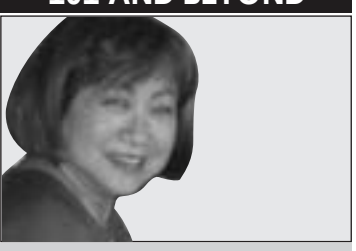
IMMIGRANT LIVING: 101 AND BEYOND



MONETTE ADEVA MAGLAYA

Multilevel Marketing 101: What you need to know

"The darkest hour of any man's life is when he sits down to plan how to get money without earning it."

—Horace Greeley

(Because times are tough, many are looking for ways to cope financially. Job growth in many US industries has ground to a halt. There are a few cushy, undemanding jobs available that pay cut-and-dried salaries. On one hand, there are many offers of opportunities to make money in multilevel marketing and direct sales organizations that depend on a network of people (bodies) to push their products or services. Properly and ethically done, multilevel marketing can work for some. One caveat: If you don't like selling or dealing with people and all that it entails, you would do well to look elsewhere. Here's an article that may shed some light on this practice should you decide to go this route.)

FOR some reason, multilevel marketing organizations find ethnic communities fertile ground for their recruitment campaigns. The promise of riches to the unsuspecting immigrant is a bait that works nearly all the time. Know that there are legitimate companies who operate this way and may be worth your while and a host of others on the pyramid scheme that operate bordering on the illegal and/or unethical.

Here is how it works. A company sells different products ranging from such mundane products as household cleaners; vanity products such as cosmetics or health and diet formulas, as well as financial products such as travel, insurance or securities. There are supposedly two ways to make money. You generate revenue as a direct retailer and salesperson of the product yourself buying products from the company and reselling them to your own customer base initially consisting of a circle of relatives and friends. As you run out of family and friends to sell to, you eventually expand to other prospects, including strangers by using cold calling and other prospecting techniques.

Note that the outfit will stress that the more lucrative way to make money is to recruit people as your downline into the company. You earn override commissions from the sales of those you have recruited who in turn, can recruit others for their downline. On and on it goes with recruitment providing the lifeblood of the multilevel marketing organization that suffers eventually from the natural law of attrition as members often lose interest or bail out. The one who recruited you, your upline, earns a commission off of you. The company's structure resembles a pyramid of hundreds or thousands of other pyramids. This concept feeds on the dream of most immigrants that with a minimum of investment on their part and a consuming desire to succeed, the organization can help them become rich quickly.

Multilevel marketing companies spend tons of money to produce slick and smooth presentations replete with testimonials—very often emotional—of people within the organization claiming that being in the company, doing everything the company does, has done a tremendous difference in their lives with tremendous wealth and a quality of life beyond imagining. The websites of successful multilevel marketing organizations gush in florid, emotional language claiming individual success. A few of these stories may be true; others however, may have been spun by spin doctors. Recruits: BEWARE!

Before you give up your regular job or sign up to do this on a part time basis, ask yourself this question: Do you like to sell? This is a non-stop selling job, and for you to realize your dreams of wealth, you have to sell prodigiously and tirelessly because no product, no matter how excellent and necessary, ever sells itself. Do you believe in the product? Does it have value and merit and is it fairly priced? Is this something that is really up along your alley, something you can do for long periods of time and from which you can really make a good living and be happy with what you do? How reputable is the outfit? Are there pending lawsuits and of what nature? Has it been around for a considerable length of time or is

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PROTECTING RIGHT & $

ATTY. JOEL R. BANDER

Your aged-out child may still be eligible for a Green Card

(Part 1 of 3 series)

WAS your child denied a visa because he or she already aged out or reached 21 years old at the time of the visa application? Your aged-out child may still be eligible to apply for an immigrant visa or adjust status to a permanent lawful resident under the provisions of the Child Status Protection Act (CSPA).

This Q&A aims to give readers an overview of CSPA, with the hope that those who have aged-out children may be able to better understand its provisions and how it can be of benefit to them. The next two parts of this series will cover common scenarios where CSPA may or may not apply.

Q: What is the purpose of CSPA?

The main purpose of CSPA is to provide immigration relief to individuals who were classified as children, as the term is defined under the Immigration and Nationality Act (INA), at the time the immigrant petition was filed, but who have already turned 21 or over at the time the visa becomes available. Prior to CSPA, a derivative beneficiary of immigrant parents who was already 21 at the time the visa became available would no longer be eligible to immigrate with their parents. CSPA provides relief by: 1) allowing the aged out beneficiary to retain classification as a "child" and be able to obtain immigrant visa with his parents; or 2) automatically converting the aged-out beneficiary's petition to the appropriate category and retaining the original priority date of the parents so that he can reunite with his parents more quickly.

Q: Who is considered a child under the INA and what is the significance of retaining this classification?

To be considered a child under the INA, the individual must be unmarried and under the age of 21. A son or daughter of a parent who is the beneficiary of an immigrant petition may qualify as a derivative beneficiary and obtain an immigrant visa together with the parent if he or she qualifies to be classified as a child.

Q: How can my aged-out son or daughter retain classification as a child under CSPA?

CSPA provides that a derivative son or daughter retains classification as a child if his or her CSPA age is below 21. CSPA age is determined by deducting the amount of time the immigrant petition is

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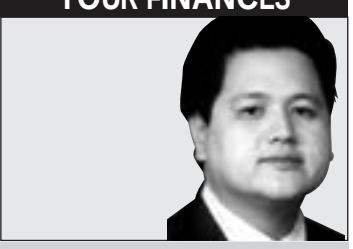
MINDING YOUR FINANCES



ATTY. RAYMOND BULAON

Should you file or avoid bankruptcy?

IF you are like most people who are painfully struggling with debt problems, your mind may be filled with a lot of unanswered questions. How do I make sure that I am making the right decision? Is there a way out of this besides filing for bankruptcy? Isn't filing for bankruptcy the worst thing that I can ever do to my credit? You're interested in getting the right answers to these questions, aren't you?

Unfortunately, there is so much misinformation about bankruptcy out there that a lot of people simply accept and believe without even finding out the truth for themselves. A lot of these misconceptions about bankruptcy are extremely damaging because they tend to be accepted blindly and without question especially if they come from well-meaning friends and family members. You'd be surprised to find out that even though your loved ones care a lot about you and are concerned about your debt problems, they are often the WORST source of bankruptcy advice!

For example, a lot of people ask me if they will ever be able to buy a house again after filing bankruptcy or if their credit will ever become "normal" again. Well, first of all, what does "normal" mean to you? In a lot of instances that I see, people already have a damaged credit rating with late payments, lawsuits, judgments or tax liens that are showing up on their credit report. And here they are asking if bankruptcy will "damage" their credit report! Believe it or not, when you have a lot of the negative items I mentioned above, you may actually have a better chance of improving your credit by filing for bankruptcy

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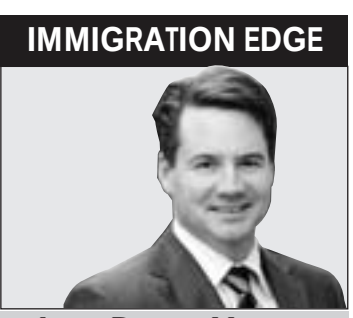
IMMIGRATION EDGE



ATTY. DANIEL HANLON

Mukasey squashes due process rights—disavows aliens' rights to effective assistance of counsel

AS a swan song to the Bush Administration's seemingly relentless assault on aliens' due process rights, Attorney General Michael B. Mukasey issued a decision on January 7, 2009 purporting to eviscerate a Respondent's right to be protected from "ineffective assistance of counsel" in removal proceedings. Undoing decades of jurisprudence respecting an alien's right to effective assistance of counsel as rooted in the due process clause of the 5th Amendment, Mukasey ruled that because removal proceedings are "civil and not criminal," the Constitutional guarantees do not apply. This ruling, if not overturned by the US Circuit Courts of Appeal, effectively protects inept lawyers from client complaints and leaves the victims in all but the most egregious cases left without redress.

An alien's right to effective assistance of counsel has long been recognized as part and parcel of the right to fundamental fairness, or due process, in removal proceedings. Although the Constitution does not expressly provide for "right to counsel," as the 6th Amendment provides for accused criminals, Federal Courts and the Board of Immigration Appeals (BIA) have roundly respected the right to effective assistance of counsel in removal proceedings for decades. In the Matter of Lozada (BIA 1988), the seminal administrative case on the subject, the BIA set forth three basic requirements for an alien to seek relief from the damaging effects of an attorney's ineffective assistance.

Under Lozada, an alien who sought to reopen a case on the basis of ineffective assistance of counsel was required to submit: 1) an affidavit of the allegedly aggrieved Respondent setting forth in detail the agreement that was entered into with counsel with Respect to the actions to be taken and what representations counsel did or did not make to the Respondent in this regard; 2) proof that counsel whose integrity or competence is being impugned be informed of the allegations leveled against him or her and be given an opportunity to respond; and 3) evidence that a complaint has been filed with appropriate disciplinary authorities with respect to any violation of counsel's ethical or legal responsibilities, and if not, why not.

For more than 20 years, Lozada's standards served the Immigration Courts, the BIA and Federal Courts well in guaranteeing that the rights of aliens were protected in removal proceedings, which was especially important given the vulnerability of immigrants to fraud, abuse and in many cases, just inept lawyering. In one fell swoop, AG Mukasey held in three related cases; Matter of Compean, Bangaly and J-E-C, that aliens in removal proceedings have NO

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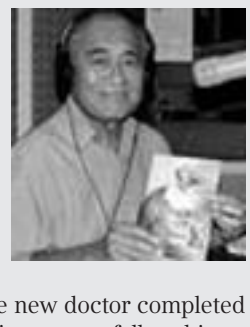
The Voice of FilAmerica

Political empowerment is still a treasure that eludes us as a community here in America. While we are the second largest Asian American community in the United States, we have yet to harvest the power that comes from our numbers. The Voice of FilAmerica features elected and appointed officials – regardless of political affiliation – in the different US states who are of Filipino ancestry. As your Filipino American community newspaper, the Asian Journal recognizes the fact that we all have a responsibility towards bringing political empowerment to fruition, especially for our future generations. It is our hope to have our voices heard all over America.

Dr. Ernesto M. Espaldon

7 Term Republican Senator

A heart of gold



AFTER World War II, there was a large influx of Filipino workers who migrated to Guam. Consequently, Filipino-Americans make up nearly 25 percent of the voting population of the state. Yet, if you study the composure of the Guam Legislature, a Filipino has rarely been elected. One rare Fil-Am who has stood out because of his excellent service and outstanding qualities served as a Republican Senator for seven terms—Senator Ernesto Mercader Espaldon, M.D.

Known as "the doctor with a heart of gold", Senator Espaldon was born on November 11, 1926, to Cipriano Acuna Espaldon and Claudia Cadag Mercader in Simunul, Sulu Province, Philippines. Even as a young man, Ernesto Espaldon displayed exceptional qualities that made him stand head and shoulders above his fellowmen.

Ernie was barely in his teens when he decided to become a soldier and fight for his country during World War II. Joining the Sulu Guerrilla Organization as a freedom fighter, the 16-year-old soldier quickly proved his abilities as a soldier and leader. On January 12, 1945, Ernesto and two fellow soldiers fended off a contingent of Imperial Japanese soldiers attempting to take the village of Banaran, Tawi-Tawi. For their heroism, the grateful people of Banaran erected a monument memorializing the battle and the three soldiers. Thus, Ernesto established himself as a true Filipino and American patriot.

After the war, Ernesto immigrated to the States with his family. He took up medicine and completed his general surgery training in 1959. In 1961, the new doctor completed his plastic surgery fellowship at Washington University/Barnes Hospital in St. Louis, Missouri.

Espaldon then decided to set up his medical practice in Guam together with his wife, Leticia Virata Espaldon, also a doctor. Their marriage produced six children: Arlene, Vivian, James Albert, Diane Marie, Karl Patrick, and Ernesto Jr.

With his successful medical practice established in Guam, Espaldon wanted to give back to his native country and kababayans. In 1969, he returned to the Philippines to provide free medical care for the desperate poor. Because of their need, he went back yearly with his wife, Leticia, to continue this work, and with the aid of the Philippine Medical Association of Hawaii established the first Aloha Medical Mission (AMM). Through the years that followed, the Aloha Medical Mission has grown greatly in size and scope. At first, one mission per year, then several, were sent to the various provinces in the Philippines. In the nineties, missions were not only sent to the Philippines but to several other Pacific Rim nations and a local homeless clinic was set up in Hawaii.

Dr. Espaldon's numerous humanitarian deeds and missionary work earned him many

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Insurance Companies and Employers have their own attorneys to protect them.

WHO WILL PROTECT YOU?

Benefits under your insurance policies - Homeowners, Auto, Life, Disability, Annuity or Health. Claims for Serious Personal Injuries and Wrongful Death.

You need an attorney on your side.

Employee's claims for overtime and meal break compensation, employee's rights against disability discrimination and retaliation. Consumers damaged by unlawful business practices.

You need an attorney to fight for you.

With more than 21 years of skilled advocacy and experienced representation, the firm has obtained significant million dollar recoveries for injured consumers, policyholders and employees.

Backed by a solid track record, the law firm has consistently fought for the rights of Filipinos and their families seeking justice against big businesses, insurance companies and employers.

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