

COMMUNITY

JOURNAL

YOUR IMMIGRATION SOLUTION



ATTY. ROBERT REEVES & JOSEPH I. ELIAS

The RN contract trap

often all too eager to sign up. While this path may be one of the easiest ways to immigrate, it is not without its pitfalls. Employment-based sponsorship means the RN will be allowed to immigrate if the RN intends to work on a permanent basis for the petitioning employer. This is a critical condition of immigrating that carries consequences if not fulfilled.

During the typical recruitment process, the RNs are promised sponsorship in exchange for working for the employer. Contracts are prepared and representations are made regarding the nature of work, type of work, place of work, working conditions and wages. Many RNs are so eager to immigrate, they do not carefully read these contractual documents, ask serious questions regarding the terms and conditions, or have the contracts reviewed by their own attorney.

In the excitement of the prospect of immigrating to the US many RNs are seduced with the notion that the dream job awaits them in the US. For some this is true, but for many, it has drastic consequences. The RNs gloss over the contracts and assume an attitude of, "I'll deal with it later." The most common contractual clause that wreaks havoc on an immigrating RN's life is the breach of contract damages clause. Most contracts typically require the RN to work for a specific number of years and failure to do so triggers the damages clause. The damages can range from \$15,000 to \$50,000 dollars!

Many RNs signing these contracts are unfamiliar with the litigious culture in the US. Some come to the US and find the working conditions and salaries they were told they would receive are not the same as represented when first recruited. Some conditions are so unbearable. For example, being placed in graveyard shifts in hospitals far from home. Or, not being placed in any hospital

and collecting no salary while the sponsor tries to obtain a new client for the RNs placement. Many of these RNs then leave their employers and this is when additional tragedy strikes.

The employer begins a campaign of harassment and may sue for breach of contract and obtains a judgment against the RN for the penalty amount. The judgment typically comes with a wage garnishment order. This means the RN's new employer is required to pay a portion of the RN's wages to the sponsor to cover the judgment. Because RNs are in a licensed occupation requiring a reporting of where they work, it is very simple for the sponsor to locate the RN and exact the judgment.

But worse than a breach of contract is the possible immigration consequence. The RN has obtained permanent residency because she stated she intends to work on a permanent basis for her sponsor. By leaving or changing employers shortly after entering the US, she has now opened the door for the Immigration Service to revoke the green card! Some employers immediately notify the Immigration Service when an RN leaves exposing the RN to possible green card revocation and deportation.

For many others, the immigration consequence comes several years later when the RN is applying for US citizenship. The Immigration Service reviews the basis of the green card and determines how long the RN worked for her sponsor. If it determines that the RN has only worked for a short period of time, it may begin revocation and deportation proceedings against both the RN and her family members who obtained green cards through her.

These tragic consequences can be avoided by careful review in the beginning. For many of those currently in the position, there is still immigration and contractual

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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.

Sen. Will Espero

by JOSEPH PIMENTEL
AJPress



a member of the Commerce and Consumer Protection, Health, Joint Task Force to Conduct a Review of the State Highway Fund, and the Transportation, International and Intergovernmental Affairs committees.

Education

One issue that Espero keenly pays attention to is education. In 2004, he introduced a resolution to develop, support, and promote existing robotics education in Hawaii's schools to spur students about science and math.

The STEM (science, technology, engineering, and mathematics) program grew that day and has continued to help Hawaii's students learn the cutting edge of technology in the classroom.

Espero recently wrote about the program's success in an article in the Hawaii Reporter.

He wrote that a school in his senatorial district, Ewa Beach's James Campbell High School last December captured the Excellence Award, the top honor, at the 2008 VEX Pan-American Robotics competition last December. The team of high school students are now on their way to Dallas, Texas to compete in the VEX World Championship.

He said the student's and faculty's accomplishment is the reason why he advocated robotics education when he introduced the resolution four years ago.

"Winning competitions is thrilling, but the real achievement is that many students who previously had little interest in this tough academic

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