

IMMIGRATION HIGHLIGHTS



By Atty. Crispin Lozano

USCIS to Renew Green Cards Without Expiration Date

store applicants' biometric information. The new card will be the modern version and will have an expiration date, requiring the card to be renewed periodically.

Question: Can an applicant apply for a new card before the 120-day filing period?

Answer: Yes. It is advisable to apply ahead of the filing period because early applications will be processed in a shorter time than those filing within the filing period because of the huge number of permanent residents involved.

Question: Would a permanent resident be required to surrender his/her original green card when applying for a new one?

Answer: No. Since applicants normally receive permanent resident cards in a matter of weeks after their appointments, they would need to retain their old cards until a new one is received.

Question: What is the le-

gal consequence of failure to renew old green card?

Answer: Failure to renew green card would mean that the person has no legal proof of his/her status in the U.S. Green card is a proof of legal stay to live and work in the U.S. It should be carried at all times to avoid fine or imprisonment.

Question: Will the old green card still be valid until the USCIS issues a new one?

Answer: Yes. The proposed rule would make the old green cards valid until the USCIS announces in the Federal Register the termination date of these old green cards.

Question: Should a permanent resident consider applying for naturalization rather than renew the old green card?

Answer: Yes. Applying for naturalization is an option instead of applying for a new green card. However, you should do it as soon as possible to avoid the situation in which your green card will be considered expired while your naturalization is in process. As previously discussed, a green card needs to be carried at all times as proof of legal residence and authorization to work in the U.S.

Question: What should those affected by the proposed law do to contact the USCIS for comments?

Answer: To comment on the proposed rule, please submit written comments on or before September 21, 2007 by:

Mail or Courier: Director, Regulatory Management Division USCIS111 Massachusetts Ave., N.W. 3rd Floor Washington, D.C.

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LEGAL RIGHTS



By Atty. Johnson Lazaro

BE careful. That PERM application may not lead to lawful permanent residency. There seems to be a misleading belief that once you file for PERM (labor certification) you are on your way to a green card. Not true. Be sure to ask the person who prepared your PERM application when he or she expects to go to the next step. The answer you get may not be the one you want.

PERM stands for Program Electronic Review Management (PERM) system. This is the new labor certification system. PERM replaces the labor certification procedure that had been in effect for more than 25 years. Labor certification requires the employer to perform recruitment to test the market place and prove that the employment of the prospective immigrant will not adversely affect the wages and working conditions of similarly employed U.S. workers.

For many aspiring immigrants the lure of living and working in the U.S. is so inviting that they fail to realize the big picture. Unfortunately for some, true and accurate legal information is hard to find. There are those who believe that once PERM is filed the "green card" or lawful resi-

PERM May Not Lead to a Green Card

dency is soon to follow. This is a big misconception.

PERM was created by the Department Of Labor (DOL). It has little or nothing to do with your immigration status. In fact there is a school of thought among immigration lawyers that the Immigration Service (USCIS) may veto any PERM approval. This means that even if your labor certification gets approved, USCIS can still deny your application for a "green card."

There are many who after getting their labor certification approved or certified, are not able to get legal immigration status. This is because PERM does not address your immigration status. If you have been out of status for quite some time, filing for and getting a PERM approval would not prevent you from being removed from the U.S. There are some exceptions but by and large, it would be a mistake to think that once you get your PERM certified, you're home free. There are other mountains to climb before you get to the promised land.

The other problem is that if your job position is categorized as "unskilled" labor, you may end up waiting for years to get a "green card" even after your PERM is approved. This is because there are so many applying under the "unskilled" labor category and there are only a limited num-

ber of visas issued annually. What makes matters worse is that new DOL regulations give the PERM approval a validity period of six months. So if you have to wait for years for your visa, you would have to keep reapplying for PERM which is quite a headache.

It is unfortunate that many are duped by unscrupulous attorneys into thinking that by merely filing for PERM and getting certified, your future is safe in the U.S. Nothing can be further from the truth! Do your homework and ask the right questions. Make sure you talk to a licensed attorney about this matter. The stake is too high for you and your family. That PERM application you just filed may not take you to the "promised land."

Atty. Lazaro represents immigrants in all Federal Courts in the United States. Lazaro and Associates specializes in difficult immigration cases as well as business immigration and family unification. The firm's offices are located in San Francisco, Fremont, Union City, California, and Makati, Philippines. Telephone (415)278-9577. E-mail: Law@LazaroLaw.com; Website: www.LazaroLaw.com.

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REAL ESTATE 101



By Ami Barbara Gan

AS real estate sales continue to decline, care home enthusiasts ponder the probable timing of venturing into this industry. As per DQnews.com, a real estate news and data provider, California homeowners had the highest number of mortgage default notices in over a decade last quarter, and had a 32.8% home sales decline compared to its 2006 performance.

On the other hand, the Department of Health, Administration on Aging statistics shows the continuous growth of the elderly population. From 1995 to 2010, the population of age group 85 and over is expected to increase by 56 percent, while age group 65 to 84 will have an increase of 13%. It is projected that between 2030 and 2050, the 85-and-over age group will grow drastically and is expected to increase from 3.6 million in 1995 to 5.7 million in 2010, 8.5 million in 2030, and to 18.2 million in 2050.

It is apparent that the elderly industry will have growing needs in the coming years and the cooling real estate market might be good news for a change to care home entrepreneurs.

When you buy a care home, you are negotiating with 2 sales prices, first is the real property sales price and the 2nd is the business and goodwill sales price. If you've been hovering over

Is This a Good Time to Buy a Care Home?

the idea of buying a care home, the slow market can be your bargaining tool to negotiate not only a more affordable property, but also, for the lower sales price for the business. Due to the downturn in real estate, care home owners who are serious in selling their facility are more open to negotiate and lower their business and goodwill sales price.

In fact, you can find some care homes in the market that may be near foreclosure. Often the price of the property is already adjusted to its market value resulting in a need for a short sale. Meaning, the property is being sold less than the actual loan of the Seller and is brought to a current market value. Often, lenders are cooperative to avoid foreclosure which is usually longer and costlier for them. If you find this opportunity, this can be a good purchase for you. Since often, sellers may be willing to accept lower prices.

In these situations, keep in mind that purchasing a short sale property is a bit complex and timely. You must understand that you will need the final approval of the lender. And currently, this process can take 2 to 6 months without the assurance that your offer is approved. In addition, these facilities in short sale rarely have clients. Therefore, you will still need to do some marketing above the responsibility of handling its operation. Though this might sound discouraging, this kind of sale is actually a sweet deal for those who

really want to start a care home.

Here are 4 reasons why buying an existing care home at this time might be ideal for you:

- You can buy the real estate property at a lower price.

- You can pay a lower business/goodwill price.

- Remember, it is costly to start a care home from scratch, from renovating to furnishing the facility.

- You can keep the old clients and accept new clients right away.

- Common down fall of new care homes is waiting for the license approval, thus having to pay for the monthly mortgage without any income. Buying an existing care home saves you time.

- You will have priority in approval of your license.

- Licensing will prioritize your license over new applications because of the clients.

- Thus, the real estate cooling down might just be a good opportunity for those who are serious in venturing into this growing industry.

Ami Barbara Gan operates Gan Consulting, a business and care home consulting group. She is also a Realtor with Prudential California Realty specializing in Elderly Care Home and Business Investment Properties. You may also get additional information by visiting www.carehomerealtor.com

This article is for informational purposes only and is not intended to be relied upon as legal or financial advice. For further questions regarding care homes in California, you may call (707) 853-6691.

False Claim to US Nationality...

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Even where waivers are available, they are by no means guaranteed. They require a qualifying relative who would suffer extreme hardship if the immigrant were forced to leave the U.S. What is a qualifying relative? What is extreme hardship? More on that next week.

All non-citizens appearing at interviews for immigration benefits should be aware that

many examiners are taking an aggressive approach and asking the alien what he told the employer in support of his claim of eligibility to accept employment. These officers are seeking to permanently disqualify the non-citizen from ever residing in the U.S. Because of the seriousness of this issue, if you have ever filled out an I-9, you must consult a competent immigration attorney or risk being permanently barred from the U.S.

Atty. Reeves has represented clients in numerous landmark immigration cases that have set new policies regarding INS action and immigrants' rights. His offices are located in Pasadena, San Francisco, Las Vegas and Makati City.

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(Advertising Supplement)