

YOUR IMMIGRATION SOLUTION



ATTY. ROBERT REEVES & JEFF L. KHURGEL

Green card eligibility despite overstaying or unauthorized employment

have entered the US lawfully.

INDIVIDUALS in the United States who are not in valid immigration status are often faced with a tough choice - try to get a Green Card and risk alerting immigration authorities as to their presence or stay "under the radar" for the foreseeable future without lawful immigration status.

When deciding whether to proceed with an application for permanent resident status (Green Card), undocumented immigrants must be careful to examine the numerous grounds of inadmissibility. The consequence of being denied will result in deportation proceedings. Among the most common grounds of inadmissibility are overstaying a visa, violating the terms of a visa, unauthorized employment, certain crimes, and lying to obtain an immigration benefit.

Some grounds of inadmissibility may be waived, thus, clearing the road to obtaining a Green Card. Whether a waiver will help in any individual case is fact-specific. Details of the inadmissibility as well as the immigration status and hardship to certain family members of the applicant must be taken into account.

A waiver of inadmissibility for overstaying is not required for individuals who are immediate relatives. Immediate relatives are the parents, minor children or spouses of adult US citizens. These individuals, however, must

Immigration applicants who are unlawfully present in the US and do not fit into the above mentioned categories may still be able to adjust their status to a Green Card holder if they are covered by Section 245(i) of the Immigration and Nationality Act (INA). Section 245(i) allows an applicant to obtain permanent residence status if a visa petition or labor certification application was filed for them on or before April 30, 2001. If this visa petition or labor certification was filed after January 14, 1998 and before April 30, 2001 the applicant must have been physically present in the US on December 21, 2000 in order to qualify.

Not everyone is qualified for a green card under Section 245(i). Another possible option is Section 245(k) which only applies to individuals who seek permanent resident status through an employment petition. This provision of the INA will cure several grounds of inadmissibility.

Section 245(k) allows applicants for permanent residency to adjust their status despite overstaying or working without authorization. This exception only applies to applicants who have overstayed or engaged in unauthorized employment less than 180 days. If the violations took place prior to the applicant's most recent lawful entry, that time does not count towards the 180 day limit. The clock stops for overstaying or working without authorization on the day the applicant files for their Green Card.

There are several employment-based categories that Section 245(k) covers. EB-3 Professional Workers (those with at least a university bachelor's degree); Skilled Workers (people capable of performing a job requiring at least two years of experience); and Other Workers (people capable of filling positions requiring less than two years training or experience). EB-2 Professionals with Advanced Degrees (people with a degree beyond a bachelor's degree and at least five years of experience in the profession) and Individuals with Exceptional Ability (people who have a degree of expertise significantly above that ordinarily prevalent in the field) may also qualify. Further, Section 245(k) covers EB-1 Priority Workers, EB-4 Religious Workers and the spouses and children of applicants in the categories mentioned above.

There are numerous obstacles to obtaining an employment-based green card. Waivers may or may not be available in all cases. There are potential problems and issues that need to be carefully explored before a person files an application for an employment-based Green Card. As always, we recommend consulting with a knowledgeable and experienced immigration firm.

 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.

The Voice of FilAmerica

Political empowerment is still a treasure that eludes us as a community here in America. While we are the second largest Asian American community in the United States, we have yet to harvest the power that comes from our numbers. The Voice of FilAmerica features elected and appointed officials - regardless of political affiliation - in the different US states who are of Filipino ancestry. As your Filipino American community newspaper, the Asian Journal recognizes the fact that we all have a responsibility towards bringing political empowerment to fruition, especially for our future generations. It is our hope to have our voices heard all over America.

Senator Frank Blas Aguon, Jr. Filipino American Senator in Guam

by CYNTHIA DE CASTRO
 AJPress

SENATOR Frank Blas Aguon, Jr. is serving his fourth term in the *Liheslaturan Guahan* (Guam Legislature). The FilAm Senator started his political career in the Twenty-Fourth Guam Legislature, and holds the distinction of being the youngest incumbent senator at the age of thirty.

While a member of the minority, Senator Aguon sponsored fourteen bills passed into law. Those laws include: funding for the air-conditioning of Senior Citizen Centers. An act that requires protective guardrails be constructed for bus shelters adjacent to major roadways was also mandated. And legislation relative to the extension of the time period requirement for usage of the Chamorro Land Trust Commission residential properties for infrastructure development.

Prior to his Senatorial responsibilities, Senator Aguon served as the Director of the Guam Department of Commerce and as the Chairman of the Guam Territorial Planning Council. Senator Aguon



received his Master's in Business Administration (M.B.A.) in 1990 and his Bachelor's of Science in Business Administration in 1988 from the University of Denver, Colorado.

Senator Aguon is a member of four Legislative Committees, to include: the Committee on Micronesian, Veterans, and Military Affairs; the Committee on Education; and the Sub-Committee on Ways and Means. He is also a member of the Council of State Governments, the Guam Planning Council, the Public Welfare Disentitlement Review Task Force, and the Guam Beautification Task Force.

Senator Aguon remains in tune with our people through active contributions to the community in various social and civic capacities including the St. Francis Parish Council. Senator Aguon continues to contribute many years of experience in a spirited career committed to serving the people of Guam through public service, community involvement, collaboration, and *Respetu Para Todu*. ■

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(Advertising Supplement)

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US Visa options for registered nurses

by ATTY. BELLA REYES, J.D., LL.M.

AS many of the readers of Asian Journal know, I am a Filipina and an Immigration Attorney based in Anaheim, California. I am retained Immigration Counsel for several Hospitals, Nursing Facilities, and other Private Employers of Registered Nurses who provide Employment and Sponsorship to RNs who want to work and live in the United States. I also represent hundreds of families of RNs who have successfully immigrated to the U.S. On behalf of my Employer clients, I am actively looking for well qualified RNs who have passed the NCLEX and require a Sponsorship.

In the past, I have had many RNs (or friends and family members of RNs) who called my office to inquire about their U.S. Visa Options. I have always taken time to provide them with as much information as I can to help them make the right decisions for themselves and their families. To accommodate the increasing number of these inquiries, and provide vital and accurate

information to more people, I have decided to hold Seminars in California, Manila and Cebu this summer exclusively targeting RNs who are NCLEX Candidates and Passers to discuss their U.S. Visa Options.

Some of the questions to be discussed in the Seminars are as follows:

What are the different visa categories that RNs can apply for now?

What is the difference between Permanent/Immigrant Visas and Non-Immigrant Visas?

What is the Visa Retrogression? What do we do while there is a Visa Retrogression?

Can I work while waiting for my visa application to be processed?

What is the H-1B visa? How does one qualify for H-1B visa?

Can I change my Tourist visa to H-1B visa and start working?

What do Employer/Sponsors need from an Applicant RN?

Who pays for the legal, filing, and other fees for visa applications?

Can I bring my family with me under any of the visa options?

If I passed the NCLEX-RN in one State, can I use it to apply for a visa and work in another State?

Please visit my website at HYPERLINK "http://www.bellareyes.com/" \o "blocked::http://www.bellareyes.com/" www.bellareyes.com for more information about the Seminars and to register to attend the Seminar. You can also find more information about my background, credentials, and law practice there.

This article is not intended to provide the reader any legal or tax advice. For more information on applicable legal remedies or tax benefits for you, please call our office at (714) 530-0042 or visit our website at bellareyes.com.

 Bella Reyes is a Federal Tax and Immigration Attorney and has been practicing for over 12 years. She has clients in several states, including California, Texas, Nevada, Maryland, Washington, D.C., Florida, New York, and New Jersey. She is a member of the bars of the US Supreme Court, US Tax Court,

and Maryland. Ms. Reyes graduated from Georgetown University Law Center and is one of the first female graduates of the Ateneo De Manila University. Her office is located at 421 N. Brookhurst Street, Suite 200, Anaheim, California 92801. She can be reached at Tel. (714) 530-0042, and her website address is: bellareyes.com.

(Advertising Supplement)

Las Vegas Philippine Medical Mission, Inc holds outreach program in the Philippines

A MEDICAL team from the Las Vegas Philippine Medical Mission (LVPMM) rendered surgical, medical and outreach projects in four different cities and provinces in the Philippines last March.

The multi-city project was done in cooperation with the Josefina T. Albano Foundation Inc. It was headed by project director Dr. Lourdes Albano-Africa and LVPMM president Frank Banaria.

Almost three thousand indigent patients were treated in Davao City alone during the surgical outreach from February 1-15, which was LVPMM's first task. Of the treatments, 44 general surgery cases were performed, while 10 were plastic surgery cases.

The medical and surgical team that went to Davao City Medical Center was composed of general surgeons Dr. Scott Gabriel and Dr. Antonio Lim; plastic surgeons Dr. John Meneses and Dr. Ramon Mahabir; anesthesiologists Dr. Louis Vincent DiFrancesco and Dr. Rebecca Lim; and ob-gynecologist Dr. Joseph Randall Edwards.

In Davao, eleven registered nurses were also present. These include Minda Banaria, Joel Dolores, Angelina Dela Rosa, Emma Catabui, Belen Quijano, Remedios Caballero, Catherine Magharing,



Lilia Lacson, Corazon Medina, and Anna Fe Clores, Lynne Cariño. Surgical technicians Jose Ybarra, Hellene Lopez, Rianne Barela and Lizanne Humphry, meanwhile, completed the Davao team.

Some two hundred patients, meanwhile, were treated in the medical and outreach mission that the group held in Marikina City on February 21.

One hundred adults, fifty pediatric patients and seventy senior citizens sought medical consultation during the group's Marikina visit which was held in Daang Bakal, Sta. Teresita Village.

The Marikina medical team was composed of Dr. Joy Rivera, Dr. Carlota Valdemor, Dr. Lourdes Albano-Africa, Dr. Augusto Iglani, Dr. Lourdes Munji, and Dr. Val Araw. Registered nurses Acil Bagunu and Ofelia Bagunu, volunteer staff Cheoly Zipangan and coordinator Mario Bagunu rounded up this team which also distributed school supplies and food and clothing to indigents in the area.

From Marikina, the LVPMM headed south to the Bicol region where two separate medical missions were held, at Iriga City on February 28 and in Buhi, Camarines Sur on February 29.

At Iriga City, the LVPMM coordinated with students of nursing from the University of Northeastern Philippines and its president Delicia Tibi. The Buhi Mission, meanwhile, was made in cooperation with



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