

# Detained at the airport

## LEGAL RIGHTS



ATTY. JOHNSON LAZARO

cer may ask piercing questions about previous trips, contacts, prior employment, prior entries, relatives, and/or plans for the US 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, the visitor 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 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.

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)

## IMMIGRATION HIGHLIGHTS



ATTY. CRISPIN LOZANO

**QUESTION:** What are the benefits under the California Foreclosure Prevention Act (CFPA)?

**Answer:** The CFPA is a new law that may preclude a foreclosure sale for an additional 90 days beyond the current law requirements in order to allow the borrower and lender to pursue loan modification.

**Question:** What is the purpose of the law?

**Answer:** The purpose of the law is to allow the borrower and lender some time to work out a plan to avoid foreclosure which may include loan modification. If you have a notice of default, it is advisable to contact an attorney immediately to avail of this new law and to pursue loan modification.

**Question:** What are the possible changes in the terms of the loan if modified?

**Answer:** Depending on the bank and your particular situation the following are the possible but not guaranteed changes:

- Reduction in interest rate from 3% to 5.5%.
- Extended life of the loan from

# California Foreclosure Prevention Act effective May 2009

- 30 to 40 years.
- Conversion to fixed rate loan.
- Reduction in principal amount.
- Lowering of monthly payments.

**Question:** What is the timeline for a California foreclosure under the existing law before CFPA?

**Answer:** Under the existing law, once a Notice of Default has been recorded in the County Recorder's Office, the borrower has a 90 day period of redemption. If not redeemed, the lender will publish the foreclosure date within 20 days after the 90 day redemption period has elapsed. Thereafter the lender may foreclose in 21 days after publication. Hence, under current law there is a minimum of 111 days from date the Notice of Default is recorded to foreclosure date. With the new law, an extra 90 days will be added to the 111 days making it a total of 201 days from the date Notice of Default is recorded to auction date.

**Question:** Who may be eligible under the CFPA?

**Answer:** In order to be eligible for the additional 90 days moratorium of foreclosure all of the following conditions must exist:

- The loan was made between 1/01/2003 and 1/01/2008, inclusive.
- The lien is in the first position (first mortgage).
- The property is owner occu-

piated. The notice of default has been recorded in the property.

**Question:** Are there persons or entities that are exempt from the 90 days moratorium?

**Answer:** Yes. The following are exempt from the 90 days moratorium:

Loan made, purchased or serviced by state or local public housing agency such as CalHFA and the VA.

The loan is collateral for securities purchased by an agency described above.

The borrower has surrendered the property.

The borrower has contracted an entity whose main business is advising people who have decided to leave their home.

The borrower has filed for bankruptcy.

The loan servicer has obtained an exemption from the Real Estate Commissioner.

### June 2009 Visa News

**A. Family Based Preferences:**

1. First Preference Unmarried Sons and Daughter of Citizens

Sept. 01, 1993

This Preference advanced 4 weeks since last month.

2. Second Preference:

a. Spouses and Minor Children of Permanent Residents

Dec. 15, 2004

This Preference advanced by 9 weeks since last month.

b. Unmarried Sons and Daugh-

ter 21 years and over of Lawful Permanent Residents

April 01, 1998

This Preference advanced by 8 weeks since last month.

3. Third Preference Married Sons and Daughters of Citizens

July 01, 1991

This Preference advanced by one week since last month.

4. Fourth Preference Brothers and Sisters of Adult Citizens

Aug. 01, 1986

This Preference advanced by 3 weeks since last month.

B. Employment Based Preferences:

1. Third Preference - Skilled Workers & Professionals

Unavailable

2. Unskilled - Other Workers

Unavailable

3. Scheduled A Workers

Unavailable

Note: This is not a legal advice. You need to talk to an attorney about your case. We offer free consultation on loan modification only.

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# How do I bring my family to the US?

## PROTECTING RIGHT & \$



ATTY. JOEL R. BANDER

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. Feel free to call Bander Law Firm, LLP at 213-873-4333 to schedule your consultation regarding your legal concerns. Bander Law Firm provides a full range of legal services in the fields of Immigration, Mortgage Litigation, Personal Injury, Bankruptcy, Criminal and Removal Defense, Civil and Business Litigation, Wage and Hour Litigation and Class Action lawsuits.

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Immediate relatives of US


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### Step One:

Go to the Verified Audit Circulation website - <http://www.verifiedaudit.com>. You will see the main page of the site on your screen. On the left hand menu, click on **View Circulation Data** under **Quick Links**.




### Step Two:

Now you are on the **On-line Data & Reports** page - <http://www.verifiedaudit.com/reports.php>. Enter the name of the publication you wish to search for. For example, type in Asian Journal, and then press the Search button.



### Step Three:

A new page will open with your search results. You can click on the publication name to view available reports and detailed circulation information.



Asian Journal is one of the leading media organizations in the nation who is part of Verified's Member/Client List. Search circulation figures for other Filipino-American newspapers, distribution companies and other related media through the Verified Audit Circulation website.

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Asian Journal takes responsibility in providing our valued advertisers, prospective clients and readers truthful and verifiable circulation figures. We are the first Filipino-American newspaper to meet and sustain the rigorous audit process by Verified Audit Circulation.

