

**PROTECTING RIGHT & \$**



ATTY. JOEL R. BANDER

**T**HE Bureau of Labor Statistics reported that the employment growth rate in the country has been trending down while the unemployment rate has risen to 8.1% in February 2009. Construction and manufacturing reflected a slight decline while job growth in major industries in both the goods-producing and service-providing sectors continued to decline significantly. However, despite this reported weakening labor market condition, stories of labor shortages in various industries abound. Among the industries reportedly expanding are education and health services while leisure and hospitality remains substantially unchanged.

One solution seen to address the labor shortages is the hiring of foreign workers. Many employers in the industries experiencing labor shortages require temporary or seasonal workers owing to the nature of their business. Seasonal employers have the

# H-2B visa for seasonal employees

most challenging time in attracting local workers to take temporary employment without the benefits customarily given to regular employees. On the other hand, maintaining regular workers for seasonal services could be detrimental to the business' profitability. Employers faced with this dilemma may hire foreign workers to fill temporary positions under the H-2B program.

To qualify under the H-2B program, the US employer must be able to show that its need is temporary as justified by one-time occurrence, intermittent, seasonal, or peak load nature. It must also show that there are no US workers available, willing or qualified in the area of the proposed employment. Further, the employment need must be full-time and generally not longer than 10 months for recurring employment need.

Occupations common in H-2B petitions include hotel and restaurant workers, resort and spa workers, construction workers, entertainers, and child care and home support workers. H-2B may also be appropriate for programmers for a temporary assignment of installing a new computer program, professionals to work on a contract needing expertise not normally needed

by the employer, or for relieving a regular employee during a leave of absence.

Like H-1B and other non-immigrant worker petitions, H-2B petition is filed with the US Citizenship and Immigration Services (USCIS). Prior to filing a petition with the USCIS, the employer must first obtain a temporary labor certification determination from Department of Labor (DOL). The application for temporary labor certification must be filed at least 60 days but not more than 180 days prior to the designated date of need for employment. An application can cover more than one worker, provided it is for the same occupation, area of intended employment, and period of need.

After certification, an H-2B visa petition is filed at the USCIS designated office along with the approved Labor Certification from the DOL. The H-2B visa petition must include copies of evidence that each foreign worker named in the petition meets the minimum job requirements stated in the certification. Currently, it takes about 60 days for the USCIS to process H-2B petitions.

Obtaining labor certification and H-2B visa for a foreign worker may entail a lengthy and complicated process.

However, a competent and experienced lawyer should be able to guide and assist the US employer in completing the process.

If you have any questions, it is best to consult with an attorney. Bander Law Firm has been serving the community of Los Angeles, CA since 1987 and has multilingual staff who can communicate effectively in Tagalog, Spanish, Sinhala, Farsi, Russian, Korean and Mandarin. Please feel free to call Bander Law Firm at 213-873-4333 to schedule your free initial consultation on immigration concerns. Bander Law Firm provides full range of legal services in the fields of Mortgage Litigation, Bankruptcy, Immigration, Personal Injury, Criminal and Removal Defense, Civil and Business Litigation, Wage and Hour Litigation and Class Action lawsuits.

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Atty. Joel R. Bander is the partner of Bander Law Firm, LLP. With over 15 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.

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(Advertising Supplement)

# LEADERS' DIGEST

*Filipinos are everywhere in America - from the East to the West coast. However, as the second largest Asian American community in America, we still have to empower ourselves to become more visible in the political mainstream. Unknown to us, fellow FilAms are making a difference across the US - as appointed and elected leaders in their respective areas. The Asian Journal Leaders' Digest aims to present to readers these leaders who have made - and continually making a difference for the Filipino American community.*

## Robert Bunda

by JOSEPH PIMENTEL  
AJPress



**H**AWAII Senator Robert Bunda (D-HI) became the first Fil-Am to attain a presidency of any state legislature in the US when he was appointed a Senate President in 2001.

The third-generation Fil-Am was born in Waiialua. Now, the Democratic President Emeritus senator represents the 22nd District of Kaena-Wahiawa-Pupukea. He is one of Bunda, a former Bank executive and insurance broker, has been a member of the Hawaii State House of Representatives from 1983 to 1994 and currently a member of Hawaii state senate since 1994.

He was appointed Presidential Elector for Hawaii in 1996 and chosen as a delegate to Democratic National Convention from Hawaii in 2004.

Aside from his political duties, Bunda volunteers actively with the Lions and a member of the Filipino Chamber of Commerce in Oahu.

Bunda graduated from Texas Wesleyan College and finished graduate studies at the University of Texas.

He pursued business right after his graduation before working as insurance agent and a Bank Executive in the late 1970's.

He's also been a member of the Hawaii National Guard, Texas Army National Guard, and United States Air Force.

Bunda has never shied away from being a Fil-Am and has praised Filipinos for their hard working ethics especially their contributions in Hawaii.

"Filipinos have contributed

to this state's rich multicultural heritage," said Bunda. "Their hard work and perseverance have not only created notable individual accomplishments and success stories, but they have, collectively, led to significant contributions to the state's business community and overall economy."

When it comes to Hawaii, Bunda believes that despite the global economic downturn, Hawaii would be able to "find innovative ways to turn adversity into opportunity."

"The Legislature needs to avoid a piecemeal approach to lawmaking that sometimes sends mixed signals to the business community," Bunda wrote in the Hawaii Star Bulletin. "Hawaii's Superferry fiasco is a perfect example. Our major islands need to stay connected for commerce and communication and family connections. The Legislature should facilitate improvements to interisland transportation systems, not obstruct them."

Bunda is one of five Fil-Ams in the Hawaii state senate joining senators Will Espero, Lorraine Inouye, Donna Mercado Kim, and Ron Menor. ■

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(Advertising Supplement)

## Free tax prep available to make April 15 deadline

**L**OS ANGELES - Taxpayers still facing the Wed., April 15 deadline may be able to use one of the free tax prep sites operating in the region this filing season. Volunteer Income Tax Assistance (VITA) sites help those making up to \$42,000 which is the upper income limit for the valuable but underused Earned Income Tax Credit. VITA sites usually serve walk-in visitors on a first-come, first-served basis. AARP Tax Aide sites help seniors who have less complicated tax returns and usually require an appointment.

Days and times of service vary at these sites. In all instances, remember to bring identification, W-2 forms, other earnings and financial records, and bank routing and account numbers for direct deposit of refunds. For more information, call 2-1-1 if you're in LA County; outside the county, call the IRS at 800-906-9887 or AARP at 888-227-7669.

In addition, the IRS operates Taxpayer Assistance Centers (TAC) Monday through Friday, 8:30 am to 4:30 pm. TACs provide forms and publications, answer questions, and help arrange payment schedules regardless of a person's income.

The IRS TACs in the region include:

- \* Bakersfield , 4825 Coffee Rd.
- \* Camarillo , 751 Daily Dr .
- \* El Monte , 9350 E. Flair Dr .
- \* Long Beach , 501 W. Ocean Blvd.
- \* Los Angeles Downtown, 300 N. Los Angeles St .
- \* Santa Barbara , 1332 Anacapa St .
- \* Santa Maria , 2384 Professional Pkwy.
- \* Van Nuys, 6230 Van Nuys Blvd.

And for federal tax info any time of the day or night, visit the official IRS Web site at www.irs.gov. ■