied Health Professions' (http://www.asahp.org) provides some helpful links and insights on the types of careers available for a current or prospective worker.

Some commonly known and in-demand allied health professionals are:

Physical Therapists: Provides assistance for disabled and injured individuals, accident victims and those experiencing lower back pain, arthritis, fractures, head injuries, cerebral palsy or heart disease. They help these people restore the function of their bodies that was affected by an injury or disease. Improving mobility, relieving pain and preventing or limiting permanent disabilities is part of their job.

Occupational Therapists: They help individuals with physical, mental, emotional or developmental disability have the necessary skills to be independent and productive members of society. Aside from helping them gain the basic motor functions and reasoning abilities, they prepare them for work or academic life, making them active members of society despite their challenges.

Dental Hygienists: Dental hygienists make sure you don't have bad breath! Just like every part of our body, oral hygiene is an important part of keeping one's life

clean, sanitary and bacteria free. These professionals teach their patients how to keep their teeth from rotting or aching. In a clinical setting, they remove soft and hard deposits from the teeth.

Dietitians: These are experts in food and nutrition. They promote good health through proper eating- having the right diet, eating not only the right amount but also the right types of food. They are able to advise and consult with patients on their food intake and can also supervise the preparation of food. They can also function as researchers when studying a particular diet or creating a food menu.

Speech Language Pathologists: They are focused on helping those who are having difficulty in their speech, either because they stutter too much, can't produce speech sounds or are not acquainted with an understandable accent. They assess an individual's speech and formulate ways on how to deal with these various problems. Speech language pathologists can also help prevent disorders related to speech, swallowing, fluency, voice, cognitive-communication and language.

The healthcare industry has a lot of different professions that will allow you to seize the career opportunities it offers. It's important then to take time to learn all the different healthcare professions available so you can pick one that will best fit your interest, background and competencies.

Charmaine Teodoro is the Senior Vice President of JUNO Healthcare Staffing, a group of companies that recruits RNs, LPNs, CNAs and allied healthcare professionals and deploys them to healthcare facilities on a full-time, part-time, per diem or travel assignment. It also sponsors foreign-trained RNs for immigration to the US. JUNO's offices in California are located in Los Angeles and San Diego. JUNO Healthcare California, LLC LOS ANGELES 4929 Wilshire Blvd., Suite 328 Los Angeles, CA 90010 T 323-937-7210 F 323-937-4947 Website: http://www.junohealthcare.com SAN DIEGO 7851 Mission Center Court Suite 342, San Diego, CA 92108 T 619-299-3100 F 619-299-3103 Website: http://www.junohealthcare.com

(Advertising Supplement)

LEGAL LIFELINE



ATTY. GENE W. CHOE

'Help, my house will be on foreclosure sale'

Bank of America will put up our house for trustee sale on Wednesday! We do not want to lose our house. Is there still any hope to keep our house?

Answer: Your situation is urgent. However, there are still legal steps you can do to save your house. First, you must verify whether the bank had filed a Motion for Relief from Automatic Stay with the bankruptcy court. Technically, upon filing for bankruptcy, all your assets, including your house becomes the property of the bankruptcy court. And, no one may foreclose or sell it without the court's authorization. If Bank of America had filed the Motion and was granted relief from stay, then the bank can go forward with the sale.

Your best option will be to file a temporary restraining order (TRO) with the state court to enjoin foreclosure. In our experience, most lenders did not comply with the law's stringent standards of proper notice before the recordation of the Notice of Default, failed to assess the borrower's financial position and explore options to avoid foreclosure. [California Civil Code §2923.5]

Should the court deny the TRO, your wife should be ready to file a Chapter 7 bankruptcy or convert your case to from Chapter 13 to Chapter 7. You can convert to Chapter 7 because your circumstances have changed. Your combined income is now below the median income for California. You should act fast and retain

a good lawyer who can represent you in bankruptcy and state court at the same time.

Debtors, under chapter 7 can still retain their houses, provided they are able to pay the mortgage. Under Chapter 7, each debtor is entitled to \$75,000 each as exemption. This exemption will be applied to the equity left over after deducting all the loans from fair market value of the house. Hence, if the house is worth \$300,000 and it has an outstanding mortgage debt of \$225,000, the house has equity for \$75,000. A debtor can claim this house as an exempt property from bankruptcy. However, most houses have zero equity due to the slump in the market. Therefore, the Trustee is not interested in re is nothing for the trustee to take.

Meantime, you must also negotiate with the bank for a loan modification and get them to agree to the plan. You can try to negotiate with the bank to lower your interest rate, extend the term of the loan, or even lower your principal.

If you have any loan from countrywide or any of its affiliates, please call our office at 213-639-3888 or e-mail us at cielo@choicelaw.org. Our office is located at 3699 Wilshire Boulevard, Suite 720, Los Angeles, California 90010.

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INSURANCE 101



MELODY AVECILLA

Preparing for your financial future

investment program early is to give your money as much time as possible to grow through compounding. If you haven't started investing yet, then consider starting now and getting into the habit. Just remember that the amounts you invest do not have to be large, especially if the money is taken directly out of each paycheck. You will be surprised how little you miss money you don't see. If you're already investing every month, look for ways to contribute more through bonuses and monetary gifts.

The value of starting early is illustrated by a 25-year-old investing \$2,000 per year for 10 years at a hypothetical 10 percent fixed rate of return with all gains and dividends reinvested. This 25-year old would accumulate \$672,998 by age 65. A 35-year-old investing \$2,000 per year for 30 years and reinvesting all gains and dividends will have \$400,275 when he or she reaches 65. These examples are for illustrative purposes only and do not represent any particular investment. The return and principal value of any investment will fluctuate so that

your investment, when cashed in, may be worth more or less than its original cost.

While a 10 percent rate of return may not be representative of investments currently or historically available, the hypothetical illustration does serve to reinforce that starting early can be important.

College tuition planning

Preparing for your children's or grandchildren's college education is important, especially when tuition costs are rising every year. One possibility might include investing in a Coverdell Education Savings Account, which allows tax-free withdrawals for qualified education expenses. These can include room, board and tuition for elementary, secondary and higher education. You might also want to look into prepaid tuition plans. Many states offer programs that allow parents to lock in the cost of tomorrow's college tuition and fees for about what it would cost today.

If you suspect a scam, call the NICB hotline at 1-800-TEL-NICB. For information about auto insurance and insurance fraud, contact your insurance agent. (Advertising Supplement)

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LARRY YANG is a graduate of Georgetown University Law Center with a master's degree in Law and practices before California State Courts, United States District Courts, the California Appeals for the 9th Circuit and U.S. Bankruptcy Courts.

I look forward to help you: discharge debts; stop foreclosures; wage garnishments; stop harassments from collectors; stop repossessions.

- LOAN MODIFICATION
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Call our office for appointment (626) 284-1142 and ask for Angie or Jess. Atty. Yang will personally interview you

Filipino Po Tayo. Free Consultation. Weekend & Evening Appointments Available.

1000 S. Fremont Ave., Building A-1, Suite 1125 Unit 58, Alhambra, CA 91803. Includes a map showing the location relative to Fremont Ave, Mission Rd, and West Downtown L.A.