

Consequences of failure to appear in immigration hearings

A removal order will be issued in his or her absence.

He or she may be arrested or detained after the issuance of the removal order.

He or she could not apply for any form of relief under the law for ten (10) years from the date of removal order.

Exceptional circumstances refer to circumstances such as serious illness of the alien or death of an immediate relative.

Question: What are the forms of relief that an alien may avail in removal proceedings?

Answer: The forms of relief that an alien may qualify include:

Adjustment of status. The alien may request the Immigration Judge to review the denial of adjustment of status by the USCIS.

Cancellation of removal for aliens who are in the United States for 10 years or more.

Asylum and withholding of removal based on fear of persecution in the alien's home country.

Voluntary departure.

Question: What should an alien do if a Notice to Appear is received?

Answer: The alien should immediately seek advice from an experienced immigration attorney to evaluate his or her case and to determine what kind of relief the alien may qualify. A second or third opinion from another immigration attorney may be appropriate based on the individual comfort level.

Question: What if the alien has no money to pay for an attorney?

Answer: There are always Pro bono attorneys in Immigration Court who can help an alien temporarily until he or she find an attorney. It is always good to appear in court even without an attorney. There are also attorneys who can help client by paying the attorneys fees on installment basis. It is always good to shop around for the attorney whom they can trust.

Hot news of the week

Last February 2009, we received an approval of an adjust-

ment of status in Immigration Court for a client who entered the US by misrepresenting himself as married to another person not his wife. The Immigration Judge granted the waiver based on long residence in the US and hardship to the two United States citizen children.

We again have successfully obtained a waiver of fraud or misrepresentation in Immigration Court for a green card holder who entered as single but is actually married. The green card holder who has been in the United States for 17 years has a mother who is a US citizen.

Green cards without expiration date should be renewed. They have the alternative of applying for naturalization. Please call our office for questions about renewing green cards.

Tips of the week

Waiver for misrepresentation at the time of entry (entered as single but is actually married)

may be waived if you have a parent, spouse, son or daughter who is a US citizen or lawful permanent resident. Once approved you may be eligible for naturalization. You should apply now before your personal situation or the law is changed.

Denied adjustment of status and Naturalization applications are now being sent to the Immigration Court.

Income tax filing is required in the proposed legalization. Individual Tax Identification Number

(ITIN) can be used for filing tax returns and is required before bank accounts can be opened. Our office assists clients in obtaining ITIN.

Crispin Caday Lozano is an active member of the State Bar of California and he specializes in immigration law. His offices are located at 17057 Bellflower Blvd, Suite 205, Bellflower, CA 90706 and 1290 B Street, Suite 205, Hayward, California 94541 and at 777 N. First St., Suite 333, San Jose, CA 95112. You can contact him at telephone (562) 461-1355 and (510) 538-7188. (Advertising Supplement)

IMMIGRATION HIGHLIGHTS



ATTY. CRISPIN LOZANO

MANY aliens do not want to appear in Immigration Court for fear of immediate removal or detention. On the contrary, appearing in Immigration Court is a benefit because the Immigration Judge will give the alien all relief available under the law which can make his or her stay in the United States permanently.

Question: What are the consequences of failure to appear in Immigration Hearing?

Answer: The consequences if an alien failed to appear except for exceptional circumstances beyond her control in a scheduled Immigration hearing are:

LEGAL RIGHTS



ATTY. JOHNSON LAZARO

THERE is a stiff price to pay for overstaying. This means that for those who stay past the allowable time period issued by Immigration, the long arm of the law awaits. But by knowing the basics, you can be prepared. Here is a short summary of applicable laws and regulations for overstaying immigrants. Please be warned that this area of immigration law is highly complex. Seek guidance from an attorney if the law of overstay or unlawful presence affects you. First, those with non-immigrant status are given a certain period to legally stay in the US. This is normally stamped on the passport or on the little white paper called I-94. Generally, any over stay, even for just one day, is violation of immigration law. Be

PROTECTING RIGHT & \$



ATTY. JOEL R. BANDER

YOU can bring your family to the United States if you are a US citizen, Legal Permanent Resident or US non-immigrant.

A US citizen or Legal Permanent Resident (LPR) needs to file Form I-130 immigrant petition for the alien relative. Visas are immediately available for the parents, spouses and unmarried minor children of a US citizen. Any unmarried son or daughter of a US citizen 21 years of age and above will have to wait 6-16 years (depending on your country of chargeability) before visas become available. For the married son or daughter and siblings of a US citizen the waiting period may even take longer.

Legal Permanent Residents can also bring their spouses and unmarried minor children but the waiting period is 4-7 years depending on which country they were born. They can also petition for their unmarried son or daughter 21 years or age and above but cannot petition married children, parents, brothers or sisters.

DR. VAL'S DENTAL VIEWS



DR. VALERIE DE LEON

Dear Dr. de Leon, I WEAR dentures and I need to know the best way to clean them. I have been wearing them for more than 10 years and I feel that my dentures are literally floating in my mouth. What happened and what can I do to prevent this from happening?

Lydia

Dear Lydia,

For your first question, my advice is brush your denture each day with denture cleansers regularly with denture brushes. It's best to use a brush specifically for that purpose. Brushing your dentures helps prevent your ap-

The rules of overstay

careful as to whose advice you follow. Some think that several days of over stay is fine because there is a "grace period." Please know that this so called "grace period" has never been confirmed by Immigration Officers.

There is lingering notion around the immigrant community that one can overstay for up to 180 days without penalty. Again, be careful with this one. There is a "180-day" provision but it does not give you a free pass to over stay your non-immigrant visa. The provision says this: "an alien who has been unlawfully present for more than 180 days but less than one year would not be subject to the three-year bar if he or she voluntarily departed the United States after removal proceedings had already begun." Some lawyers interpret this decision to mean that one can over stay up to 180 days. That may not be the case. This provision may save you from being unlawfully present but it may not alleviate the penalties of overstaying. Sounds confusing? Read on.

Being "unlawfully present" can cause you to be barred from

entering the US for 3 and up to 10 years. So if you depart the US after 180 days but less than one year, the law says that you will not be labeled "unlawfully present." As such the bar may not apply. But - and this is an important BUT - being out of status for 180 days is still not authorized stay. This means that immigration law was still violated and you can still be penalized. There are different legal implications.

Here's another point of law. There is a "120-day" tolling period for those who filed a timely application for change or extension of status. The government is famous for backlogs. So it will allow you 120 days authorized stay if you file your application to change or extend status in a timely manner. This new period of authorized stay continues until the date DHS issues a decision. If the application is denied, the "unlawful presence" will continue to accrue. Note that any denial of immigration benefits may result in accruing "unlawful presence."

Now what about those people who file adjustment of status due

to marriage to a US citizen or other immediate relative? Persons with properly filed adjustment of status applications are in a period of stay authorized by the Attorney General. Again be careful. If the application for adjustment is filed after the government issues the notice for removal proceedings, the stay is not authorized. If this is the case, you would need to be represented in Immigration Court. Take a deep breath and dig in. Find a good attorney.

Violation of immigration law can be costly. Family members may be barred from entering the US if immigration officials find that the beneficiary has overstayed or was "unlawfully present." In addition, this area of the law is not easy to understand or to explain. But if your plan is stay in America, it pays to do the research.

Lazaro and Associates is a Filipino-owned law firm that handles civil litigation. The firm's offices are located in San Francisco, Fremont/Newark/Union City California, Makati City (Philippines). Telephone (415)278-9577. E-mail: Law@LazaroLaw.com. Website: www.LazaroLaw.com.

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How do I bring my family to the US?

US non-immigrants (such as students, specialty workers, intracompany transferees, trainees, etc.) can also bring their loved ones to the United States. There are no numerical limits or processing delays related with dependent visas. Medical examination is also not required.

Immediate relatives of US citizens (parents, spouses and unmarried minor children) are not subject to numerical limitation but it may take 8-12 months before the relative can obtain his/her immigrant visa. The process may take longer if required additional documents are not submitted promptly. Some Consular Officers may require DNA testing if birth records presented are insufficient.

As part of the regular process, the relatives of US citizens and Legal Permanent Residents will be required to take medical examination prior to their interview. Certain health issues and presence of illegal drugs found in the system of the applicant may cause further delay or denial of the application. Criminal conviction is also another cause for denial and possible lifetime bar.

Petitioning a relative seems easy but lack of knowledge about the process could turn money, effort

and time spent on the case into tremendous frustration. That is why it is very important to consult with lawyers or people who have the knowledge, experience and qualification to ensure success of your application.

Bander Law Firm, LLP has been providing immigration services for over 15 years and has multilingual staff who can communicate effectively in Tagalog, Spanish, Sinhala, and Mandarin. Our firm provides free initial consultation on immigration matters, except criminal-related matters. Please feel free to call Bander Law Firm, LLP at 213-873-4333 to schedule your free initial consultation. To learn more about immigration concerns and read previous columns, visit www.BanderLaw.com.

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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Dentures

pliance from getting permanently stained.

Some people use hand soap or dishwashing liquid to clean their dentures. These are also acceptable but know that there are types of household cleaners that are too abrasive and will only damage your dentures.

It's a good idea to put a wet towel in the sink just in case you accidentally drop the denture which commonly happens. At night, dentures should be placed in a soaking solution or water to allow your bone ridges to rest. Wearing the dentures overnight hasten the shrinking of the bones.

Brushing twice a day and cleaning between your teeth daily help prevent tooth decay and periodontal (gum) disease that can lead to tooth loss. Pay special attention to cleaning teeth that fit under the denture's metal clasps.

Plaque that becomes trapped under the clasps will increase the risk of tooth decay. Your dentist or dental hygienist can demonstrate how to properly brush and clean between teeth.

Regarding your dentures feeling loose, it is possibly because your bone and gum ridges have receded or shrunk. As one ages, one's mouth naturally changes which can effect the fit of the dentures. Dentures that do not fit properly should be adjusted or replaced. Loose dentures can cause various problems, including sores or infections.

To find out if you would benefit from denture relines or new dentures, call Dr. De Leon for a free consultation at 650-697-9000. Dr. de Leon is with Millbrae Smile Center located at 15 El Camino Real, Millbrae CA. She is a member of American Academy of Cosmetic Dentistry, Academy of Laser Dentistry, ADA,CDA, SMCDS And AGD.

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