

LEGAL RIGHTS



ATTY. JOHNSON LAZARO

Common mistakes in immigration

people who do not have a clue on how retrogression affects their future. Retrogression has to do with priority dates and visa availability. No one is given an immigrant visa unless there is a visa available to be issued. Since 2005 the employment-based category for professional has been regressing—visa issuance has slowed. When priority dates retrogress while an adjustment application is pending, an applicant may face long delays before final USCIS adjudication. Adjustment applications for those born in affected countries will be “shelved” until their respective priority dates are current and ready for adjudication based on service center processing times.

The current retrogression in visa availability for the EB-3 Professional and Skilled Worker category adversely affects health care professionals who were born in China, India, and the Philippines—nationalities heavily represented in the health care industry. If retrogression is not understood, there is a danger that one can file an application for adjustment and be denied because a visa is not available.

Another common mistake is talking too much at the port of entry during secondary examination. We see people at the port of entry at the airport who sing like canaries when confronted by immigration officers. This is understandable due to the pressures and stress of being investigated as you enter the US. They talk and talk and provide the Immigration officers with their entire autobiography. While we do not condone misrepresentation, please know that you have the “right to remain silent” during interrogation. This may help your case in staying in the US. Many lawyers do not provide

this warning because immigration cases are considered civil and not criminal. But in the cases that we have seen, it appears that the less you say the greater your chance of beating a removal case. You should provide the basic information so that airport inspectors can identify you. But to provide irrelevant and substantial information even when not asked is fatal to your immigration status.

Finally, when fraud or misrepresentation is committed, hope is still alive. Challenge the accusation of fraud. When legal counsel fails to analyze whether there is a legal basis to challenge the fraud, the client suffers. In many cases there must be willful misrepresentation of a material fact. Was the lie intended? Or was it just an oversight? Not just because one is accused of misrepresentation mean that the accusation is correct. Many people are honest. Sometimes they make dumb mistakes. But this does not mean that they are cheaters or liars. Most people do the best they can not knowing that they may be overstepping some limits. However there’s got to be some intent for fraud to occur. Be diligent when talking to attorneys and ask as many questions as possible so that you can make the right decisions.

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 is a loan modification?

Answer: Loan modification is a legal process whereby the terms of the mortgage contract are permanently changed to make payments more affordable to the borrower. Loan modification may include reducing the interest rate, extending the term of the loan from 30 to 40 years, or adding missed payments to loan balance. Modification may also involve reducing the principal balance of your mortgage by canceling or forgiving a portion of the mortgage debt.

Question: Is the portion of mortgage principal reduced through loan modification taxable as income?

Answer: Under the Mortgage Forgiveness Debt Relief Act of 2007, the forgiven debt may be excluded from income in calculating the federal tax you owe, but it still must be reported on your federal tax return.

Question: What should a borrower have to show to qualify for loan modification?

Answer: Lenders are not obligated to modify a loan. The lenders motivation in modifying a loan is that this is a better alternative to foreclosure. The borrower must show hardship in making payment as a result of long-term reduction in income or increased payment under ARM. Borrower should also be able to show good-faith effort to pay the mortgage.

Question: Why is some loan modification applications denied?

Answer: The purpose of loan

Loan Modification is best option to stop foreclosure

Answer: Some applicants are denied because they cannot prove that there is sufficient income to pay the mortgage after it is modified. Others were denied because they could not show any hardship in their income and expense worksheet.

Question: Will negotiating loan modification through an attorney give more favorable terms?

Answer: Attorneys are trained in negotiation and are likely to get more favorable terms. Loan modification is a legal process. Lenders will pay special attention to attorneys’ modification proposals because of the threat of court litigation if negotiation fails. Court litigation is expensive to lenders and they do not want to waste time on litigation.

Question: Will filing of bankruptcy stop foreclosure?

Answer: Yes. Filing bankruptcy is generally considered as the option of last resort. A bankruptcy stays in your credit report for 10 years. It can make difficult to get credit to buy another home, get life insurance or sometimes get a job.

Question: Who may qualify for loan modification?

Answer: You may qualify if you have any of the following:

- Your Mortgage Loan is substantially more than the value of your home.
- Your loan is an Adjustable rate mortgage (ARM)
- Your interest rate is too high.

- You are in foreclosure or a Notice of Default has been filed.
- You are having hardship in making payments or currently in default.

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

Answer: The purpose of loan

modification is to avoid foreclosure. Both the lender and the borrower want of avoid foreclosure. Depending on the bank and your particular situation the following are the possible but not guaranteed changes:

- Reduction in interest rate from 3 percent to 5.5 percent.
- Extended life of the loan from 30 to 40 years.
- Conversion to fixed rate loan.
- Reduction in principal amount.
- Lowering of monthly payments.

Note: This is not a legal advice. We offer free consultation on loan modification only.

Immigration tips of the week

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.

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 practice real estate and immigration law. He earned his Juris Doctor at Western State University in Fullerton, California. He is also a CPA and a licensed Real Estate Broker. 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)

Make a difference this Independence Day

DEVINE COMMUNICATIONS announces two new services for Filipinos based abroad—more freedom to stay connected to your loved ones in the Philippines through Tawag Na Direct and Balikbayan Gifts. These two services give Filipinos based in the US and other parts of the globe the freedom to enjoy the following benefits:

Call your relatives in the Philippines through Tawag Na Direct; a prepaid long-distance calling service which has been in existence for almost 9 years, and is now improved with rates as low as 10.9 cents per minute. This service requires no subscription fees and has no hidden charges.

Balikbayangifts.com helps you send gifts to your loved ones anywhere in the Philippines.

There is a wide variety of gift items that you can choose from: starting with cakes, flowers, cell phones, toys and even appliances to lechon, groceries and other unique gift ideas at competitive prices. The service also allows you to send customized gifts and even prepaid loads.

A 24-hour Customer Service provided by Devine Communications through their call Center, Devine Care, Inc., is available for any inquiries or concerns that a customer would have.

In commemoration of Philippine Independence Day, Tawag Na Direct and Balikbayangifts.com offer you a different kind of freedom—to make a difference by giving children of the Philippines the gift of hope. This June, for each dollar spent with Tawag Na Direct and Balikbayangifts.com, a portion of the proceeds will be donated to various children’s charitable institutions in the Philippines. By buying



credits or reloading your Tawag Na Direct accounts or by simply sending a gift to a loved one in the Philippines, you can help build the future of hundreds of children in the Philippines.

Just call Tawag Na Direct and Balikbayangifts.com’s hotline numbers and give out the special promo code-PRMC-HTCOTP (Help the Children of the Philippines)—before making a purchase. You also have the freedom to make these little angels smile by sending them a gift through Balikbayangifts.com, which will be delivered to these charitable institutions with your name and special message.

Devine Communications currently serves more than 35,000 Filipinos abroad, and has announced that they are currently developing their services to cater the global market. This will benefit Filipinos abroad. Since these

services are designed with Filipino families in mind. Devine Communications is a telecoms company based in San Francisco, California, and has been in existence for almost 9 years. Under its wing is its customer care call center, Devine Care, Inc., which is based in Manila, Philippines. For more information about Devine Communications and its services, please visit our websites: www.mytawagnadirect.com and www.balikbayangifts.com or you can call their customer support hotline numbers: 1-877-379-6439 for Tawag Na Direct and 1-888-530-8934 for Balikbayan Gifts.

For more information please call Wayie Marcelo, Marketing Manager at (415) 251-6517 or email wayie.marcelo@devinecareinc.com.

(Advertising Supplement)

RP actor, host Edu Manzano joins LBC as celebrity endorser of its money remittance services

SOUTH SAN FRANCISCO—LBC Mundial Corporation (LBC USA) announced that popular Filipino actor and television game show host Edu Manzano has signed up as the company’s celebrity endorser for its money remittance services.

Manzano, known in the Philippines as a quick-witted host of the daily television game show *Pilipinas Game KNB?*, (*GKNB*) crossed over into the popular game show genre from his stint as a leading man and character actor in Philippine movies.

Viewers loved Manzano’s funny hosting style spurring ABS-CBN to give him more hosting jobs. He is currently at the helm of two shows for the network. In addition to *GKNB*, Manzano also shares hosting responsibilities with his real-life lady love Pinky Webb for the network’s morning show, *Umagang Kay Ganda*.

In addition to his hosting jobs, Manzano is currently the chairman of the Philippines’ anti-film piracy agency, the Optical Media Board (OMB) of the Office of the President. Through the OMB, Manzano was able to pursue his passion to stop child

abuse and child pornography in the Philippines.

His stint at the OMB led to his efforts to create the Anti-Child Abuse and Pornography Foundation. To date, he has even donated a total of P400,000 to the cause.

LBC’s decision to hire Manzano as its celebrity endorser this 2009 was encouraged by the positive response in the Philippines when he was hired as celebrity endorser of LBC Bank’s ATM Bilis product last year.

“In the Philippines, he is already known as the Hari ng Padala,” notes Patricia Garcia, marketing director of LBC USA. LBC also has high regard for Manzano’s credibility as a government official, particularly for his efforts against child abuse



and child pornography.

In time for the launch of LBC USA’s new low prices and new Instant Peso Padala service, Manzano came on board and will grace all print and television advertisements of LBC USA.

(Advertising Supplement)

People and Events

Filipino health survey in Union City

FILIPINOS for Affirmative Action (FAA) and Asian Health Services (AHS) have launched a community health survey of Filipinos in Union City, CA. The survey will help to identify and increase understanding of health disparities experienced by Filipinos, who currently make up 20 percent of the total population in Union City.

Among these disparities are higher rates of chronic and certain communicable diseases. In a report from Alameda County’s Public Health Department, Southern Alameda County accounted for 45 percent of all Alameda County TB cases. Union City’s Filipino community has a high population concentration in an area identified to be a ‘hot spot’ for tuberculosis from 2000 to 2005. Among Union City Filipino residents, 65.6 percent are foreign-born.

Despite the fact that Asian and Pacific Islanders (API) are the fastest growing population in Alameda County (increasing by 33.2 percent in the past decade), there remains a paucity of linguistic and culturally competent

services for many API ethnic groups. This is particularly true for the Filipino community, which is the second largest API community in Alameda County comprising 4.8 percent of the entire county population.

Begun at St. Anne’s Catholic Parish on March 1, the survey has already reached 100 respondents. Father Geoffrey Baraan, St. Anne’s parish priest, welcomed the project and said, “We are glad that the FAO for Health Project was first held at St. Anne’s. It’s the first time something like this was done in our community and we’re glad that our parish was a part of it. Some people are surprised that there is a concern on the high rates of tuberculosis, heart disease and diabetes among Filipinos. I hope more people learn about these health issues since there is a lack of information on them, so awareness will be greater.”

Interviews will continue into the summer and outreach will be done at schools, neighborhoods, grocery stores, business establishments, senior centers, churches and others.

To participate in the survey:

- Interviewees must be Filipino, at least 18 years old, and a resident of Union City (one per household only).
- If you wished to be interviewed call FAA at (510) 487-8552 or AHS (510) 316-9982.
- Participants will receive a \$20 gift card one per household and be entered in a raffle to win a 32” HDTV or a Wii Fit bundle.
- Especially encourage male participation of all age ranges above 18.

If interested in helping with the project you can spread the word, refer prospective participants or volunteer to leaflet. You can also host gatherings where the survey can be administered. Call AHS at (510) 316-9982 to let us know if you want to be involved.

AHS is a primary care facility in Alameda County that provides serves the Asian and Pacific Islander communities. FAA has worked in Union City since 1983 and is engaged in community organizing and voter mobilization in Union City, particularly among young people.

Family Appointment with Yahweh El Shaddai

EVERYONE is invited to join a family appointment with Yahweh El Shaddai, the God who is more than enough where Jesus Christ is Lord, on the first, second and third Saturdays of the month from 6:30-9pm at Our Lady of Guadalupe Church in 2020 East San Antonio Street, San Jose CA 95116.

For more information, please contact Ann Pascua at (408) 987-9610.

HOLIDAY NOTICE

THE Philippine Consulate General in San Francisco would like to inform the general public that it will be CLOSED on June 12, 2009, Friday, in commemoration of the 111th Anniversary of the Declaration of Philippine Independence.

For emergencies, the Duty Officer may be reached at telephone number (415) 2692-090.

The Philippine Consulate General in San Francisco will resume its regular operations on June 15, 2009, Monday.