

YOUR IMMIGRATION SOLUTION



ATTY. ROBERT REEVES & JOSEPH I. ELIAS

ON October 28, President Obama passed into law Congress's landmark immigration bill that ends the automatic revocation of a visa petition when the petitioner dies. This will provide significant relief to immigrants and their families who have waited for their priority dates to become current only to have the petition revoked upon the death of the petitioner. The new law helps many surviving family members residing in the United States.

The demand for immigrant visa numbers for family-based and employment based sponsorship far exceeds the supply. This has resulted in massive backlogs with immigrants

President signs law cancelling automatic revocation of petitions upon petitioner's death

waiting years and even decades for their priority date (their place in line) to become available. Many petitions simply do not survive the protracted waiting period. The death of a petitioner or principal beneficiary results in an automatic revocation of the immigrant visa petition. Surviving family members were left with no means to obtain immigrant status based on that petition. In limited circumstances, the Immigration Service will reinstate a family-based petition for humanitarian purposes. Humanitarian reinstatement was discussed in one of our previous articles.

Specifically, under this new law, six groups of surviving family members, who were in the US when the petitioner or principal beneficiary died, and continue to reside in the US, may adjust status to permanent residents when their priority date is reached. The first group allows the spouse of a US citizen or the unmarried child of a

US citizen under the age of 21 to continue processing even if the US citizen petitioner dies while the immigrant visa petition is either in process with the immigration service or has been approved. Before this law, if the US citizen died before the petition was approved or permanent resident status was granted, the spouse or child would be unable to obtain permanent resident status.

The second group covers the family preference categories who have approved or pending petitions. These include the spouse and unmarried children of permanent residents, the unmarried children over the age of 21 of US citizens, married children of US citizens, the brothers and sisters of US citizens, and the derivative children of this group. If a US citizen petitioned his sister in the Philippines, it would take approximately 22 years for a visa number to become available. If the US citizen died 15 years after filing,

and before the visa number become available, his sister, her husband and their children would no longer be able to immigrate to the US. The new law, however, allows her and her family to immigrate to the US as long as they were residing in the US when the US citizen died and continued to reside in the US when their visa number became available.

The third group covers the derivative beneficiaries of pending or approved employment-based immigrant visa petitions. These are the spouse and unmarried children under 21 of someone sponsored under an employment based category. For example, an immigrant was petitioned by her employer as an accountant. She and her family are residing in the US. Her immigrant visa petition is either approved or in process and she and her family are waiting for her priority date to be reached. Before her priority date is reached, or the USCIS can approve

an application for adjustment of status, the accountant unfortunately dies. Prior to the new law, her family would not be able to continue the immigrant process. This scenario is unfortunately all too common. To add insult to the injury of losing a loved one, under the prior immigration law, the family would have no means of continuing the immigrant process. They would be required to bury a loved one and uproot their lives from the US. Under the new law, the family may continue processing for permanent resident status even if the principal beneficiary passes away. This law provides much comfort to those who have brought their families to the US and are dependent on the employment immigrant visa to provide immigrant status for the family. If they pass, their families will continue to be provided for in the immigrant process.

The fourth and fifth group covers spouse and children of asylees seeking a derivative asylum application and the beneficiary's of approved refugee/asylee relative petitions. They too may continue processing if the principal beneficiary or petitioning relative

passes away while they are in process. The final group covers the spouse and children of "I" and "U" visa holders who may continue processing even if the principal beneficiary passes.

Unfortunately the new law does not apply to surviving family members residing outside of the US. But, Congress has recognized that families are being disrupted by the current immigration law and has provided some relief. The President's passing of the law grants much needed help to many immigrant families.

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The analysis and suggestions offered in this column do not create a lawyer-client relationship and are not a substitute for the personalized representation that is essential to every case.

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Moringa for Senior Citizens

PEOPLE are considered old because of certain changes in their activities or social roles or when they begin to do less or different work—retirement. Aging also affects our social environment. Symptoms of Old age includes wrinkles and liver spots on the skin, hair loss, lessened hearing, worse eyesight, slower reaction times and agility, reduced ability to think clearly, difficulty recalling memories, greater susceptibility to bone diseases such as osteoarthritis. Elderly people tend to have lower body temperatures and infections that would cause fever. Elderly pneumonia sufferers may present with symptoms such as rapid breathing, reduced appetite and reduced functioning. Elderly urinary tract infection sufferers may present with incontinence, confusion and may suffer from falls. To get rid of these symptoms they should take all the nutrients.

Malunggay is rich in vitamin to the extent that it is one of the richest plant sources of Vitamin. Moringa has Vitamin A (Beta Carotene), Vitamin B1 (Thiamine), Vitamin B2 (Riboflavin), Vitamin B3 (Niacin), Vitamin B6 Pyridoxine), Vitamin B7 (Biotin), Vitamin C (Ascorbic Acid), Vitamin D (Cholecalciferol), Vitamin E (Tocopherol) and Vitamin K. Vitamin A is needed to prevent night blindness, promotes healthy skin, and fights infections. Vitamin C is needed to maintain healthy gums, assists in healing wounds, and helps the body use iron. Vitamin E will protect your body against free radical damage to cells. Calcium and Vitamin D are essential to maintain strong bones and teeth.

The list of Minerals present in Malunggay is abundant and few of the main minerals include Calcium, Copper, Iron, Potassium, Magnesium, Manganese and Zinc. Calcium is one of the most important minerals for the growth, maintenance, and reproduction of the human body. Blood coagulation, transmission of nerve impulses, muscle contraction and relaxation, normal heart beat, stimulation of hormone secretion, activation of enzyme reactions, as well as other functions, all require small amounts of calcium. After age 50, more calcium or 1,200 milligrams are needed to prevent a disease called osteoporosis. As you age, minerals in your bones are lost and bones may get thinner.

Malunggay contains all the essential minerals needed for

maintaining a strong bones and physic. As chronological age increases the individuals are prone to develop many diseases. Antioxidants protect us from cell damage and may reduce the risk of cancer and heart disease, and may slow down the aging process. Malunggay contains 46 antioxidants which will prevent the cell damage. Various nutrients, which may be missing in the routine diet, can be taken by help of different supplements available in the market. But good nutrition in the later years still can help lessen the effects of diseases prevalent among older or improve the quality of life in people who have such diseases.

Malunggay is the richest source of Calcium from a plant material and Malunggay has 17 times more Calcium than that of milk, helps to prevent the occurrence of osteoporosis during old age and strengthen the bones of the young and middle age people. Malunggay, with 25 times more Iron than that of Spinach, helps in the formation of hemoglobin and myoglobin, which carry the oxygen in the blood and the muscle. Iron also makes up part of many proteins and enzymes in the body and deficiency of which leads to the weakening of the immune system, helps in improving the mental ability as the oxygen supply to the brain increases.

Malunggay with 15 times the potassium in Banana assists in the regulation of the acid-base and water balance in the blood and the body tissues. Body proteins are constantly being made and used during your lifetime to maintain cell and organ functions. Adequate protein intake and protein reserves are important for older adults, especially during periods of emotional and physical stresses. Protein helps to prevent muscle loss. As the richest source of Calcium and Potassium it helps in the reducing the blood pressure. It assists in protein synthesis from amino acids and in carbohydrate metabolism. Malunggay capsules are the best natural supplement which provides all the necessary nutrients needed by the body. The bioavailability of the nutrients in Malunggay more compared to other supplement as Malunggay is 100% natural.

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Get the thousands of \$\$ you deserve for your hardwork

MANY Californians, especially those undocumented workers are confused about their labor rights, here in the Bander column, we remind our readers that California workers are entitled to workplace protection. California law entitles you to overtime, minimum wages, and interest penalties.

Because of confusion about the rights of undocumented workers employed in California resulting from a recent US Supreme Court decision, Hoffman Plastic Compound, Inc., v. National Labor Relations Board, the Division of Labor Standards Enforcement (DLSE) is providing clarification of its enforcement practices. DLSE adjudicates wage claims, investigates discrimination and public work complaints, and enforces Labor Code statutes and Industrial Welfare Commission orders.

Are undocumented workers protected by California labor laws?

A. Yes. All California workers—whether or not they are legally authorized to work in the United States—are protected by state laws regulating wages and working conditions. All California workers have the right:

- To receive a minimum wage of \$8.00 per hour
- To earn overtime pay—with some exceptions—after working more than eight hours per day or more than 40 hours in one week
- To file wage claims with the state labor commissioner if they believe their employer has violated state wage laws
- To file workplace safety and health complaints with Cal/OSHA, the state workplace safety and health program
- To work in an environment free from retaliation for

exercising their rights

It is very important to be noticed that the California Department of Industrial Relations - which enforces the state of labor and workplace safety and health laws - will not question workers about their immigrant status.

With the right guidance from an experienced attorney, you can 1) Process all wage claims without regard to your immigration status, 2) have hearings hold by California Department of Industrial Relations to recover unpaid wage 3) File the court actions to collect back pay owed to you.

Atty. Joel R. Bander is the partner of Bander Law Firm, LLP. With over twenty years of litigation and immigration experience, Mr. Bander is a leading litigator and accomplished trial strategist. He has successfully handled numerous cases before Federal, State, Civil, and Criminal Judges and has participated in hundreds of arbitrations and trials. Bander law firm offers from office immigration, personal injury, wage hour claims' consultation by appointment. Downtown L.A. office address: 1055 W. 7th Street Ste. 1950, Los Angeles, CA 90017. Tel. 213-873-4333, Fax: 213-873-4334; Email: info@bandlerlaw.com

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ATTY. JOEL R. BANDER

Log off and...

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And enjoy your hot chocolate!
But first, LOG OFF.

Nota Bene: My views are my own and do not necessarily reflect the views of AJPL. I encourage you to read my book, "The Complete Success Guide for the Immigrant Life: How to Survive, How to Thrive, How to be

Fully Alive." If you have very little time to read, browse through "The Immigrant's Little Quote Book for Success." Your local public library might have these books available or you can request your librarian to purchase copies. These are also available at amazon.com or immigrantsuccess.com Past articles are on the internet at www.asianjournal.com To ask questions, send feedback and requests, e-mail: monetteamaglaya@sbcglobal.net or monette.maglaya@asianjournalinc.com

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