

PROTECTING RIGHT & \$

Changing employers while on an H-1B visa

will be no gap in employment. There cannot be any gaps in employment. Oftentimes, employers/employees make a mistake of not filing the petition before the employee starts working for the new company. Failure to do so may lead to the revocation of an alien's H-1B visa.

Since their H-1B visa was already counted against the 65,000 visa cap when they obtained the visa from the current employer, the new employer can still file for their H-1B visa even if the 65,000 visa cap has already been exhausted. Once your H-1B visa has been counted toward the visa cap, you will no longer have to wait the next year to apply.

Another common mistake is when the employers do not pay the employee they petitioned with the wage indicated in the H-1B petition. These aliens should receive salary that is in accordance to the industry's prevailing wages. There are instances when aliens petitioned by employers turn a blind eye on this violation made by their employers because they are happy enough that they are able to work in the United States.

As with any H-1B visa, aliens are only allowed to work for the petitioning US employer and perform the tasks described in the petition. The duties you are to perform and the wages you are to receive should be in accordance with what was filed by the employer.

The most important thing to remember about changing employers while on an H-1B visa is this: There should be no gaps in your employment because your H-1B allows you to stay in the US legally based on continuous employment.

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.

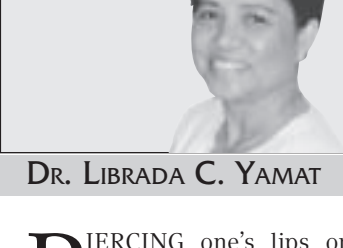


ATTY. JOEL R. BANDER

ARE you feeling tied down to your current job because of your H-1B visa? Did you receive a job offer from a different company but don't know what to do? The fact is: You CAN change employers while on an H-1B visa! What is important is that you and your employer follow the correct procedure necessary to do this.

Fortunately, the American Competitiveness in the Twenty-First Century Act (AC21) was enacted into law in 2000 and allows H-1B portability. This means that alien with an H-1B visa has an opportunity to move to a different employer. It does not mean that your visa is transferred from one employer to another. The new H-1B employer must first file a new Form I-129 petition for the alien before he or she begins working for the new employer. The application will include the alien's pay stubs as evidence that there

DENTIST'S CORNER



DR. LIBRADA C. YAMAT

The 'hole' truth about oral piercing

In addition, tongue jewelry gets in the way of talking, eating, and can damage the teeth. It's often tempting for wearer to bite or play with mouth jewelry, leading to chipped or fractured teeth, and in some cases the need for fillings or even a root canal or tooth extraction. Researchers have also determined that the longer a piece of jewelry is in the mouth, the more likely it is that the wearer will suffer from gum recession, which can lead to loose teeth and eventual tooth loss.

If the risk of infection, pain and swelling, scar tissue, nerve damage, chipped or cracked teeth, injuries to the gums and damage to fillings isn't enough to make you think twice about your desire for an oral piercing, be aware that mouth jewelry can also lead to excessive drooling, not the most fashionable look around!

household considers the consequences of oral piercing carefully before making any spontaneous decisions. If the piercing has already taken place, please keep an eye out for any signs of infection and call us, immediately if you notice any swelling, pain, fever, shills, shaking or a red-streaked appearance around the site of the piercing. Take the jewelry out immediately, and note that holes from oral piercing do close quickly.

Dr. Librada C. Yamat is a Family Dentist specializing in Cosmetic Dentistry. She has been practicing since 1992 in her Daly City office located at 187 Southgate Ave. (650) 991-2832. Recently, Dr. Yamat opened another dental office in San Bruno (1001 San Bruno Ave., Tel. No. (650) 873-4740). She is president of the MCU Dental Alumni Association and former president of the American Federation of Filipino Dental Practitioners.

FILIPINO HERITAGE NIGHT 2009 WITH THE GIANTS

In community partnership with ABS-CBN Global, ClubWorks, Inc., Filipino American Arts Expositions, Manilatown Heritage Foundation.

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RE-UNION

Filipino-American Associations in America

Searching for a kababata from your hometown, a college buddy or a Pinoy colleague? Your search is finally over. The Asian Journal brings you Re:Union, Filipino American Associations in America -- your link to a network of kababayan associations here in the United States. As your Filipino-American community newspaper, the Asian Journal recognizes your need to nourish and maintain ties with the people and the culture you were born with. This is our way of connecting our kababayans to the past, of creating new opportunities for the present and of inspiring you to pay it forward by becoming active members of your association and the FilAm community at large in the future.

National Alliance for Filipino Concerns (NAFCON) Northern California

Contact: c/o Pastor Wilson De Ocera
354 Irvington Street, Daly City, CA 94104
(415) 333-6267
diwayen@gmail.com / http://nafconusa.org

THROUGHOUT the United States, Filipino organizations and individuals have been engaged in community-based and worker-based organizing and leadership development. These groups have been at the forefront - fighting for social, racial and economic justice by waging campaigns on behalf of their constituencies. Campaigns have included advocating issues in the Philippines, as well as internationally, and doing relief and support work for Filipinos facing crisis' while in the midst of chronically impoverished situations. A national alliance amongst these organizations and individuals finally formed in 2003. The National Alliance for Filipino Concerns (NAFCON):

- Forwards the advancement of community-based and worker-based organizing
- Spearheads national campaigns on behalf of the most marginalized and impoverished sectors of society
- Fosters the growth of community-based leadership
- Promotes positive cultural exchange based

on Filipino perspectives and experiences

Mission

- Protect and advance the rights and welfare of Filipinos by fighting for social, economic and racial equality
- Respond to the basic needs and interests of Filipinos in the US through education, action and national unity
- Promote Filipino heritage as a positive cultural identity and contribution to US society
- Pursue the call for international peace, based on social justice

Vision

- Empowers and gives voice to Filipino communities in the United States
- Celebrates Filipino heritage
- Protects and respects Filipino rights and welfare
- Effectively addresses Filipino interests and concerns
- Gives Filipinos the opportunity to uplift the Philippine homeland and diaspora through social and economic reforms that strive for justice and lasting peace. ■

People and Events

3rd 'Pamilya Natin Malusog! Mapayapa! Matatag!'

A FREE seminar on the building healthier family relationships will be presented by the Archdiocese of San Francisco, Catholic Charities CYO, Philippine Consulate General and Community Overcoming Relationship Abuse (CORA) on Saturday, April 18, at 1 -4 pm (Registration and refreshments begin at 12:30pm) at St. Matthew's Catholic Church, #1 Notre Dame Ave., San Mateo, CA 94402

Marciano Paynor, Jr - Consul General, San Francisco, Reverend Monsignor Floro Arcamo - Vicar for Filipinos, Naomi Yunker - Chair, CORA Board of Directors, CORA Kumares and Kumpares - Domestic violence prevention educators and with the special testimony of Marlene Pinzon, survivor of domestic violence. Emcees will be Giovannie Espiritu - Television actor and member, CORA Board of Directors and Robert Uy, Esq. - Staff attorney with API Legal Out-

reach Free blood pressure check until 1 pm. Community resource providers will be available for consultations. Refreshments will be served. Pre-registration required. For more information, please call: St. Matthew's Catholic Church (650) 344-7622 Philippine Consulate General (415) 391-7363 Catholic Charities CYO (425) 972-1308 CORA (650) 652-0800 ext. 115. ■

The American Immigration Lawyers Association Northern California Chapter Citizenship Workshop

Saturday, April 18, 2009, 10am - 2pm. Hastings College of the Law, Mayer Lounge, 198 McAllister Street, San Francisco, near Civic Center Muni/BART Station

ELIGIBLE applicants will receive free assistance with their citizenship applications as time permits. All applicants will receive individualized screening for eligibility, but the requirements generally include:

- At least 5 years of lawful permanent residency (3 if married to a US citizen).
- Physical presence in the US for at least 1/2 of those 5 years/3 years.
- No departures from US over 1 year(absences over 6 mo. need attorney review)
- Be at least 18 years old.
- Speak, read and write basic English and Pass Civics Test. You may take the test in your native language if you are:
 - Age 55 and older who have been permanent residents for 15 years or more (at time of filing)
 - Age 50 and older who have been permanent residents for 20 years or more (at time of filing)
- Applicants may be eligible for a medical disability waiver for the tests, but would be referred to a non-profit or private attorney for assistance.
- Have good moral character and pay taxes. All arrest/court documents will need to be reviewed.
- Pay filing fee of \$595 plus biometrics fee of \$80 (total fee \$675). No biometrics fee for 75 and older.
- To receive assistance at the workshop, you must bring all of the following:
 - "Green card," Social Security card, passport and CA identification/driver's license.
 - List of all addresses (including zip code) for the past five years including dates of residence.
 - List of employers and/or schools for the past five years, with addresses plus start and end dates.
 - List of all trips outside the US during the last five years, including start and end dates.
- Information about all current and former spouses and all children, including full legal name, date of birth, social security number, alien number, date and place of naturalization, and current address.
- Information about all of your current and prior marriages, including date of marriage, date the marriage ended, and how marriage ended (divorce/death/annulment).

Information about all of spouse's prior marriages, including start and end date Documentation of all arrests and/or convictions, including reason for the arrest, date, place, and outcome/disposition. Bring ALL arrest and court documents, even if the charges were dropped. Men only: Evidence of Selective Service registration if you were a lawful permanent resident between the ages of 18 and 26. You may verify registration at www.sss.gov, or by calling (888) 655-1825. Recommended: complete sample application from: http://www.uscis.gov/files/form/N-400.pdf Please note: You do not need to register, just drop in on April 18. You must have photo ID to pass building security AILA NorCal thanks our co-sponsors for their contributions and support: UC Hastings College of the Law- San Francisco Immigrant Rights Commission- San Francisco Office of Civic Engagement and Immigrant Affairs- Asian Law Caucus- Lawyers Committee for Civil Rights- Centro Legal de La Raza- International Institute of the Bay Area- Immigrant Legal Resource Center- The Multicultural Institute- Pilipino Bayanihan Resource Center- Catholic Charities of Santa Clara County- Canal Alliance- Immigration Committee of the National Lawyers Guild-SF- SF Legal and Education Network- Arab American Legal Services- Korean American Bar Association of Northern California- Asian Pacific Islander Legal Outreach (formerly Nihonmachi Legal Outreach)- Vietnamese American Bar Association of Northern California- Iranian American Bar Association Northern California Chapter- East Bay Community Law Center- South Asian Bar Association- Filipino Bar Association of Northern California; Jewish Family and Children's Services. Media Inquiries: Jonathan Dunten, media@ailanorcal.com Other Inquiries: Mary Beth Kaufman, Jesse Lloyd probono@ailanorcal.com ■

2009 priority dates - No more working green...

PAGE B3 days from June 15, 1991 to June 22, 1991.

The Fourth Preference, F-4 (brothers and sisters of United States citizens) priority date moved forward by 16 days from June 22, 1986 to July 8, 1986.

Petitions by Green Card Holders

The Second Preference, F-2A (Spouse and minor children (below 21 years old) of green card holder) moved forward by 1 month and 23 days, from August 15, 2004 to October 8, 2004.

Petitions by Employers

The Third Preference (professionals and skilled workers) of Employment-Based Petitions (Labor Certification) "retrogressed" (or moved backwards) from March 1, 2003 to unavailable. The priority date for unskilled (other) workers also retrogressed from March 1, 2001 to unavailable.

Each month, the Visa Office of the State Department publishes the priority dates for that particular month. This means that visas (or green cards) would now be available for persons whose priority date is earlier than the cut-off date listed below. If your priority date was "current", but retrogressed before your immigrant visa was issued (or before

you adjusted status in the U.S.), you would have to wait until it becomes current again.

Michael J. Gurfinkel is licensed, and an active member of the State Bar of California and New York. All immigration services are provided by, or under the supervision of, an active member of the State Bar of California. Each case is different. The information contained herein (including testimonials, "Success Stories", endorsements and re-enactments) is of a general nature, and is not intended to apply to any particular case, and does not constitute a prediction, warranty, guarantee or legal advice regarding the outcome of your legal matter. No attorney-client relationship is, or shall be, established with any reader. WEBSITE: www.gurfinkel.com Call Toll free to schedule a consultation for anywhere in the US: (866) - GURFINKEL Four offices to serve you: LOS ANGELES - SAN FRANCISCO - NEW YORK - PHILIPPINES (Advertising Supplement)