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Immigration

Business,
Employment and
Investor Visas

Living with the Legacy of Mukasey: Gone but not forgotten

Eric Holder was sworn in as America's new Attorney General on February 3, 2009. Mr. Holder, not unlike his new commander in chief, has inherited a justice department with an eight-year legacy of decisions that changed the lives of Americans. Further, in a last minute round of decision-making, former Attorney General Michael Mukasey ruled that individuals in removal proceedings have no constitutional right to representation by an attorney. Mukasey stated that these individuals can seek counsel as a privilege, not a right. He also stated that detainees do not have a right to seek to reopen their cases if

[Living with the Legacy](#)
[H-1B Visas](#)
[Save your home and credit](#)
[What's a reverse mortgage](#)
[Keep your eyes on the road](#)
[News you can use](#)
[Driver's liscence renewal on the go](#)

Deportation/Removal

Waivers of
Removal/Deportation

Appeals

Family Sponsorship

Student, Entertainer

Real Estate

Foreclosure Defense

Property Tax Appeals

Property Sales &
Purchases

Criminal Law

Civil Litigation

Bankruptcy

Entertainment

Corporation (profit
and not-for-profit)

Dissolution of Marriage

Copyright

U.S. Patent and
Trademark

Consultations with:
Appraisers and
Realtors

their counsel was deemed to be ineffective. The ruling overturned a decision which recognizes an individual's right to counsel in removal proceedings which has been in force for over twenty years.

Fortunately, Eric Holder has said in written testimony at his confirmation hearing before the U.S. Senate Judiciary committee that "The Constitution guarantees due process of law to those who are the subjects of deportation proceedings." We hope, therefore, that he will overturn Mukasey's ruling in keeping with the protections provided under the Constitution.

[Back to top](#)

H-1B Visas: A run for the numbers

As you know there are currently no H-1B visas available for the current fiscal year (CFY) (October 1, 2008 – September 30, 2009). The Citizenship and Immigration Services (CIS) announced, within days of accepting applications on April 1, 2008 , that they had received enough applications to fill the number of available visas. This means that all of the 65,000 visas available to bachelor degree holders had been allocated. Not long afterwards, the 20,000 that had been allocated to individuals who possess a Master's degree had been allocated as well. As you may recall, the CIS allows applicant for an H-1B visa to file an application in on April 1 to seek approval to work for the fiscal year ahead. Over the past few years, we have seen an increase in the numbers of applicants for the limited numbers of visas. The CIS conducts a lottery once it receives applications above the threshold of available visas. Therefore, based upon the number of applications the CIS has been receiving each of the past 3 years, we believe that the number of available H-1B visas will be exhausted by April 2, 2009.

Keep in mind that you are required to maintain your status at all times prior to the start of your employment on October 1, 2009. **The filing of the H-1B application does not provide you with status between the approval of the application and October 1, 2009 .** You must be granted lawful status in another visa category or have a pending application to change or extend your current status. You can also leave the country upon the expiration of your current status and seek to return to accept the employment on October 1, 2009. If you are interested in pursuing an H-1B visa, we must start to gather information for your

[A Window into the
Future](#)

application to ensure that the application is ready to be mailed to the CIS on March 31, 2009.

Extension of H-1B Visa

The processing time for extensions are approximately six months, so make arrangements to file early, so you will not need to premium process your case to ensure you remain in status and employment authorized.

[Back to top](#)

👉 We can help you fight foreclosure: Save your home and credit

If you are late in paying your mortgage or facing foreclosure, you have a few options which are: 1) work with your lender to change your loan terms, 2) pay the total amount due to bring your loan current, 3) refinance the loan if your property has equity and your credit is good, 4) sign the property back over to the lender, 5) sell the property and 6) obtain a reverse mortgage. Your last option should be to file for bankruptcy protection. When you receive a complaint for foreclosure from the court, you must answer within twenty (20) days to protect your rights, and to have the opportunity to negotiate one of the options listed above with your lender.

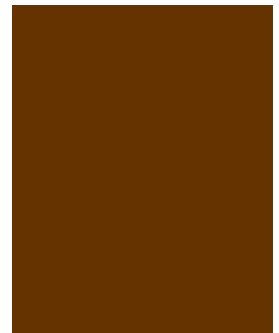
[Back to top](#)

👉 What's a reverse mortgage

A reverse mortgage is a loan against your home that you do not have to repay as long as you remain in your home. You can elect to receive the loan in a lump sum, monthly or at intervals you set up with the lender. You must be at least age 62. The major benefit of this type of mortgage is that you would not have to repay the loan. See these articles from the AARP which gives you a few pointers to consider before making the final decision.

[Questions to ask before considering a reverse mortgage](#)
[New loan](#)

[Back to top](#)



Keep your eyes on the road: do's and don'ts if you're in an accident

DO:

- Contact your insurance company as soon as possible after the accident.
- be candid with your insurance company about your injury-
- Not be embarrassed or untruthful as you could cause your claim to be denied or you could receive less than adequate compensation for your injuries. Your insurance could also be voided.
- Review all insurance coverages that may be relevant to your accident. For example credit card and homeowner policies
- Follow the time limits set by your policy. You may be required to file a proof of loss with the insurance company within one year of the event.
- Take pictures of the scene, surrounding areas from all angles any property that is damaged and your injuries
- Take the contact information of any witnesses
- Take the license plate number and contact information of all parties involved in an automobile accident
- Save all your receipts

DO NOT:

- Move your vehicle until the police arrives
- Leave the scene of an accident until the police states that you can do so
- Apologize for anything, this could be used as evidence that you are at fault
- Give a written or recorded statement to the insurance company until you understand your coverage and options
- Agree to a settlement or cash a check that says "Final Payment" before consulting an attorney

[Back to top](#)

News you can use

Driver's liscense renewals on the go

No more waiting in long lines. The Florida Department of

Motor Vehicles has established locations at which mobile units will come to accommodate the public in obtain services. You will be able to renew or obtain a duplicate driver license, complete a name or address change, obtain ID cards and reinstate of your driver license. No written or road test will be given at these units. See the DMV website for dates, times and locations.

<http://www3.hsmv.state.fl.us/intranet/FlowMobile/>

[Back to top](#)

A Window into the Future? Business owners under siege

According to the Washington Post, Prince William County in Virginia has instituted a new requirement for small business owners. County officials sent notices to the more than 4,000 registered businesses requiring that they prove that they are living in the U.S. legally. This must be done before they can renew their business license. See Washington Post article dated February 10, 2009.

Please contact our office to schedule an appointment to review your case at your convenience.

- [Back to top](#)

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