

PROTECTING RIGHT & \$



ATTY. JOEL R. BANDER

THE long waiting time for immigrant visa processing is an issue of important interest to Filipinos. The Philippines is one of the countries with the highest numbers of immigrants in the United States and longest waiting time period for immigrant visa processing. While visa numbers are immediately available to spouses, parents, and minor children of US citizens, other relatives of citizens and immigrants generally wait several years ranging from five to 22 years before they could immigrate into the United States.

A serious problem posed by the lengthy visa processing is the possibility of losing the petition when the petitioner dies before the beneficiary is granted the visa. Under the regulations, when the petitioner dies, an approved I-130 petition is automatically cancelled by operation of law. Thus, even if the petition has been approved and the beneficiary is only waiting to receive the immigrant visa, the petition automatically dies with the death of the petitioner.

However, this problem is ameliorated by an exception provided by the regulations that allows the US Citizenship and Immigration Services (USCIS) to grant discretionary reinstatement of "dead" I-130 petitions based on humanitarian reasons. To qualify for reinstatement, the petition must have been approved prior to the death of the petitioner. To invoke this benefit, the principal beneficiary of the visa petition has to request for reinstatement of the approval of the petition and establish that a substitute sponsor is willing to file an affidavit of support and the particular circumstances of the case warrant the reinstatement of the petition.

The substitute sponsor must either be a citizen or national or a legal permanent resident who is at least 18 years of age and have a domicile in the United States. A spouse, parent, mother-in-law, father-in-law, sibling, child at least 18 years of age, son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, or grandchild

Resurrecting the Dead: Humanitarian Reinstatement of I-130 Petitions

of the beneficiary may qualify as a substitute sponsor.

There are no clear rules as to what the USCIS must look at in exercising this discretionary authority. However, there is a clear intent that this authority should be used in those cases where revocation would be clearly contrary to the furtherance of justice. The following factors have been considered:

- (1) Disruption of an established family unit;
- (2) Hardship to US citizens or lawful permanent residents;
- (3) If beneficiary is elderly or in poor health;

(4) If beneficiary has had lengthy residence in the United States;

(5) If beneficiary has no home to go to;

(6) Undue delay by DHS or consular officer in processing petition and visa; and

(7) If beneficiary has strong family ties in the United States.

It is worth emphasizing that there is no appeal from a denial of a request for reinstatement. Hence, if one believes he or she has a good case for reinstatement, it is very important to ensure that the request is properly and completely done. It is always

advisable to consult an immigration lawyer for guidance.

Atty. Joel R. Bander is the partner of Bander Law Firm, LLP. With over 15 years of litigation and immigration experience, Mr. Bander is a leading litigator and accomplished trial strategist. He has successfully handled numerous cases before Federal, State, Civil, and Criminal Judges and has participated in hundreds of arbitrations and trials.

Bander Law Firm, LLP Downtown office address: 1055 W. 7th Street, Suite 1950, Los Angeles, CA, 90017. Tel: (213) 873-4333 Fax: (213) 873-4334. San Gabriel Office address: 1045 E. Valley Blvd., #A215, San Gabriel, CA 91776. Email: info@banderlaw.com.

(Advertising Supplement)

Permanent Residency...

PAGE A6 spouse will receive a permanent green card. If the couple has been married for less than 2 years, the alien will receive a conditional green card. The alien spouse will have to file a petition to remove the condition 3 months prior to the expiration of the conditional green card which is good for 2 years.

Obtaining legal status in the United States is a one shot deal. People should seek the assistance of an experienced Attorney

to guide them through this important and once in a lifetime process.

Atty. Kenneth Ursua Reyes was President of the Philippine American Bar Association. He is a member of both the Family law section and Immigration law section of the Los Angeles County Bar Association. He has extensive CPA experience prior to law practice. LAW OFFICES OF KENNETH REYES, P.C. is located at 3699 Wilshire Blvd., Suite 700, Los Angeles, CA, 90010. Tel. (213) 388-1611 or e-mail kureyeslaw@aol.com. Visit website Kenreyeslaw.com.

(Advertising Supplement)

LEADERS' DIGEST

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.

Michael Magaoay Hawaii State Legislature Representative and Chair of the Filipino Caucus

by JOSEPH PIMENTEL
AJPress

HAWAII State Legislature Representative Filipino-American Michael Magaoay is the chair of the Filipino Caucus.

Started in February 2007, the Filipino Caucus of the House of Representatives serves as the voice for Filipino communities throughout Hawaii.

The 17-member caucus is composed of Representatives who have met at least one of the following criteria: (1) should be of Filipino descent, (2) should have been born in the Philippines, or (3) should represent a district with a large Filipino population.

"This is your floor and the more you reach out, the more successful we can be," he said to the 17-member caucus. "We have to work cordially and set our priorities, because when we work

together as one, we can really turn heads."

Magaoay represents District 46 that covers Kaena Point, Schofield, Mokuleia, Waiialua, Haleiwa, Waimea, Pupukea, Sunset, Kahuku, Kunia Camp, Poamoho, Wheeler, and Laie.

Born in Waiialua in Oahu, he grew up in Waiialua, graduating Waiialua High School in 1971.

A local product, he received a BS in Electrical Engineering from the University of Hawaii at Manoa on May 1976.

Magaoay has been a member of the Hawaii State House of Representatives since 2000.

Besides serving as the chair of the Filipino Caucus, he also chairs the Legislative Management committee and is a member of Energy & Environmental



Protection, Finance, and Water, Land, Ocean Resources & Hawaiian Affairs committees.

He is also a member of the Governor's Turtle Bay Advisory Working Group and prevented the closing of Kahuku Hospital and Poamoho, according to reports.

"All that I have done has prepared me for this unique and special job," he wrote on his website. "I am committed to our children, our community, our kupauna and our way of life. I care about our future."

For the past two years, as chair of the Filipino caucus, Magaoay has been influential in passing several legislations that benefit Filipino residents in Hawaii.

The Filipino Caucus members advocated for Filipino World War II veterans to receive pension benefits, burial grants and to reunite veterans with their family.

The Filipino Caucus has not only worked with legislators in the state of Hawaii but also those in Washington and leaders of the Filipino-American community. ■

Employment • Psychic • For Rent • Services • Business Opportunity • Carpentry • Contractors & Builders • Credit Services • Landscaping • Jobs & Career • Business • Personal • Services • Storage • He...
Classified Ads
 Tel. (213) 250-9797 • Fax. (213) 481-0854

BUSINESS OPPORTUNITY

Do you have a retail outlet or store location?

MoneyGram International cordially seeking agents:

- Increase your revenue and store foot traffic
- No extra investment required
- Easy to operate

If you are interested, please contact

East Coast: Jay Yu
718.713.9010

West Coast: Ted Lee
714.672.0255

FOR SALE

TAAL VIEW HEIGHTS

View of Tagaytay

FOR SALE

750 sqm lot in Prime location. Great view.
 Close to the City but nestled to the rolling hills of Tagaytay.
Best for retirement, investment or vacation house.
 Price is negotiable

Viewing Deck overlooking Tag Lake and Victoria

Home with tennis & hot tub, as well as the pool, is a view of the Tagaytay

Interior shot of a Wellness Cottage

A swimming pool for the site area

Enjoy a hearty meal at the Club Restaurant

Have your own private meeting at the Executive Lounge

Play like a pro at the Basketball Court

At Taal View Heights, your property will be part of a master-planned community with tasteful Filipiniana architecture

VISIT WWW.TAALVIEWHEIGHTS.COM
 FOR MORE INFORMATION
 CALL 626.373.4189

PSYCHIC

OC 646

Psychic Readings by:

NINA

SPIRITUAL HEALER
100%
 SATISFACTION GUARANTEED
"KULAM SPECIALIST"

PALM, PSYCHIC & TAROT CARD READING
 by a Psychic known for her honesty.
"I advice and can help in all problems such as love, career, business, job and happiness."

VOTED #1
Psychic
in Los Angeles

ALL READINGS \$10

CALL TODAY FOR AN APPOINTMENT:
626-796-1815

225 SOUTH MICHILLINDA AVE., PASADENA, CA 91107

EMPLOYMENT

Starpont Trading Company is looking for a

CLERK AND PAYMENT REPRESENTATIVES

If you are interested and need more information, please send e-mail to

starpont.artgallery01@gmail.com
 Contact name :Mr Brian Bates

OC 641

Psychic Readings by Lauren

OC #647

A real Filipino Psychic
 University-tested Accuracy
 30 Years of Experience

100%

You've seen her on TV, interviewed on Good morning America, heard about her on radio, now see her in person.
 One Reading will convince you that Lauren is superior to all other psychics.

KULAM & Barang Specialist

- Tells past, present & Future • Tarot Cards, Palm & Aura Readings • Specializing in reuniting lovers
- Gain the influence & love of someone • Never Failing Advice on Love, Money & career • Healing of Body, Mind & Spirit through Chakra • Removes bad karma & negative energies & KULAM
- WITH TAROT CARD READING, GET A FREE PALM READING-

—IMMEDIATE RESULTS GUARANTEED—

Address: 725 N. Crescent Heights Blvd., Los Angeles, CA 90046
 PLEASE CALL FOR APPOINTMENT

323.653.0888

ALL READINGS \$10.00

NOW HIRING

#20685

Dental Assistant
 for Anaheim and Corona
 dental offices

Please call Gloria at 714-220-9647

Performance Strong.
 Results Delivered.

VISIT OUR ONLINE WEBSITE:
www.asianjournal.com