

IMMIGRANT LIVING:  
101 AND BEYOND

MONETTE ADEVA MAGLAYA

**B**ATTEN down the hatches. Those of us who have lived long enough in America know all too well that going through a recessionary storm is nothing new. We've been there before and more than likely, we will cycle out of it again in due time.

Still, knowing that this too shall pass, doesn't make it any easier if you are jobless and/or about to lose your home. This season will try men's soul particularly among the hundreds of thousands out pounding their keyboards and hitting the pavement looking for a job. Many counted on their big companies, dedicating a great chunk of their lives thinking of them as solid rock which can be depended upon during the retirement years only to see them folding up like

# How to weather a recession

*"The little reed, bending to the force of the wind soon stood upright again when the storm had passed over."*

—Aesop

a house of cards. It doesn't make it any easier if your house is in foreclosure, your rent is way past due or that you are up to your eyeballs in debt.

The question is, how soon will relief come. Still, with or without the reassuring advantage of experience and hindsight, the period we are all facing brings with it certain dangers that have had no precedent, and it would be foolhardy to predict easy solutions and an effortless way out of the morbid mess we're in. Many see the stimulus package of billions of dollars as mortgaging our future, as well as that of our children. I have a niggling fear it is a jumbo-sized band-aid, only a temporary palliative, and not a real cure for a genuine ailment. There is something pervasive, both in the structure and spirit of

the American model that seems badly broken and needs not only mending but a major structural overhaul and a passionate resurgence of that uniquely American spirit that came to the fore many times in its more than two centuries of existence.

During the storm of the early 1990s, we didn't have two foreign wars that drained us in human capital and national psyche, not to mention the billions of dollars being spent. We didn't have the severe magnitude of the real estate crisis in foreclosures that we have, with millions of Americans rendered practically homeless and languishing in financial limbo duped by the unrelenting greed of the mortgage and finance industry and the unconscionable ineptitude of government to regulate and ex-

ercise control. Nor did we have the serious energy crisis that is driving the whole world to distraction coupled with the threat of global warming and a planetary balance that's out of kilter, e.g. hurricanes, floods, earthquakes, tornadoes, heat waves. No place on earth is exempt. The most that economists can tell us is that this global storm is going to be a long and deep one. Let's hope they are wrong.

That stubborn survival streak

*"Take a page from the Filipino's resiliency in weathering anything that fate throws at him. He's like the proverbial reed bending with the wind. There's simple acceptance, equanimity and a firm resolve to deal with whatever comes as long as the family's welfare is taken care of, forging ahead, all predictions of doom and gloom swept aside."*

genetically encoded in the innards of millions of ordinary people who live and thrive on daily doses of faith pray that all such predictions are off the mark. We still hope that despite all appearances and flying in the face of all reason, we can head

off or be spared of the effects of an ebbing economy. What has become clear is that bigger is not necessarily better and that in the end, you have to depend on yourself for your own survival.

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family's welfare is taken care of, forging ahead, all predictions of doom and gloom swept aside.

One thing I learned from my father who was a ship captain for 40 years is that you have to heed the storm warnings, smell the wind with a nose that

knows, and with keen eyes, study the shoals, reefs, drifts and the waves and the clouds, and to never underestimate or second-guess Mother Nature's tempestuous fits, to duck and take cover in a cove on the safe side of an island out of harm's way, stack up on basic provisions, batten down the hatches, pray and wait out the storm until it's all over.

With or without experience in how to deal with these changes, we all need to learn how to batten down the hatches and weather these troubling times. The deep anxieties that lurk about and hover in our souls scare us half to death. And yet to dwell on and validate such fears only corrodes courage.

Feel the fear if you must, but do grapple with it and nuke it. Astute Dorothy Bernard aptly said: "Courage is fear that has said its prayers."

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## IMMIGRATION EDGE



ATTY. DANIEL HANLON

**S**INCE March 2005, the US Department of Labor (DOL) has been processing Permanent Labor Certification applications under the Program Electronic Review Management system, or PERM. PERM was designed to allow employers to continue to sponsor foreign workers to fill open positions in a streamlined manner, while still requiring employers to show that they could not find available "qualified, willing and able" US workers before filing an Immigrant Petition with the USCIS. While PERM has proved to be a much speedier and more manageable process, employ-

ers must adhere to the strict rules and conduct recruitment of potential applicants in a fair and unbiased manner, without an immigration attorney's undue influence or trying to take any "short-cuts" in the process.

Most jobs for which a US employer wishes to hire a foreign national, through which the worker will seek permanent resident status in the United States, require that the employer first obtain a "labor certification" from the DOL. The labor certification process is designed to establish that there are no "qualified, willing and able" US workers available in the area of intended employment, which protects wages and working conditions in the United States.

Under PERM, the employer is required to undertake recruitment efforts during the sixth month period preceding

the filing of the LC. In recruiting, the employer must place at least two Sunday print ads in a newspaper of general circulation at least 30 days, but not more than 180, prior to filing, and use any "in-house" media the employer utilizes in accordance with normal recruitment procedures in the organization. The employer must also place a "job order" with the State unemployment agency for 30 days and post printed notice at the job location for a period of 10 days. Professional jobs and jobs requiring advanced degrees require at least three additional types of recruitment efforts.

Employers must timely interview any potentially qualified applicants and accurately memorialize all recruitment efforts and outcomes of interviews. The employer does not identify the individual rejected workers in filing the initial

application. Since the PERM system relies on attestations and audits for accuracy and truthfulness in the LC process, however, employers must maintain records of the recruitment and detailed reasons for rejecting US workers. The DOL could audit the records, request additional information, or call for supervised recruitment after filing.

Despite the relative straightforwardness of the PERM process, some Attorneys leave their clients in the dark as to what efforts they are undertaking and what course will be taken to complete a successful PERM application. In order to accurately advertise the position, the Attorney has to communicate with the employer to fully understand the job duties and what qualifications the employer would expect of a successful applicant. If the employer has engaged in recruitment before

deciding to petition the alien through PERM, the Attorney must review the recruitment efforts and results and be able to advise the employer as to whether further recruitment is necessary.

The Attorney should advise the employer if certain requirements will be deemed restrictive and thus hurt the chances of success, while encouraging the employer to include requirements that are necessary to the job and will enhance the chances for success. The Attorney, however, should not and cannot, however, inter-meddle with the recruitment process or attempt to steer the employer toward taking any "shortcuts" which would taint the entire recruitment effort. In such a case, receipt of an audit will likely be fatal to the application. A properly advised employer should not fret upon receipt of an audit,

as audits are issued regularly and perhaps randomly in many cases, in order to preserve the accuracy and effectiveness of the whole system.

In all, the employer should understand exactly why things are being done and not settle for vague explanations. The outcome of the case should not be left to the Attorney's "paralegal" or some recent law school graduate. Far too much is at stake for the employer, the alien worker and his family to rely on less than bona fide professional assistance.

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(Advertising Supplement)

## How to effectively avoid or respond to a PERM audit

# EARN EXTRA MONEY

Make an average of \$2,000 Part Time as an independent marketing representative for a mortgage and debt solutions company.

No experience necessary!

Do you know people with mortgage problems?

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Create Your Own Schedule. Keep Your Current Job!

TO SCHEDULE AN APPOINTMENT, PLEASE CALL (818) 588-2545 and leave your name, number and email address.

This is not a multilevel marketing program. No start up fees.

## 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.

### Rida Cabanilla, Hawaii State Rep. District 42

by JOSEPH PIMENTEL  
AJPress

**S**HE went from being a nurse to a politician.

Fil-Am Rida Cabanilla (D-HI) knows firsthand how to take care of people. As the Hawaii State Representative District 42 (overseeing Waipahu, Honouliuli and Ewa Beach), Cabanilla is also a registered nurse (critical care) and a Lieutenant Colonel in the Army Reserve.

Most recently, Cabanilla made headlines when she proposed a bill to move Hawaii's homeless to the mainland.

"It's bad enough that we have our own homeless people, so we encourage those who have ties elsewhere who want to go home," said Rep. Rida Cabanilla to a Hawaii newstation. "We're going to encourage those, but not force, there's a big difference there."

The bill may be a bit controversial but Cabanilla is just offering an alternative solution to Hawaii's homeless problem.

Born in the Philippines, Cabanilla has been part of the Hawaii State Legislators the past five years.

She won the seat with no prior political background in 1994 against incumbent Trevor Koch, a Republican.

"Timing is everything when

you enter a race," Cabanilla said to the Philippine news in an article. "I believed I could beat the incumbent. What you need most is passion and sincerity."

And it is her passion that has made her an important part of the legislator's office.

Since winning the seat, Cabanilla has been part of many of Hawaii's important legislation.

She co-sponsored the Act 100 bill, which provides up to \$2,000 for the burial expenses of Filipino World War II veterans.

She also sponsored a caregiver tax credit initiative but the bill not pass the state legislature. The bill aimed to help families and individuals caring for elderly family members with out-of-pocket expenses in the form of tax credits.



In 2007, the Hawaii Dental Association awarded Cabanilla as the 2006 Legislator of the Year. She had opposed HB 3141, a measure that would have allowed dentists in Hawaii to practice in other states without a formal examination.

"I honestly did not agree with the bill," said Cabanilla to the Philippine news. "And I was honored by the very people whose bill I was trying to kill."

Cabanilla has also been recognized as one of the "100 Most Influential Filipina Women in the United States" by the Filipina Women's Network.

Currently, Cabanilla is Chair of Hawaii's Housing committee, and a member of the Consumer Protection & Commerce, Energy & Environmental Protection, Judiciary committee, and Water, Land, & Ocean Resources.

She said her goal is "To provide leadership for Ewa and Waipahu towards resolution of local issues such as traffic, crowded schools, and elderly care. I stand for responsible planned development of the Ewa plains." ■