

IMMIGRATION HIGHLIGHTS



ATTY. CRISPIN LOZANO

Applying for a Visa after Deportation or Removal from the US

ter Deportation or Removal with supporting documents with the District Director. If the case is with the Immigration Judge, the form should be filed in court.

Question: *May an alien who is deported or removed from the United States apply for a nonimmigrant visa (like visitor's visa, student visa, fiancé visa or H-1B visa) before the 5 years or 20 years required presence outside the United States?*

Answer: Yes. The alien will be required to submit Form I-212 to the consular officer. If the consular officer accepted the application, he will recommend to the District Director to approve the alien's application.

Note: This is not a legal advice. You should talk to an experienced immigration attorney about the circumstances of your case.

Hot news of the week

Last February 2009, we received an approval of an adjustment 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)

LEGAL RIGHTS



ATTY. JOHNSON LAZARO

'Emergency' at the port of entry

more detailed questions and review your immigration documents. At this point, CBP can review the databases concerning the history of the US visitor. Some clients report waiting as long as three hours before being let out from this inspection point. If there are "skeletons in the closet," this is when they are going to be revealed.

The "secondary" interview is usually when a visitor is placed in the "hot seat." Immigration lawyers get calls during this "emergency" period. This is when immigration attorneys are usually called to intervene. During this inspection, the officer may ask piercing questions about previous trips, contacts, prior employment, prior entries, relatives, and/or plans for the U.S. trip.

If there are prior violations, the officer will require the visitor to explain or justify these violations. Although our office gets many calls from relatives of people in "secondary" inspection, attorneys are generally not permitted to participate in this inspection process. This is the kind of emergency that the visitor must anticipate and plan for with legal counsel.

The best way to deal with this kind of emergency is to devise a strategy in advance. The immigration attorney can discuss with the visitor issues concerning admissibility. Advance planning is often taken for granted by many immigrants who prefer to take a chance. Some fail to do the proper research or they consult with the wrong person and get in trouble at inspection. Inspectors are charged with catching those who evade or violate immigration

laws and if you don't prepare you may get turned around.

If there are serious allegations against a US visitor, he or she may be allowed to withdraw his or her application for entry. This means that although the visitor may have to go return to his homeland, there may not be a negative mark on her immigration record. The alternative is getting an expedited removal. This will prevent the visitor from being admitted into the US for many years to come.

It is important that if expedited removal can't be avoided, the foreign national must obtain Form I-831, the "Q&A." The CBP officer is required to make a record of a negative determination and all the facts leading to a decision. The Q&A will contain the important details of the discussion between the officer and the visitor. It will also contain the specific grounds of inadmissibility as stated by the CBP. This is the very first thing that we look for when we review an expedited removal case. In our investigation of such a case, we will search for the name of the CBP officer who made the negative determination and this will be the start of an inquiry whether the immigration was justified in its actions.

Lazaro Law Group, Professional Corporation represents immigrants all over the United States and US Embassy in Manila. The firm's offices are located in San Francisco, Makati City (Philippines), and Fremont, Union City California. Telephone (415) 278-9577. E-mail: Law@LazaroLaw.com; Website: www.LazaroLaw.com.

This article should not be taken as legal advice for any individual case or situation. The information is intended to be general and should not be relied upon for any specific situation. This is not meant to create a lawyer-client relationship. (Advertising Supplement)

PROTECTING RIGHT & \$



ATTY. JOEL R. BANDER

When moral character is an issue in naturalization

differ according to area. An immigration officer has the authority to examine the applicant's entire life and to closely scrutinize the 5 years preceding his/her naturalization application. Past actions relating to applicant's current behavior may be discussed, although they cannot be the basis for the denial of his/her application.

The following have been given as examples by the USCIS that might demonstrate a lack of good moral character:

- Any crime against a person with intent to harm.
- Any crime against property or the Government that involves "fraud" or evil intent.
- Two or more crimes for which the aggravated sentence was 5 years or more.
- Violating any controlled substance law of the United States, any State, or any foreign country.
- Habitual drunkenness.
- Illegal gambling.
- Prostitution.
- Polygamy (marriage to more than one person at the same time).
- Lying to gain immigration benefits.
- Failing to pay court-ordered child support or alimony payments.
- Confinement in jail, prison, or similar institution for which the total confinement was 180 days or more during the past 5 years (or 3 years if you are applying based on your marriage to a US citizen).
- Failing to complete any probation, parole, or suspended sentence before applying for naturalization.
- Terrorist acts.

Persecution of anyone because of race, religion, national origin, political opinion, or social group.

A person who has been convicted of murder at any time, or convicted of any other aggravated felony on or after November 29, 1990 cannot establish good moral character and therefore, is barred from applying for naturalization.

The applicant must not lie. All arrests, convictions and crimes should be disclosed in the application. Even those conviction records that have been expunged must be reported. Failure to tell the truth about the applicant's involvement in any crime could lead to the denial of his application for lacking good moral character.

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. Bander Law Firm, LLP Downtown office address: 1055 W. 7th Street, Suite 1950, Los Angeles, CA, 90017. Tel: (213) 873-4333 Fax: (213) 873-4334. San Gabriel Office address: 1045 E. Valley Blvd., #A215, San Gabriel, CA 91776. Email: info@bandlerlaw.com. (Advertising Supplement)

FOR many immigration attorneys, an emergency is when he gets a phone call from a potential client who is being detained at the airport. This call is usually from someone who just landed and is now prevented from entering the US due to some admission issue. This is when the lawyer has to make hard decisions on the client's immigrant status. It is at this critical moment when inspectors at the airport will decide whether the immigrant gets in or ordered back to the plane.

The US Customs and Border Protection (CBP) is charged with the inspection of visitors to the US. Each year thousands arrive at airports throughout the US and they are met by men or women in dark uniforms. CBP officers usually ask probing questions to determine the admissibility of a US visitor. If you are a US citizen, CBP should not bother you too much. However if you are a permanent resident or a non-immigrant, some preparation is needed as you enter the US.

Generally in US airports, there are two points of CBP inspection—"primary" and "secondary" inspection at each port of entry. The "primary" is usually a booth where the officer interviews the arriving immigrant concerning nationality and purpose for entering the US. Sometimes foreign nationals are photographed and fingerprinted as required by the US Visit Program. If the primary officer needs to elicit more information, you may be referred to the "secondary" inspection site. This is where another CBP officer may ask

A season...

PAGE B3 exactly when things will bottom out but it will. What is certain is that the tremendous run-up in real estate prices from 2001 till the last quarter of 2007 followed a steep curve and having reached its peak in 2007 will continue to fall over the next few years. It will be a buyers' market. It was an unprecedented phenomenon and few among government regulators and economists blew the whistle on the overheated real estate market. There were short-term, hefty profits to be made at the time and everyone, individuals and institutions, got in on the act, fueled by the human emotions of fear and greed. Over and over again in the last few centuries, FEAR AND GREED have driven the markets and these will continue to do so as long as our DNA wiring remains the same. And over and over again, as we move to recovery, the lessons will be forgotten.

For things to normalize, experts say real estate prices must come down to a sustainable level. Banks have to go back to the basics in lending to only those that can truly afford it — what used to be a ratio of 22% to no more than 33% of gross income. Integrity and common sense among the captains of industry in the financial markets must reign supreme again. Government must back off, or at the very least, rethink and redraw its policy of socialized housing, which forced banks to lend to those who could not afford it thereby causing the subprime mortgage mess.

For a consumer society, this downturn can have disastrous results. If those who are able to influence this trend, do not have the courage and the moxie to undertake course correction immediately, all dire predictions will become a self-fulfilling prophecy.

Or we can bank on the certainty that there is an ebb and flow, a night and day to life. There is the principle of "Horror Vacui" or that nature abhors a vacuum. There will be a new season that will come out of this, perhaps on the proviso, that we learn something from this.

Nota Bene: To ask questions, send feedback and requests as well as to inquire about advertising in any or all of the 6 print editions of Asian Journal in California, Nevada and New York/New Jersey and/or advertising in the Print Edition Online of Asian Journal, e-mail monette.maglaya@asianjournalinc.com

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Federation of Philippine American Chambers of Commerce (FPACC)

Contact: 2887 College Ave. No. 1
Box 106, Berkeley, CA 94705
www.fpacc.com

AT the hub of Filipino business activities in the United States is the Federation of Philippine American Chambers of Commerce Inc., an organization established in response to a perceived need to mobilize Philippine business communities in the US.

Heading the Federation as President is Berkeley-based Yolanda Ortega Stern, a graceful and striking woman from beautiful Zamboanga City in the Mindanao region of the Philippines. "I am proud of our record of achievements and close working relationship with the Philippines," remarked Mrs. Stern at a recent breakfast meeting in Manila.

The first large gathering of Filipino business leaders in the US took place in 1974 at a Unity Conference held in Anaheim, California, where a resolution was passed to organize nationwide. The resolution galvanized support and subsequent membership from Filipino American business, a movement spearheaded by California, a major population center for Filipinos in the US. Out of this momentum, the Filipino American Chamber of Commerce of San Francisco was incorporated in 1974.

Much later, a loose coalition of Filipino American business organizations elected officers and met regularly to work towards further unification. In November 1995, this organization was formally incorporated as the California Coalition of Chambers of Commerce, Inc.

and held its first Business Conference, with the Philippine Consular Corps in attendance.

The organization's main agenda was to organize itself into a federation through the support and encouragement of the Office of the President of the Philippines in cooperation with the Consul Corps, the DTI and the BOI. Today, the Federation is successfully united and headquartered in California and boasts a national network with 42 chapters and over 5,000 companies. Mrs. Stern is pleased with the relationship it has forged between private and public sector entities in the U.S. and in the Philippines. The federation this year signed major memorandums of Agreement between US-SBA and in the Philippines with TESDA; PCCI; PACC; Philexport; ECOP; PTA; CFC; and NYC.

An honorary ambassador of California, Mrs. Stern has been appointed Honorary Investment and Trade representative by DTI as well as representative of PCCI. With over 30 years of experience in international trade and civic works, Mrs. Stern is at her best at bridging coalitions for mutual benefits.

"We are a contributing force to American society," says Mrs. Stern. "We continue to lay our foundations brick by brick as we invite the US corporations to join hands with us as lay ambassadors and facilitators of economic goodwill between the United States and the Philippines." ■

Secretary Durano unveils tourism stimulus package of \$999

SECRETARY Joseph H. Durano has recently announced the offering of stimulus tourism packages in the United States to encourage more Americans to visit the Philippines and boost its tourism industry. This government initiative is done in cooperation of Philippine Airlines, selected Metro Manila hotels, and a consortium of Philippine-based tour operators. The tour package which costs only \$999 includes roundtrip international airfare from San Francisco, Los Angeles or Las Vegas via Philippine Airlines, two (2) night hotel accommodation in any of the selected deluxe hotels, daily American breakfast and one-way transfer from the airport to hotel or vice versa. The tour operator consortium is composed of Air Travel Center, GTT International, LBC Travel, Pacific Air Leisure, and Travelfast International. The official ground-handler for this extraordinary tour package is San Francisco-based Rajah Tours International; while the participating hotels are Sofitel Philippine Plaza, Crowne Plaza Galleria, Diamond Hotel, Holiday Inn Galleria and Dusit Thani Hotel. This package is available only up to May 23, 2009. In addition to the basic package in Metro Manila, extension adventure tours to Palawan, Cebu, Bohol, Boracay and Cagayan de Oro are also offered at affordable costs. These tours would afford travelers to experience the eco-adventure activities jointly promoted by the Philippine Department of Tourism and private sector entities in the industry. Philippine Tourism Secretary Joseph Durano

has initiated this stimulus tourism program to persuade potential tourists particularly those residing in North America and Japan; the two largest sources of arrivals in the country, to visit the Philippines at very affordable costs in the light of economic crisis affecting these markets. "The Philippines remains a very attractive tourist destination in the face of worldwide economic slowdown due to its excellent tourism products and services, and availability of affordable tour programs. The tourism industry is expected to generate billions of foreign exchange and create thousands of jobs for the economy," Durano said.

To avail of this package, please call your consolidators or travel agent. For Air Travel Center, please contact (415) 397-2255 or send an email to airtravelcenter@comcast.net. For GTT, please call (415) 837-0808 or (408) 452-8880 or send an email to adoree.sf@gtttravel.com or girlce.sj@gtttravel.com. For LBC Travel, please call (800) 241-1304 or send an email to sandy@teamlbc.com. For Pacific Air Leisure, please call (415) 981-0540 or send an email to pacificairleisure@sbcglobal.net. For Travelfast/Mango Tours, please call (866) 2-MANILA or send an email johanny@mangotours.com. For more information on this tour package, please contact Rajah Tours International at (415) 397-0303 or visit www.rajah-toursphilippines.com. Additional tour programs are available in the Philippine Department of Tourism web site at www.experiencephilippines.ph. ■