

# The Immigrant's Journal

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Vol. 108

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**KKK RUSSIAN TRUMP, THE U.S. CONGRESS AND SENATE  
WOULD NEVER DO THIS TO WHITE CHILDREN.**

## A Firsthand Report of 'Inhumane Conditions' at a Migrant Children's Detention Facility

VIA PBS NEWSHOUR

The Associated Press details grave conditions inside a Texas migrant detention facility where 250 infants, children and teenagers were being held without adequate food, water or sanitation during a recent visit. Warren Binford, a law professor at

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Editorial credit: Jana Shea / Shutterstock.com

## The Decriminalization of Marijuana Does Little to Benefit Minorities

BY ERIN TELESFORD

To the dismay of many New York citizens, the proposal for the legislation of recreational use of marijuana has stalled after Senate Democrats failed to support the bill. Instead of allowing those over the age of twenty-one to use the drug recreationally, the decriminalization of marijuana has only diminished the price of the offence. Those who are caught in possession of the drug will only have to pay a fine of \$50, \$200 if they are carrying over an ounce of marijuana.

The hundreds of thousands in New York who have been institutionalized in the past due to the previous, harsher law are also able to have their records "expunged." However, according to statelaws.com "... the fact is that in the state of New York, you cannot expunge your criminal record."

Expungement will allow a record to be permanently erased; however, that is not the case in New York law. Instead, your record can be hidden in the act of "sealing" your criminal records. A sealed criminal record will be "removed from the rap sheet sent to employers, and your fingerprints, palm prints and mug shots will all be destroyed." Although it seems as if your record will be erased after these practices, it can still be viewed by specific people, including employers for certain jobs, parole or probation officers, the military if you enlist, prosecutors and other law enforcement officials, etc.

Expunging, or, more appropriately, sealing a criminal record for possession of marijuana is unfair to those who were arrested in the past for the offence, and disproportionately affects the lives of black people and other people of low income due to the well-known act of mass incarceration. There is no reason



for people to still have to pay a fine if they are not doing something criminal. The most sensible option is to simply allow the sale and possession of it recreationally; but doing so would allow black people and other low-income minorities to have the ability for business opportunities or a revenue stream to be directed toward communi-

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## Driver's License Granted to Undocumented Immigrants



Albany, NY: June 17, the Senate Democratic Majority passed the Driver's License Access and Privacy Act (Green Light NY), S.1747B, sponsored by Senator Luis Sepúlveda, that will restore the right to obtain a license, regardless of immigration status, that existed prior to 2001.

Senate Majority Leader Andrea Stewart-Cousins said, "Today, we passed legislation restoring the right for all qualified drivers to obtain drivers licenses regardless of immigration status. By passing this needed legislation, we are growing our economy while at the same time making our roads safer. This is the right step forward for New York State as we continue to advocate for comprehensive immigration reform on the federal level."

Bill sponsor, Senator Sepúlveda, said "This legislation will not only provide undocumented immigrants with a legal solution to obtain a driver's license, but its positive impacts will include significant economic growth, improved road safety, and it will keep hardworking families together. Millions of dollars will be raised in revenue, auto insurance premiums will decrease, and local economies will see a boom as earnings and spending increase. In a time when immigrants are

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# People Forced to Stand on Toilets, Wear Soiled Clothing for Days at Border Patrol Facility

BY MELISSA CRUZ

The internal watchdog for the Department of Homeland Security (DHS) found “dangerous overcrowding” and unsanitary conditions at a Border Patrol processing facility in El Paso, Texas during an unannounced inspection last month. The watchdog said conditions were so bad they posed an “immediate risk to the health and safety not just of the detainees, but also DHS agents and officers.”

Details of the facility’s unsafe, filthy environment emerged in a scathing new report from the Office of Inspector General (OIG). The OIG report notes that the facility has a maximum capacity of 125 people but held up to 900 during their inspection. One cell at the facility, for instance, had a maximum capacity of 12 people, but 76 people had been forced into the cell.

The space was so overcrowded that some people—many of them Central American families seeking asylum—were forced into “standing-room-only” conditions for days or weeks at a time. People are supposed to stay at these facilities for a maximum of 72 hours, according to a U.S. Customs and Border Protection policy. But OIG found that many had been held far past that limit, including 33 people held for more than two weeks.

The OIG report included other disturbing findings:

- Many individuals stood on toilets in the cells “to make room and gain breathing space.” Because of this, access to the toilets themselves was severely limited.



Photo: immigrationimpact

• People had to wear soiled clothing “for days or weeks at a time,” with limited access to showers.

• The facility did not have the capacity to maintain basic hygiene, and people who had fallen ill were not always separated from the general population.

• DHS said individuals’ personal belongings—like bookbags and suitcases—were a “biohazard” and threw them away in nearby dumpsters. But money and phones were turned over to staff.

In response to the report’s recommendations, DHS said it had constructed a tent which could hold up to 500 people and is working to complete another tent by the end of July. But the agency admitted to the watchdogs that it “had not identified a process to alleviate issues with overcrowding” in the short term and wanted until November 2020 to fix the problem in the long term. The OIG found this response inadequate, refusing to close their investigation until more immediate solutions were presented.

The OIG report is further evidence that the current system at the U.S.-Mexico border is outdated and inadequate. These holding facilities were originally made to process single adult men mostly coming from Mexico. Instead, they are now primarily holding asylum-seeking families from Central America.

The Trump administration’s efforts at curbing such migration—through the cruel practice of family separation, forcing people to wait on the Mexico side of the border, and proposing tariffs on Mexican goods—has not helped. Instead, the root causes of migration are ignored, putting the safety and health of vulnerable individuals at risk.

No person should ever be locked into a “standing-room only” cell for days at a time. Rather than lock people up in dangerous conditions, the government should focus on processing people more quickly and finding ways to release them. ●

## CHIRLA Activates Community to Fight Trump’s Acts of Terror

Los Angeles: The Coalition for Humane Immigrant Rights (CHIRLA), the largest immigrant rights organization in California, called on Americans to reject President Trump’s announced raids, an act of terror against immigrant families. We are not helpless victims to Trump’s terror. CHIRLA is calling on the community to rally against cruel immigration policies

The following are comments for Angelica Salas, CHIRLA Executive Director.

“This is President Trump at his worst, persecuting a community he thinks can be bashed and threatened without any consequence. But while we are not taking the threat lightly, we are also preparing to resist his ill treatment.

“What President Trump is doing to the millions of American families that have at least one undocumented loved one is



Photo: shutterstock.com

an act of terror. It’s pure evil.

We have activated the Los Angeles County Raids Rapid Response Network and we will empower and protect affected families. But we will not stop there. We will protest and work to end this abuse in every possible arena.

These immoral attacks against immigrants must move to action anyone who cares about human rights and justice. We

call on Americans to demand that Congress not spend tax dollars on terror operations that separate families and make a mockery of due process. This madness does not fit our democracy, but only destroys it.”

The Immigrant’s Journal Legal & Educational Fund, Inc (IJLEF) supports this call to action in the fight against the “War on Immigrants”. ●

# “Trumpism” Has Opened Its Second Pandora’s Box

BY DAVID TORRES, AMERICA VOICE

A nation built on the shoulders of immigration like the United States should already have a mechanism to legally detect, and thus immediately stop, all indications of racism and anti-immigrant rhetoric via any presidential aspirant.

There should be a type of legal filter that disqualifies them from within their own political parties, and disrupts the candidate registration of those with attitudes, statements, and above all xenophobic proposals who are intent upon promoting campaigns with hate, terror, and exclusion.

This, contravening history, philosophy, culture, and the ethical principles of democracy that always aspires to achieve equality and equilibrium of powers — independent of ideology or political position— in the framework of development and benefit to society as a whole, and not of its involution toward retrograde levels that contradict the advances of humanity, its values, and rights.

Put simply, to not repeat ignominious stages in other latitudes where the human race had everything to lose, including life, at the hands of autocrats of any type who aspired only to perpetuate their own power, whipping their followers into a frenzy over destroying “the other,” those who are not like them.

The idea is, of course, a utopia equivalent to preaching in the desert at this precise moment in this country’s history, which allowed, with deceptively democratic complacency, someone to take office in 2016 who is now trying to win reelection with the same strategy of anti-immigration and racism that showed up a few nights ago in Orlando, Florida, in the midst of a display of well-calculated histrionics before a torrent of followers that, of course, echoed each and every one of his studied poses, as well as his verbal expressions, gesticulations, and easily-digestible, prepared slogans.

All this at the expense of the “enemies” that have also become the objective of his policies: immigrants. Especially those he does not like, those who are not, for example, “from Norway.”

Based on this scenario, the weeks and months to come will not be easy for millions of immigrant families. Especially so for those whom the President of the United States has chosen, once again, to



bear the full weight of his anti-immigrant rhetoric and who he has threatened to deport “by the millions” next week.

Actually, the anti-immigrant strategy worked for Trump the first time around because it awakened a feeling somewhere between racism and xenophobia in a certain segment of the U.S. population which, we now know, was always there and latent, but half-asleep, until it was woken up completely by his rhetoric of hate, like a perverse “Pied Piper of Hamelin.”

But to create the image of this “other” that “takes advantage” of the poor, little U.S. system is nothing more than betting once again on the resource of fear, with threats and insults, which could instead be producing a “boomerang” effect. This has been proven by the results of a recent poll from Mason-Dixon, which revealed that 56% of Hispanic voters in Florida said that they would vote against Donald Trump so that he is not reelected, including 61% of women and those under fifty who say they do not want the President to repeat his White House success in 2020. However, more emboldened than ever, the leader in search of reelection has uncovered a second, reckless Pandora’s box, which makes it easy to predict that we will be seeing in the short term new attacks on the Spanish-language, insults toward minorities, jokes at the expense of those with dark skin or who have an accent. Essentially, those who do not resemble the “Trump model.”

But while the epithets that the President of the United States has intentionally proffered regarding immigrants who are not of his preference continue to rumble in the four corners of the planet, right now there are around 70 million people displaced from their homes by wars and violence, an increase of more than two

million people in this situation, according to the most recent data from the United Nations High Commissioner (UNHCR) for Refugees. The UNHCR chief, Filippo Grandi, rightfully warned the world’s superpowers, especially the United States, that calling migrants and refugees “threats” to jobs and security is detrimental, as these people are nothing more than victims fleeing from that very insecurity and situations that put their lives and those of their families at risk. Situations that they did not create, but in fact those external agents with power and resources did.

It is unclear whether “Trumpism” reflects, in turn, a reality bigger than our own human race, in the moment we are living, in this preamble to an exclusionary social transformation in the United States. But whatever the result of this new attack on immigrants, we must do everything possible to ensure that this violent verbal rhetoric does not open the door to fascism.●

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The Immigrant's Journal Legal & Educational Fund, Inc. is an organization dedicated to the educational and economic empowerment of all immigrants and immigrant organizations here in the United States. We at the Journal recognize the enormous contribution of immigrants to this country economically, socially and politically. Since September 11, 2001, however, immigrants have increasingly been discriminated against and Congress has passed legislation curtailing the rights of immigrants here in the U.S., broadly claiming that immigrants are a threat to "National Security." We at the Journal believe that these charges are unfounded, unsubstantiated and exaggerated. The Immigrant's Journal Volunteer Intern Program was introduced to give our volunteers the opportunity to work in an immigrant friendly environment while developing the necessary skills for college or law school. They assist our staff in resolving immigration and other legal concerns through personal interviews, radio, email and telephone contact. They also assist the public with citizenship applications and in researching whether or not children of naturalized U.S. citizens have derived citizenship from their parents. Some of our volunteers assist our legal staff by engaging in legal research and writing letters on other legal issues. Volunteer interns are also assigned various other jobs in our Youth Programs.

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# Nearly 100 Charged in Massive Marriage Fraud Scheme

**H**ouston: A total of 50 people are now in custody following the return of a 206-count indictment alleging varying roles in a large-scale marriage fraud scheme, announced U.S. Attorney Ryan K. Patrick along with Special Agent in Charge Mark Dawson of Immigration and Customs Enforcement's Homeland Security Investigations (HSI) and District Director Tony Bryson of U.S. Citizenship and Immigration Services (USCIS).

The federal grand jury returned the massive indictment April 30, 2019, charging 96 individuals. To date, law enforcement has taken 50 into custody. Of those, nine are set to appear for a detention hearing before U.S. Magistrate Judge Nancy Johnson.

The indictment remains sealed as to those charged but not as yet in custody. "These arrests mark the culmination of a comprehensive year-long multi-agency investigation into one of the largest alleged marriage fraud conspiracies ever documented in the Houston area," said Dawson. "By working together with our partners from various federal law enforcement agencies we have sent a resounding message that we are united in our effort to disrupt and dismantle criminal organizations that seek to circumvent U.S. law by fraudulent means."

The investigation targeted a suspected criminal organization allegedly operating a large-scale marriage fraud scheme. The scam involved the creation of sham marriages in order to illegally obtain admission and immigrant status for aliens in the United States, according to the indictment.

The charges allege Ashley Yen Nguyen AKA Duyen, 53, of Houston, headed the Southwest Houston-based organization and had associates operating throughout Texas and Vietnam.

"Marriage fraud is a serious crime. This indictment reveals how successful our working relationships are with our law enforcement and intelligence partners when it comes to investigating marriage fraud," said Bryson. "USCIS remains steadfast in our commitment to ensuring national security, public safety and the integrity of the immigration system."

A sham marriage is a marriage that is entered into for the primary purpose of circumventing immigration laws. The indictment alleges the marriages involved in this conspiracy were shams because the spouses did not live together and did not intend to do so, contrary to documents and statements they submitted to USCIS. The spouses only met briefly, usually immediately before they obtained their marriage license, or not at all, according to the charges. The spouses allegedly entered into the marriage pursuant to a financial arrangement for the



primary purpose of circumventing U.S. immigration laws.

According to the charges, each beneficiary spouse entered in an agreement with Duyen in which they would pay approximately \$50,000-\$70,000 to obtain full lawful permanent resident status. The agreements were allegedly pro-rated in that they would pay an additional amount for each immigration benefit they received, such as admission into the United States, conditional permanent resident status and full lawful permanent resident status.

In addition, Duyen and others recruited other United States citizens to act as petitioners in the sham marriages, according to the indictment, who received a portion of the proceeds received from the beneficiary spouses. Several individuals who were recruited as petitioners soon after became recruiters themselves, according to the allegations.

Others were also allegedly in charge of receiving the proceeds from the beneficiary spouses and disbursing the payments to the petitioners.

The indictment also charges several individuals who acted as guides for U.S. citizen petitioners who allegedly travelled to Vietnam under the guise they were going to meet his/her fiancé. In truth, according to the indictment, they were beneficiary spouses paying the criminal organization in order to circumvent United States law.

The criminal organization also allegedly prepared fake wedding albums which were provided to the petitioner and beneficiary spouse that included photographs to make it appear as if they had a wedding ceremony above and beyond a simply courthouse marriage. The indictment further alleges the criminal organization provided false tax, utility and employment information to help ensure USCIS would approve the false immigration forms.

Also indicted is attorney Trang Le Nguyen aka Nguyen Le Thien Trang, 45, of Pearland, Texas for obstructing and impeding the due administration of justice and tampering with a witness, victim

or informant. According to the indictment, Nguyen allegedly prepared paperwork associated with at least one of the fraudulent marriages and told a witness who provided information to law enforcement to go into hiding, not to engage in any air travel that may alert federal law enforcement to her presence and not provide any further information to law enforcement.

The charges include 47 counts of marriage fraud, 50 counts of mail fraud, 51 counts of immigration fraud, 51 counts of false statements under oath in matter relating to registry of aliens and one count each of conspiracy to engage in marriage fraud, conspiracy to commit mail fraud, conspiracy to commit immigration fraud, conspiracy to make false statements under oath in matter relating to registry of aliens, unlawful procurement of naturalization, obstructing and impeding the due administration of justice and tampering with a witness, victim or informant.

Conspiracy to commit mail fraud, mail fraud and tampering with a witness, victim, or informant all carry possible 20-year federal prison sentences. If convicted of conspiracy to commit marriage fraud or marriage fraud, those charged face up to five years in prison. The remaining charges all have maximum possible 10-year-terms of federal imprisonment.

HSI and USCIS conducted the investigation. Assistant U.S. Attorneys Adam Laurence Goldman, Michael Day and Kate Suh are prosecuting the case. ●

Source: uscis.gov

## Marijuana/

*continued from page 1*

ties that have been disproportionately impacted by past enforcement, as advocates had previously envisioned.

Amendments and lobbying could be blamed for the failure of legalization. Businesses, investors, private prisons and many more organizations led by white people can see that once the drug is legalized, it could unleash a monsoon of opportunities for minorities and people who have been most impacted by the laws against marijuana. Legalization will allow these people to get jobs and create businesses that are solely owned by white businessmen, creating competition. The best way to prevent this progression is to keep minorities and low-offence criminals from having the ability to remove past offences from their records, and keeping people from having the ability to gain entry into the marijuana business opportunities, which was achieved with the decriminalization of marijuana.

## Memorandum on Enforcing the Legal Responsibilities of Sponsors of Aliens

**T**he President recently issued a Presidential Memorandum on Enforcing the Legal Responsibilities of Sponsors of Aliens. The memorandum directs relevant federal agencies to update or issue procedures, guidance, and regulations to comply with current law and ensure that ineligible immigrants do not receive federal means-tested benefits. The memorandum highlights the commitment of the Administration to enforcing existing immigration laws and protecting the American taxpayer.

As part of USCIS' implementation of this memorandum, USCIS officers will now be required to remind individuals at their adjustment of status interviews of their sponsors' responsibilities under existing law and regulations. Our officers must remind applicants and sponsors that the Affidavit of Support is a legal and enforceable contract between the sponsor and the federal government. The sponsor must be willing and able to financially support the intending immigrant as outlined by law and regulations. If the sponsored immigrant receives any federal means-tested public benefits, the sponsor will be expected to reimburse the benefits-granting agency for every dollar of benefits received by the immigrant.

Over the next several months, federal agencies will develop and implement guidance on the presidential memorandum to make sure that agencies enforce these requirements. USCIS will do our part, and we are actively working to implement the President's directive with our federal partners, including by updating policies and regulations. ●

Source: uscis.gov

With regards to the recent legislation, Mr. Brian Figeroux, Esq. of the Law Firm of Figeroux & Associates, stated that "the most important aspect of the marijuana legislation is the fact that one, it is no longer a criminal violation if a person is caught with one ounce or less of marijuana and two, all previous records of marijuana charges will be expunged, meaning that all existing marijuana related charges will be completely eliminated." According to Mr. Figeroux, this is a good thing for undocumented immigrants who had any criminal records relating to marijuana.

On the other hand, if persons have two or more simple marijuana charges, they can be deemed inadmissible for a green card or not eligible for obtaining citizenship.

If you are an immigrant with any concerns about how this new legislation may impact your particular situation, call 855-768-8845 for a FREE consultation. ●

# Know Your Rights: The Educational Rights of Immigrant Children

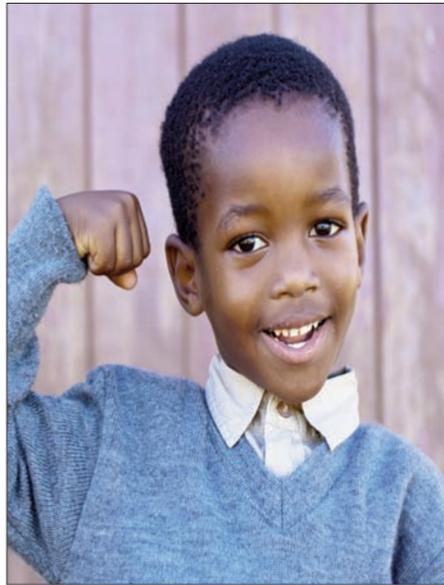
The Constitution and the Supreme Court guarantee all children in the United States the right to attend school regardless of their immigration status. This means that undocumented children and children of undocumented parents must be allowed to:

- ♦Enroll in and attend a public K12 school
- Keep private from the school their immigration status
- ♦Feel safe and welcome in the classroom, including free from bullying and harassment, in a way that allows them to exercise their right to an education

These rights cannot be changed by the President of the United States, a governor, a state law, or a superintendent of schools. If schools violate a child's constitutional rights in any of these ways, children and families can sue the school or the school district for violating the law.

The Constitution and the Supreme Court guarantee all children in the United States the right to attend school regardless of their immigration status. This means that states, districts, and K12 public schools must:

- ♦Allow undocumented child or child of undocumented parents to enroll in and attend school



- ♦Make a child and their parents feel welcome and safe, including acting to prevent bullying or harassment that would interfere with their right to an education
- ♦NOT ask about a child's or their parents' immigration status (including requiring a social security number, birth certificate or parent's driver's license to enroll)
- ♦NOT discourage a child from enrolling in or attending school because of their immigration status

These rights cannot be changed by the President of the United States, a gover-

nor, a state law, or a superintendent of schools. If schools violate a child's constitutional rights in any of these ways, children and families can sue the school or the school district for violating the law. America should be a place where every child, no matter their unique circumstances, can grow up to be what they dream. And yet our nation continues to erect discriminatory barriers that unfairly limit or deny educational opportunity.

The Leadership Conference, on (Civil Rights & Human Rights) work to transform public education so that all young people can attend safe, inclusive, and resourced schools that prepare them for successful futures. We also aim to transform education decision-making at the local, state, and federal levels so that diverse and intersectional voices drive reform.

Educational equity is a civil and human right. But in the past two years, the Trump administration has led the charge to roll back protections for students with disabilities, survivors of sexual assault on campuses, students of color, and other vulnerable communities. In response, our coalition is leading a coordinated effort to protect the rights and safety of students and ensure every child in America can forge the best path to their future.♦



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# Chronic USCIS and ICE FOIA Delays Being Challenged in Court

BY HILLARY MARSTON

When a person files a Freedom of Information Act (FOIA) request, the government is required to respond to the person within 20 days, with few exceptions. Yet when someone requests copies of their immigration files, U.S. Citizenship and Immigration Services (USCIS) often leaves them waiting for months at a time.

To challenge these systemic violations and the harm they cause, the American Immigration Council and its partners, Northwest Immigrant Rights Project (NWIRP) and the Law Offices of Stacy Tolchin, have filed a nationwide class action in federal district court on behalf of immigration attorneys and two individuals.

The lawsuit highlights how this impacts immigrants and their attorneys. A-Files contain important information for immigration cases that can affect an individual's eligibility for immigration benefits or their ability to defend against deportation.

The delays are part of a systemic breakdown at USCIS where case processing delays across the board have increased at alarming rates in recent years.

Individuals and their attorneys need access to their full immigration history, including government documents. This complete history is critical to assessing their options and making decisions that often have life-long consequences for themselves and their families.

Under current law, people should be able to obtain a copy of A-Files within 20 business days by submitting a FOIA request to USCIS. The agency is afforded an additional 10 days only in limited cir-



cumstances.

In almost no cases does USCIS meet this timeframe. In fact, the agency's own website indicates that average processing times for different categories of FOIA requests exceed the legally allowable timeframe for responding—in some cases, by months.

The backlog of FOIA requests at USCIS has doubled between fiscal years 2015 and 2017, with no clear plan to reduce it. At the end of FY 2018, USCIS reported 41,329 cases were stuck in a backlog.

Despite their delays in response times, USCIS has failed to allocate enough budgetary resources or hire the necessary number of employees to address the backlog. The result has left many noncitizens and their attorneys without A-Files for months past the legally-allowed timeframe for the agency to respond.

USCIS also sends portions of A-Files to Immigration and Customs Enforcement (ICE) for further review. While ICE is required by law to treat the request as having been received on the date it was received by USCIS, ICE routinely fails to respond to the request on time. As a 2012 government watchdog report indicated,

this inefficient referral process often results in an unnecessary duplication of efforts, increased costs, and lengthy processing times.

The plaintiffs in the class action have collectively filed numerous FOIA requests that USCIS ignored. Several of those referred to ICE have been pending for over a year.

This class action represents the ongoing effort to hold the government accountable for its responsibilities under FOIA. Lawyers for the plaintiffs are asking that the Court issue a nationwide injunction ordering USCIS and ICE to respond to pending FOIA requests within 60 days of the Court's order and to respond to future FOIA requests in accordance with the law.

Routine and excessive delays cause unnecessary emotional and financial hardship for individuals seeking their own immigration files. USCIS needs to do better so individuals are not left in legal limbo while they wait to obtain records that hold the key to evaluating their immigration options in the United States. ●

## USCIS Accelerates Transition to Digital Immigration Processing



Washington: U.S. Citizenship and Immigration Services (USCIS) announced a new strategy known as eProcessing to accelerate USCIS' transition to a digital business model. eProcessing will be a complete digital experience, from applying for a benefit, to communicating with USCIS, through receiving a decision on a case.

As a first step, certain visitors for business, visitors for pleasure, and vocational students can now apply online to extend their stay in the United States. Additional classifications are coming soon.

eProcessing connects previously separate technology systems within the agency to ultimately improve decision timeliness, increase transparency during the application process, and to accelerate the availability of online filing for all immigration benefits.

Each year, USCIS receives more than 8 million requests for immigration benefits. Improvements to USCIS technology will continue to enable more applicants to submit many of these requests online. "One of my priorities is to accelerate the modernization of our nation's lawful immigration system," said USCIS Director L. Francis Cissna. "eProcessing modernizes USCIS' work to create a paperless solution that is more effective for applicants, our officers, and our partner agencies." ●

# What Is an Article 78 Proceeding? How Can I Use It In Court?

BY TATYANA BELLAMY-WALKER

Under New York State court jurisdictions, Article 78 Proceeding allows residents to appeal a decision of a city or local agency. According to New York State Courts, there are three parts to Article 78 Proceedings: the Certiorari, Mandamus and Prohibition.

**Certiorari:** a determination made as a result of a hearing at which evidence was required to be and was taken, is on the entire record and supplied by substantial evidence, according to court guidelines.

**Mandamus:** reviews whether the body or officer failed to perform a duty ordered by law as well as whether a determination was made in violation of lawful procedure, according to court guidelines.

**Prohibition:** is whether the body or officer proceeded, is proceeding, or is about to proceed without or in excess of juris-

diction.

While there are many ways to use an Article 78 Proceeding, there are also limitations. Article 78 cannot be used in a determination of a civil action or criminal matter unless it is an order summarily punishing a contempt committed in the presence of the court, according to court guidelines.

Besides filing an Article 78 Proceeding, a petitioner can file the case in the federal court or in the New York State Supreme Court. Through this method, clients have up to three years from the date of the hearing decision to file the case.

There are a couple of signs that an Article 78 proceeding is right for you. First, you are unhappy with a government agency's final decision. For example, an agency decides to revoke your license. In *Tacos Ricos Corp. v. New York State Liquor Authority* – the restaurant used an Article 78 proceeding to petition

the courts to return their liquor license, which was revoked because they had women dancing with customers and serving as waitresses. While the New York State Liquor Authority termed the establishment "disorderly" the courts found there was no evidence to support this claim.

More than 10 years ago, in *Matter of Colaiacovo v. Dormer, Sup Ct, Suffolk County*, a Long Island resident used Article 78 when his wife used his pistol to commit suicide. Local officials revoked his pistol license. However, the courts sided with the petitioner stating that he was not at fault and he has the right to bear arms.

Article 78 Proceedings must be filed within four months of the date you receive the decision you want to appeal. It is mandated that Article 78 Proceedings are filed in New York State Supreme Court.



Experts recommend using a specialized lawyer for Article 78 Proceedings. This is because Article 78 Proceedings are complex and without representation, it can lead to a loss of a case or a forfeiture of rights. Under Article 78, clients may be awarded monetary damages, relief or the court may dismiss the proceeding. In all, if a New York agency grants you a decision you disagree with – you have a right to appeal the unfavorable judgment. ●

# Is It Time to Talk With Your Spouse about a Separation?

VIA 311DIVORCE.COM

If you and your partner have been struggling to get along, facing impossible obstacles, or simply fighting constantly, you might be thinking about separating from them. The choice to separate can be either temporary or permanent but is often viewed as a way for you to enjoy some time apart from one another and reevaluate how your relationship will function moving forward. Before you talk with your spouse about separating, however, it's important to consider how this choice will impact your life. Here's what you need to think about:

### Will this be permanent?

For some couples, the choice to separate is a temporary one. If you simply need a break from your partner but aren't interested in divorce or permanent separation, make sure you focus on this when you bring up the topic. Let them know that you do not want a permanent separation, but rather, that you need some time to yourself. A temporary separation can be a positive way to decide whether you want to continue living alone or whether your relationship is worth salvaging. Sometimes having some time apart can



give you the clarity you've been searching for and can help you make important decisions about your future.

### Is counseling an option?

Before you rush off to rent your own apartment, consider whether you and your partner should attend therapy or counseling together. Sometimes communicating in a more effective way can be beneficial. A therapist can help you accomplish this. If you and your partner constantly struggle to demonstrate your

opinions and express your ideas in a healthy way, counseling could give you the skills you need to move forward and could prevent you from separating. Additionally, if you have children, family therapy can be quite beneficial after periods of stress.

### How will your children be impacted?

When there are children involved, it's important to consider how the separation will affect them. Whether your kids are five years old or seventeen, they will

experience changes when you and your partner separate from one another. You'll need to decide who your children will live with, how you'll handle custody arrangements, and whether they'll continue attending the same school. For some kids, dealing with separation can be emotionally stressful, so you'll need to be ready to handle that. Open communication is very important for any family but is especially vital when you're thinking about separating. Your kids will need to be reassured that you and your partner still love them.

No matter what type of situation you're dealing with, it's important to consult with an attorney in your state before you choose to separate. There may be legal steps you need to take before you and your partner take a break, so make sure you reach out to an attorney today. Your lawyer can guide you throughout the separation process and will let you know what steps you need to take in order to make your separation a legal one.

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# What Kind of Accidents Can Lead to Testicular Injuries?

BY JAMELIAH FRANCIS

The male gender has a part of their bodies that is very sensitive and susceptible to different kinds of accidents, due to its location. This is called the testicles, which is located on the outside of the males' body in a pouch of skin known as the scrotum.

The testicles are very important to the male gender, since they are responsible for making sperm which leads to reproduction. The testicles also produce the male sex hormone called testosterone. If the testicles are not functioning properly, a man or boy may look and feel different. Because the testicles hang in a sack outside the males' body, then there are no muscles or bones to protect it from an accident. Therefore, it is so important for men to be as careful as possible when going about their daily lives.

## Accidents that lead to Testicular Injuries Being Kicked

The testicles can be damaged in many ways. You may be playing a sport and accidentally got kicked in the testicles by your colleague. Depending on the intensity of the kick it may have permanent damages to the organ.



## Bicycle Accidents

While riding a bicycle is meant to be a fun and exciting form of exercise, this excitement can be short lived if an accident occurred. In riding, you may accidentally rush over a hump in the road which will disrupt the smooth flow of the ride, as a result, this causes you to hit the testicular area of your body against the bicycle's frame. This may cause the testicles to be ruptured.

## Getting Hit with a Ball

Getting hit at any other part of the body with a ball may not be as severe as getting hit in the testicles. The hard blow would most often than not, create some sort of discomfort to a person and may

even lead to permanent problems such as infertility.

## A Fall

Something as innocent as a fall, hitting the wrong area of the body, can be so daunting. A man may just be walking down the streets and slipped, hitting the testicular area in the process. This may cause his life to turn upside down. Not only could he have a permanent injury, he may also not be able to reproduce and have children, due to this injury.

## Testicular Injuries

The type of injury resulting from a testicular accident may vary. The accident may cause a rupture or a tear on the

tough, protective covering which surrounds the testicle and damage it. Also, contusion may occur where the blood vessels in the testicles are bruised and bleeds as a result. Another type of injury is dislocation. Depending on the accident this may cause the testicles to be pushed out of the scrotum. This push may cause the testicle to end up in the abdomen, near the pubic bone over the penis or other areas near the scrotum. One of the accidents that cause this is a bicycle or moto bike accident.

Seeking immediate medical assistance after a testicular injury is very important. Some of these problems, like raptures and contusion are serious medical emergencies and as such can be very unbearable. These injuries can result in the loss of one's testicles and cause a shrink in the testicles as well. Also, severe injuries to the testicles can result in infertility problems in the future, hence immediate medical attention can save a person from further problems.

Yes, you have suffered tremendous physical pain, mental anguish and emotional distress; you may also have a case for monetary compensation. It is best to seek the advice for a qualified and experienced personal injury attorney. ●

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## Inhumane Conditions/

*continued from page 11*

Willamette University, Oregon, joins Judy Woodruff of PBS NewsHour to share his firsthand account of the grave conditions inside a Texas migrant detention facility. Here is the full transcript:

**Judy Woodruff:** The Associated Press detailed conditions inside a Customs and Border Patrol detention center in Clint, Texas, were, allegedly, 250 infants, children and teenagers are being held.

According to the AP, there's not adequate food, water or sanitation inside. The report describes teen mothers and other younger kids being asked to care for infants and toddlers on their own, with little or no help from any adults.

Warren Binford is one of the lawyers that visited that Texas facility and spoke with the children being held inside. She's a law professor at Willamette University in Oregon.

Professor Binford, thank you very much for being here.

As I mentioned, you were inside this Texas facility. Can you just give us some sense of what it is you saw inside?

**Warren Binford:** Yes. Basically, what we saw are dirty children who are malnourished, who are being severely neglected. They are being kept in inhumane conditions. They are essentially being warehoused, as many as 300 children in a cell, with almost no adult supervision.

We have children caring for other young children. For example, we saw a little boy in diapers — or he had no diapers on. He should have had a diaper on. He was 2 years old. And when I was asked why he didn't have diapers on, I was told he didn't need it.

He immediately urinated. And he was in the care of another child. Children cannot take care of children, and yet that's how they are trying to run this facility. The children are hardly being fed anything nutritious, and they are being medically neglected.

We're seeing a flu outbreak, and we're also seeing a lice infestation. It is — we have children sleeping on the floor. It's the worst conditions I have ever witnessed in several years of doing these inspections.

**Judy Woodruff:** What you're describing is really hard to sort of put our heads around, that this is inside a U.S. government facility.

I wonder, what do we know about, where are these children's parents? Were they coming across the border alone? Did they come with their families and separated? How did they get there?

**Warren Binford:**

Almost none of the children that we interviewed had come across the border themselves alone.

Essentially, they came across the border with family. And they are trying to be reunited with family who are living in

the United States. Almost every child that I interviewed had family, parents, uncles, aunts, grandparents, siblings here in the United States who are waiting for them and are ready to care for them.

**Judy Woodruff:** We know the American Academy of Pediatrics, among many others, as you are testifying, said, these are not the kinds of facilities for children.

And my understanding is that, under federal law, these children are supposed to only be kept for about 72 hours, and then transferred to Health and Human Services facilities elsewhere. Is that going to happen with these children? Would that be a better outcome for these children? What do you know about their future?

**Warren Binford:** You know, the goal for all of these children is eventually to place them with their family.

The facilities that you're saying they're supposed to be transferred to, those are not required by law. That's just the way that the administration is doing it. These children can be placed with their families immediately, if we wanted to do that. And so, basically, what we're doing is, we're taking children away from their family at the border. We're putting them in inhumane conditions in Border Patrol facilities, where they shouldn't be at all, not even for a few hours. And that 72 hours, that's the maximum that someone is supposed to be kept there.

And the children are supposed to be

moved through these facilities as expeditiously as possible.

**Judy Woodruff:** We asked CBP for a comment, and we haven't gotten one yet. But we have heard government officials say, we were just caught flat-footed on this. We built these facilities, as you said, for single men, and now we have this influx of children. We simply don't have the capacity or the staff or the funding to properly care for these children. And Congress needs to pass more money, so that we can do our job better.

Is that your sense of what's going on there?

**Warren Binford:** That's exactly what I'm hearing from the Border Patrol officers who spoke to us privately in the hallways. They are on our team. They don't want the children there.

They — many of them are parents themselves. They know that these children don't belong there and they need to be with their families. They're saying that ORR and ICE are not coming to pick up these children and process them, so that they can be reunited with their families.

**Judy Woodruff:** All right, Professor Warren Binford of Willamette University, thank you for your time. And thank you for coming forward with this.

**Warren Binford:** Thank you. ●

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# Power and Control Tactics Used Against Immigrant Women

The following describes some of the ways in which immigrant women are abused, although the experiences of individual victims will vary from case to case:

## Emotional Abuse

- Lying about her immigration status
- Telling her family lies about her
- Calling her racist names
- Belittling and embarrassing her in front of family and friends
- Causing her to lose face
- Telling her that he has abandoned her culture and become "white," or "American"
- Preventing her from visiting sick or dying relatives
- Lying about his ability to have the immigration status of his lawful permanent resident abuse victims changed

## Economic Abuse:

- Forcing her to work "illegally" when she does not have a work permit
- Threatening to report her to INS if she works "under the table"
- Not letting her get job training or schooling
- Taking the money her family back



home were depending upon her to send them

- Forcing her to sign papers in English that she does not understand — court papers, IRS forms, immigration papers
- Harassing her at the only job she can work at legally in the U.S., so that she loses that job and is forced to work "illegally"

## Sexual Abuse:

- Calling her a prostitute or a "mail order bride"
- Accusing her of trying to attract other men when she puts on make-up to go to work
- Accusing her of sleeping with other men
- Alleging that she has a history of prostitution on legal papers

- Telling her that "as a matter of law" in the United States that she must continue to have sex with him whenever he wants until they are divorced

## Using Coercion and Threats:

- Threatening to report her to the INS and get her deported
- Threatening that he will not file immigration papers to legalize her immigration status
- Threatening to withdraw the petition he filed to legalize her immigration status
- Telling her that he will harm someone in her family
- Telling her that he will have someone harm her family members
- Threatening to harm or harass her employer or co-workers

## Using Children:

- Threatening to remove her children from the United States
- Threatening to report her children to the INS
- Taking the money she was to send to support her children in her home country
- Telling her he will have her deported and he will keep the children with him in the U.S.
- Convincing her that if she seeks help from the courts or the police the U.S. legal system will give him custody of the children. (In many countries men are given legal control over the children and he convinces her that the same thing will occur here.)

## Using Citizenship or Residency Privilege:

- Failing to file papers to legalize her immigration status
- Withdrawing or threatening to withdraw immigration papers filed for her residency
- Controlling her ability to work
- Using the fact of her undocumented immigration status to keep her from reporting abuse or leaving with the children
- Telling her that the police will arrest her for being undocumented if she calls the police for help because of the abuse

## Intimidation:

- Hiding or destroying important papers (i.e., her passport, her children's passports, ID cards, health care cards, etc.)
- Destroying the only property that she brought with her from her home country.
- Destroying photographs of her family

members

- Threatening persons who serve as a source of support for her.
- Threatening to do or say something that will shame her family or cause them to lose face.
- Threatening to divulge family secrets.

## Isolation:

- Isolating her from friends, or family members
- Isolating her from persons who speak her language
- Not allowing her to learn English or not allowing her to communicate in a language she is fluent in
- Being the only person through whom she can communicate in English
  - Reading her mail and not allowing her to use the telephone
- Strictly timing all her grocery trips and other travel times
- Not allowing her to continue to meet with social workers and other support persons
  - Cutting off her subscriptions to or destroying newspapers and other support magazines
- Not allowing her to meet with people who speak her language or who are from her community, culture, or country

## Minimizing, Denying, Blaming:

- Convincing her that his violent actions are not criminal unless they occur in public
- Telling her that he is allowed to physically punish her because he is the "man"
- Blaming her for the breakup of the family, if she leaves him because of the violence
- Telling her that she is responsible for the violence because she did not do as he wished ●

Source: futureswithoutviolence.org  
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# Getting Disability Benefits for Diabetes

An individual may qualify for Social Security disability benefits based on uncontrolled diabetes or related symptoms like peripheral neuropathy or poor vision. While diabetes that is well-controlled with medication won't form the basis of a successful claim on its own, most disability applicants with diabetes also suffer from other medical problems that limit their ability to work. When filing for disability benefits for diabetes, it's important to list all your symptoms and diagnoses, even those unrelated to your diabetes.

## Diabetes Mellitus: Type 1 and Type 2

Diabetes mellitus (DM) is a chronic medical condition marked by an inability to process glucose in the blood. When the pancreas fails to produce sufficient amounts of the hormone insulin, which sends signals to other body cells to absorb excess glucose, blood sugar levels rise.

Elevated blood sugar levels often can be controlled through medication and diet, but persistently high blood sugar levels may give rise to neuropathy (nerve damage) causing numbness, burning, and tingling in the extremities. Other complications of diabetes include cardiovascular disease, kidney problems, skin infections, and visual changes.

Type 1 diabetes, often referred to as insulin-dependent diabetes, typically manifests in childhood and requires daily insulin injections and monitoring of blood sugar levels. Individuals with Type 1 dia-



*It's difficult to get disability for controlled diabetes, but most diabetic applicants suffer from related medical problems that limit their ability to work.*

betes are unable to produce the insulin which regulates blood sugar levels. Only about five to ten percent of diabetic individuals suffer from Type 1 diabetes.

Type 2 diabetes, also called adult-onset diabetes, occurs when the body's cells become resistant to insulin and thus fail to process sufficient amounts of glucose. Type 2 diabetes is most common in those over 45, and it is strongly associated with obesity, high blood pressure, and a sedentary lifestyle. Genetic factors also play a

role in the development of Type 2 diabetes.

Diabetes is generally treated by endocrinologists, who prescribe medication, blood sugar monitoring, and lifestyle changes to control the disease.

## Diabetes and Social Security's Disability Listings

In 2011, Social Security removed its disability listing for endocrine disorders, including diabetes, from its Blue Book, a

list of impairments that automatically qualify for disability. As a result, it's no longer possible to get approved for disability based on a disability listing specifically for diabetes, but you may be able to "meet" other listings in the Blue Book depending on the severity of your symptoms. For example, a person can match the requirements for Listing 11.14 for peripheral neuropathy, when he or she, in spite of treatment, experiences involuntary movements, tremors, or partial paralysis in two extremities that makes it difficult to walk or use his or her hands. Diabetic retinopathy that causes less than 20/200 vision in the better eye would meet Listing 2.02.

Other complications related to diabetes, from kidney failure to cardiovascular issues to amputation of a limb, could also meet or "equal" one of the Blue Book listings.

Note that diabetic children under 6 who require daily insulin or 24-hour supervision (depending on the age of the child) will be automatically found to meet Listing 109.08 until they reach age 6.

## Qualifying for a Medical-Vocational Allowance Based on Diabetes

Getting a medical-vocational allowance is by far the more common way to get approved for disability benefits. If the symptoms of your diabetes prevent you from performing your past work or any

*continued on page 12*



# Social Security Disability

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If you can't work due to diabetic issues you may qualify to collect monthly income (plus back pay)

**The following complications from diabetes may qualify you for Social Security Diabetes Disability:**

<ul style="list-style-type: none"> <li>• Nephropathy (kidney disease)</li> <li>• Neuropathy (nerve damage) in feet or hands that disrupts your ability to stand, walk, or use your hands</li> <li>• Retinopathy (eye and vision problems)</li> <li>• Cellulitis and other skin infections</li> <li>• Hypertension (high blood pressure)</li> </ul>	<ul style="list-style-type: none"> <li>• Heart Disease</li> <li>• Stroke</li> <li>• Gastroparesis (a type of nerve damage that interferes with digestion)</li> <li>• Peripheral arterial disease (reduced blood flow to your limbs)</li> <li>• Depression</li> </ul>
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**Driver's License/**  
*continued from page 1*

being scapegoated for every ill in our country, this is our opportunity for New York State to show our courage and strength, and stand up for the marginalized communities. For economic, safety, and moral reasons, our communities deserve the Green Light Bill.”

The Driver's License Access and Privacy Act, will allow non-commercial driver's license or learner's permit applicants to be able to submit additional proofs of identity to be eligible for a non-federal license. It also waives the social security number requirement if the applicant signs an affidavit that they have not been issued a social security number and provides the DMV with discretion to approve additional proofs of identity and age. Further, this legislation will protect the data of the applicants from unwarranted release.

This legislation provides additional government revenue, supports New York businesses and increases road safety. Statewide, the Fiscal Policy Institute estimates that this legislation will result in \$83.9 million in government revenues over the first three years and \$6.4 million in recurring revenue thereafter. In a statement of support, the Business Council of New York State said that this legislation is “an opportunity to increase these New Yorkers’ ability to support local employers and businesses.” In Connecticut, where a similar policy was implemented four years ago, there have been almost 4,000 fewer unlicensed driving convictions and hit-and-run crashes have dropped 9% between 2016 and 2018. ●

**World Refugee Day:  
Reminds Us to Do Better**

BY AARON REICHLIN-MELNICK

For almost 20 years, people around the world have celebrated World Refugee Day on June 20. The celebration honors both the 28.5 million people who are currently refugees or asylum seekers and the contributions and struggles of those who were previously refugees. Unfortunately, the United States’ foundational protections for refugees are under sustained attack. This year, World Refugee Day serves as a reminder that as a nation we must do better to protect those who are fleeing harm.

World Refugee Day was established in 2001 by the United Nation High Commission on Refugees (UNHCR). Each year, UNHCR sets a theme for World Refugee Day. This year, their theme asks people to “Take a Step on World Refugee Day” to protect and support refugees around the world.

Last year, organizations called on President Trump to extend support for refugees by raising the annual cap on the number of refugees admitted to the United States. In fiscal year 2018, despite refugee admission being capped at 45,000, only 22,491 refugees were admitted to the United States. Unfortunately, the Trump administration set a 2019 cap on refugee admissions at just 30,000—a record low.

As of May 31, 2019, just 18,051 refugees have been admitted under the refugee admission program this year. At the current rate, the United States will admit fewer than 28,000 refugees, even though the number of refugees worldwide contin-

ues to reach record highs.

While refugee admissions continue to drop, the U.S. government has escalated its attack on asylum seekers. From last November’s asylum ban, to the expansion of the so-called Migrant Protection Protocols, to new regulations aimed at making it harder to apply for asylum, the Trump administration has engaged in an all-out war on asylum. These actions make World Refugee Day more important than ever, allowing us to recognize the need to keep refugee protections intact.

Since the United States began accepting refugees, they have become an important part of American life. Studies consistently show that refugees excel in America, become citizens, open businesses, and help build their communities. In cities like Utica, New York, refugees have helped bring back jobs and revive struggling communities, reversing decades of population decline.

But more importantly, accepting refugees is at the heart of the American ideal. Many Americans can trace their lineage back to an ancestor fleeing harm in their home country, who came to America to make a better life for themselves. The United States has often opened our arms toward those seeking protection.

Of course, America has at times turned away from refugees, famously preventing the *S.S. St. Louis*—a ship filled with Jews fleeing Nazi Germany—from entering the United States. These failures show why, on World Refugee Day, the need to step up is as strong as ever. ●

**Disability Benefits/**  
*continued from page 11*



other jobs in the economy, you can get approved for benefits under a medical-vocational allowance. A medical-vocational allowance takes into account your age, education, vocational history, and Residual Functional Capacity (RFC) in deciding whether you're capable of meeting the demands of any full-time work.

Your RFC is an assessment of how much you can still do despite your impairments. Social Security regulations require your RFC to be based on medical evidence, so you or your attorney should submit copies of your relevant medical records to demonstrate the extent of your functional limitations. What your records should include depends on the specific symptoms involved. For example, an individual with peripheral neuropathy might submit medical evidence mentioning an unsteady gait, poor fine motor control, or numbness and tingling in the extremities. Or an individual with chronic hyperglycemia might submit evidence from a psychiatrist documenting difficulty concentrating and fatigue that interferes with his or her ability to sustain full-time work.

Clinic notes from specialists are generally considered more persuasive than those from family physicians. For example, if you suffer from diabetic retinopathy, you should seek a referral to an ophthalmologist. Those with kidney disease should receive treatment from a nephrologist, while heart disease patients should consult a cardiologist, and so on.

In addition to clinic notes, you should ask your treating physician, preferably your specialist, to offer an opinion as to your work-related impairments. This is most easily done by providing the doctor with an RFC form addressing your abilities to sit, stand, walk, lift, and carry. The RFC form should also include postural limitations (bending, twisting, stooping), manipulative limitations (reaching, handling, fingering), and environmental limitations (noise, dust, extreme temperatures). Also ask your physician to note whether you would be expected to miss more than two days of work per month, a limitation that generally prevents any full-time work.

Finally, note that special SSA regulations known as the grid rules make it easier for older individuals to obtain a medical-vocational allowance. For example, a 50-year-old with a high school education but no transferable skills would be found disabled under the grids even if she is able to perform sedentary work. If this individual were over 55, she'd be found disabled even if she can do light work. The grid rules frequently come into play in cases involving Type 2 diabetes, which generally manifests during adulthood and tends to worsen as one ages. ●

Source: nolo.com

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# Ready to Be An Entrepreneur? The Small Business Boot Camp Is Perfect for You!

BY JOURNAL STAFF WRITER

Whether you already have a small business or are planning on starting one; this is the place for you! Join the Small Business Boot Camp and learn how to make your business work for you, in the face of a changing economy, market shifts and intense competitions.

The Small Business Boot Camp was created Chairman of the Chamber Coalition which comprises of the New American Chamber of Commerce (NACC), the African American International Chamber of Commerce (AAICC) and the Hispanic American International Chamber of Commerce (HAICC) to teach proper business skills and training among small business owners. The Boot Camp consists of a six-part series of seminar: They include Business Plan Basics, Financing Your Business, Marketing & Social Media, Legal, Tax and Account Issues and Minority Certification of Your Business.

While anyone can start a business, only those that are fully equipped and prepared will survive. After all, it is a tough and complicated world out there; why complicate your life by starting a business without the right tools to take it to the next level? According to the U.S. Small Business Administration (SBA), a good number of small businesses fail in their first three years of operation. Believe it or not, the reasons is due to a lack of knowledge and preparation by business owners. Do you want this to be you? Of course not!

To prevent this, you can take advantage of the Small Business Boot Camp. For just a few weeks, you can be a part of this invigorating, educational and exciting Boot Camp that will help you chart the way forward in starting or continuing a successful business. The Boot Camp is comprised of pertinent literature, presented by well-qualified and experienced lecturers, whose goal is to teach you how to start a small business and also how to succeed in doing so.

## Business Plan Basics

A business plan is a very vital and detailed tool for business owners. An excellent business plan helps you, the business owner, set your focal point on the precise steps needed to successfully run a business. A huge mistake made by entrepreneurs is focusing only on the short term...what can my business do for me now? A good business person will not only be interested in the short term benefits, such as its strengths and opportunities, but should also be interested in the business' weaknesses and threats as well. Truth be told, having a good business plan focuses on the holistic approach of the business, eliminating or limiting the possibilities of any unpleasant surprises in the future.



## Financing Your Business

Are you thinking about starting a business but do not have the necessary finance needed? Worry no more! The Small Business Boot Camp teaches you how to source monies needed to start and maintain your small business. Bear in mind, every business endures some form of start-up cost, therefore it is extremely important to know where this money can come from and how it would be paid back when the time arises.

## An Intro to Marketing & Social Media

No matter the business you have, some form of marketing is extremely pertinent. There must be a method in place for the target market to know about the products and services offered, how to get these products and services, and their costs. In essence, a successful business owner should know the importance of marketing and as such, should take full advantage of it.

Social media is now the leading way to market a product or service. The Small Business Boot Camp will enlighten you on interesting ways in which social media can be of assistance to your business growth.

## Legal

Whether you're a small business owner or a large corporation, there are legalities that must be adhered to. These include, but are not limited to marketing, advertising, intellectual property, privacy law and finance. Also, when creating a small business, a number of reports, legal details, and forms need to be completed in order to remain compliant. The Small Business Boot Camp is equipped in assisting entrepreneurs in starting their businesses and can also give legal support and guidance to ensure the professional start up of such business.

## Tax & Accounting Issues and Quick Books Basics

Small business owners, like big corporations, also have to pay and keep records of taxes...be it federal or state and local taxes – payroll, sales, property, income

and self employment taxes. Evidently, the previously mentioned taxes will differ from state-to-state and are predominantly based on the preferred business structure. Also, once your business employs people, you would need to pay state unemployment tax as well. While these may be complicated and drawn out undertakings, the Small Business Boot Camp can teach you how to handle them with relative ease using basic Quick Books.

## Minority Certification & the 8A Program

Business certification plays an important role in the operations of any business and small businesses are no exceptions. Hence, businesses must obtain proper and precise certifications before they can meet the outlined governmental standards. By being a participant of the Small Business Boot Camp, you will learn how to get your business certified and avoid red flags.

Starting a business from scratch can be challenging. The good news? You don't have to start from scratch alone! If you are already an entrepreneur, you can learn and reinforce strategies to grow your business and take it to the next level.

It's time to get on the right path. The Small Business Boot Camp is open to Chamber members only. Call 718-722-9217 to schedule an appointment to process your membership.

Get started on your American Dream of entrepreneurship today!●

For more seminars visit [www.nacc.nyc](http://www.nacc.nyc)

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Wednesday, July 17, 2019 - Time: 6:00pm
- ✓ **Intro to Marketing, Landing Pages & Blogging**  
Wednesday, July 24, 2019 - Time: 6:00pm
- ✓ **SBA-Certified Programs & Small Business Solutions**  
*Legal, Tax & Accounting Issues and QuickBooks Basic*  
Wednesday, July 31, 2019 - Time: 6:00pm
- ✓ **Contracting / Selling to the Government & Global Market**  
Wednesday, August 7, 2019 - Time: 6:00pm
- ✓ **Minority Certification: Doing Business with NYC/NY**  
Wednesday, August 14, 2019 - Time: 6:00pm

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## Gaps In Your Resume

Not everyone works a full-time job their entire life. Many people find themselves with gaps in their resume — breaks between employment for a wide variety of reasons, from layoffs to personal choices. Some hiring managers see these gaps as a problem. If you've had a lot of breaks from your work, they'll wonder why you couldn't keep a job and would assume that you're not going to last at their company. Having breaks in your employment record isn't necessarily a bad thing, though. You might have been highly skilled and a great employee but, for whatever reason, didn't need or want a job at the time. Some things in life are more important than work, after all. Here are some things to think about:

**Be Clear about the Reason**

When there are gaps in your resume, there's usually a good reason, and you shouldn't hesitate to point that out. Employers don't need to know all the drama and details about it — just a reasonable explanation for why you were out of work for a period of time. If you don't have a logical, concise answer, it will raise red flags. If you do, it will give them some comfort about it.

**Focus on Years**

One way to direct the focus away from the employment gaps is to focus your resume on your total years of experience in the industry, not necessarily the spe-



cific dates of employment. Probing questions from the interviewer may force you to be more specific about it, but you don't need to intentionally shine a spotlight on your periods of unemployment.

**Show Other Experience**

When people are unemployed, they aren't sitting around doing nothing. Did you do consulting work? Try starting your own business? Devote more time to your favorite volunteer groups? Take time off to care for an aging parent? If you explain what you were actually doing, it could turn those gaps into positives for the future employer. If the skills you gained during those gaps could be applied to your new job, that's even better. Taking time off to raise a child, for example, might have helped you discover new skills or interests. Designing the newsletter for your local PTA could easily translate into designing a company newsletter. If your interests and hobbies led to any new skills you could use in the workplace, be sure to highlight those in a job interview. ●

## The Weakness Question

What would you say is your greatest weakness? Anyone who has been on multiple interviews has probably heard some iteration of this question.

The key to answering it is finding the balance between coming off as under-qualified and overconfident. You want to reply honestly but without crossing into either one of the aforementioned sectors. Here's how:

• **Answer Honestly:** Tell hiring managers what you are working on and what you have done so far to improve your skills in this arena. Maybe you aren't overly proficient in a key industry software tool. But if you have been taking online courses to enhance your understanding of it, this can show your dedication to honing your craft.

• **Choose Your Weakness Wisely:** If the job you're interviewing for requires skills in bookkeeping, accounts payable and corporate communications, it is best not to list one of these as a weakness. Choose something a little further down

the list of qualifications. If one of your weaknesses is directly related to an important qualifier, it could take you out of the running for the position.

• **The 'Perfectionist':** Have you been labeled a perfectionist or overly analytical? These descriptors can actually be turned into a strength, even if you list them as being a weakness. Eluding that some people may be faster at the job than you, but not as thorough can be seen by hiring managers as an honest response from a candidate who pays close attention to detail.

• **Check with Your References:** Before going on an interview, pose the weakness question to your references. Employers will likely ask them what you need to work on to improve your professional skills. Be sure to get an honest assessment from your references so you can align your response with theirs. This will help avoid numerous weaknesses floating around in the hiring manager's head. ●

# Long Working Hours 'Linked to Stroke Risk'

Working long hours is linked to an increased risk of stroke, researchers say. Long hours were defined in the French study as more than 10 hours on at least 50 days per year.

People who did long hours for more than a decade were at the greatest risk of stroke, they suggest.

But the UK's Stroke Association said there were lots of things people could do to counteract the effects of long hours, like exercising and eating well.

The researchers, from Angers University and the French National Institute of Health and Medical Research, looked at data on age, smoking and working hours from a population study of more than 143,000 adults.

Just under a third worked long hours, with 10% working long hours for 10 years or more.

Overall, 1,224 had had a stroke.

### 'Work More Efficiently'

Writing in the American Heart Association's journal, *Stroke*, the researchers say people working long hours had a 29% greater risk of stroke, and those doing so for 10 years or more had a 45% greater risk.

Part-time workers and those who suffered strokes before working long hours



were excluded from the study.

Dr. Alexis Descatha, who led the research added: "The association between 10 years of long work hours and stroke seemed stronger for people under the age of 50. This was unexpected. Further research is needed to explore this finding.

"As a clinician, I will advise my patients to work more efficiently and I plan to follow my own advice."

This study looked at numbers, rather than reasons, but other research has found people who run their own businesses, CEOs and managers seem less affected by long hours — as opposed to those working irregular shifts and nights, or who have job-related stress.

Dr. Richard Francis, head of research at the Stroke Association, said: "There are

lots of simple things you can do to reduce the risk of a stroke, even if you work long hours.

"Eating a healthy diet, finding the time to exercise, stopping smoking and getting the recommended amount of sleep can make a big difference to your health."

According to the National Stroke Association: A stroke is a "brain attack". It can happen to anyone at any time. It occurs when blood flow to an area of brain is cut off. When this happens, brain cells are deprived of oxygen and begin to die. When brain cells die during a stroke, abilities controlled by that area of the brain such as memory and muscle control are lost.

How a person is affected by their stroke depends on where the stroke occurs in the brain and how much the brain is damaged. For example, someone who had a small stroke may only have minor problems such as temporary weakness of an arm or leg. People who have larger strokes may be permanently paralyzed on one side of their body or lose their ability to speak. Some people recover completely from strokes, but more than 2/3 of survivors will have some type of disability.

### Stroke By the Numbers

Each year nearly 800,000 people experience a new or recurrent stroke.

A stroke happens every 40 seconds. Stroke is the fifth leading cause of death in the U.S.

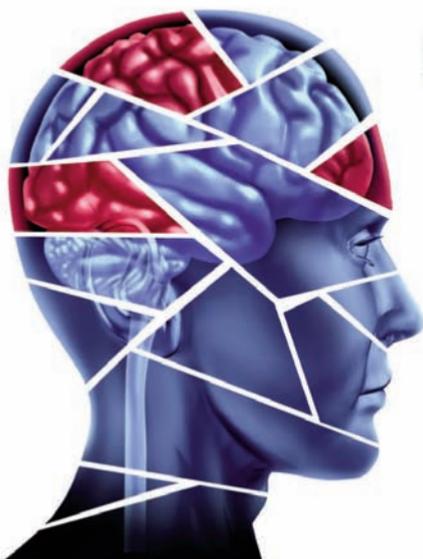
Every 4 minutes someone dies from stroke.

Up to 80 percent of strokes can be prevented.

Stroke is the leading cause of adult disability in the U.S.

### Minorities and Stroke

Minorities have higher stroke risks, stroke occurrence at an earlier age, and for some more severe strokes. Although certain risk factors for stroke, such as genetics or family history cannot be controlled, others such as high blood pressure or diabetes can go unrecognized. Knowing your risk factors for stroke and controlling them is the first step in preventing a stroke. Most immigrants work long hours; sometimes two jobs to make ends meet. Stroke is an emergency and getting help and treatment is extremely important. If you or someone you know is experiencing stroke symptoms, CALL 9-1-1 immediately. Every minute matters! Speak to your doctor about the sign and symptoms of stroke. ●



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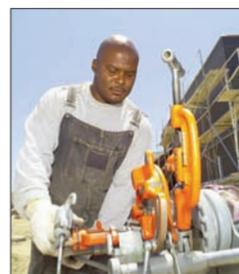
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# The Morality of Life and Death and Doctors

BY MARILYN M. SINGLETON, MD, JD

June has been a month of reflection on life, death, our values, and the greater good. We commemorated the 75th anniversary of the 1944 Normandy invasion (D-Day), which began the liberation of France from German occupation and turned the tide of World War II. In what must have been a decision fraught with soul searching, generals sent young soldiers into what could be certain death on the shores of Normandy. Their bravery was an act of unquestionable honor.

Contrast that with a law school ethics class scenario. The leader of an invading horde tells the mayor of your town that if he lets him kill a child, he will spare the lives of the town's residents. Does the mayor sacrifice one innocent child for the good of many? On a practical level, anyone who would wantonly kill a child is not to be trusted. Morally, is the life of an innocent child reduced to a numbers game? What justifications can the mayor offer to convince the townsfolk to act like mindless, soulless, cowardly creatures and decide not to fight for the sanctity of life?

Life is precious and fleeting. Once gone, you can't get it back. This month the news has presented two ends of the spectrum: physician-assisted suicide and abortion.

Years ago, people found Dr. Jack Kervorkian's "death machine" ghoulish. He likely was well-meaning but was misguided. Now physician assisted suicide is culturally acceptable and legal in several states. New Jersey is the latest state to jump on the physician-assisted suicide bandwagon that includes Colorado, the District of Columbia, Hawaii, Oregon, Vermont, Washington, and Montana. Maine's bill has made it to the governor's desk.

Physician-assisted suicide (aka aid in dying or death with dignity) now has an oft-used abbreviation (PAS) to mask a deed that runs counter to the command in the Oath of Hippocrates not to harm our patients. Some reasonably argue that it is harmful to refuse to follow a patient's request to be irreversibly put out of her misery. But when does relieving pain—whether physical or emotional—transition into hastening death?

Some of these suicide laws have a requirement for counseling, but this can



be merely one visit with a psychiatrist or psychologist. Moreover, the death may not be so dignified. A study in the *New England Journal of Medicine* of euthanasia and physician-assisted suicide in the Netherlands found complications in 7 percent of assisted suicide patients, including failure to remain unconscious, extreme gasping for air, vomiting, and muscle spasms. Physicians had to complete the procedure.

Did the cultural acceptance of physician-assisted suicide lead an Ohio critical care physician to take it upon himself to end some of his patients' lives? His defense to the indictment on 25 counts of murder is that he was providing "comfort care" with massive amounts (up 10 to 40 times the therapeutic dose) of fentanyl. Merely because the patients were receiving palliative care did not mean they con-

sent to lethal overdoses. Keep this in mind as we are steered toward hospice in our later years.

Simultaneously, several states passed or introduced laws prohibiting abortion after a fetal heartbeat is detected. Rep. Ilhan Omar (D-Minn.) decried the "horrific" opposition to abortion as religious fundamentalists imposing their will on lawmakers. There are pro-life atheists who view abortion as an issue of respecting humanity. I am absolutely flummoxed by how the same ultrasound and anatomy can be described as a vibrating clump of cells or a baby on its way into the arms of a loving parent depending on the mindset of the mother.

Additionally, to "promote the dignity of human life from conception to natural death", the Department of Health and Human Services (HHS) will stop funding research with fetal tissue from elective abortions. Private research is unaffected. Some researchers objected, arguing that fetal tissue has aided in the advancement of medical science. Nazi experiments during World War II likewise provided novel medical information. Their experimental bone grafting, use of sulfa drugs, limb transplantation, and artificial insemination are now standard medical procedures. And the United States cannot justify its Tuskegee experiment in which black men were not given treatment for syphilis so doctors could see the natural progression of the disease. This experiment ended not during the 1940s, in the wake of Nazi atrocities or penicillin being accepted as the treatment of choice for syphilis in 1945, but in 1972.

Does the end justify the means, if eventually the means will lead you down the road to perdition? I prefer to practice medicine in the mode of Dr. Mildred Jefferson, the first black woman accepted to Harvard Medical School: "I became a physician in order to help save lives. ... I am not willing to stand aside and allow the concept of expendable human lives to turn this great land of ours into just another exclusive reservation where only the perfect, the privileged, and the planned have the right to live." ●

*Dr. Singleton is a board-certified anesthesiologist. She is President of the Association of American Physicians and Surgeons (AAPS). She graduated from Stanford and earned her MD at UCSF Medical School. Dr. Singleton completed two years of Surgery residency at UCSF, then her Anesthesia residency at Harvard's Beth Israel Hospital.*

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# How to Keep Facebook from Hurting Your Relationship

BY JENNINE ESTES, MFT

On a weekly basis I have clients sitting on my therapy couch and sharing how Facebook was involved in some part of their relationship. Some state that they use Facebook when they are feeling insecure in the relationship; investigating their partner's activity with others, combing through the friends list in search for a red-flag person, searching for signs that the relationship is off-track, or looking for inappropriate comments. Other clients have stated that they watch their partner's (or soon to be partner) relationship status as a sign of whether their relationship is in tact, broken-up, or in the works. Other people use it to keep an eye on their ex, to look up a crush, to share their relationship's dirty laundry, or to addicted to the online banter, etc. The list is endless!

Facebook isn't the problem....it is the relationship dynamics and our human reactions that get in the way.

Here are a few tips on how to keep Facebook from hurting your relationship:

**Jealousy and Drawing a Line:** If your relationship already has the jealousy-syndrome, then Facebook won't help. The use of this social media can really magnify the insecurities because you don't get to see the "behind-the-scene" interactions between other people. If you are feeling insecure, maybe you and your partner shouldn't have FB. Remember, the one sentence post or new friendships can be taken out of context, misinterpreted, or misconstrued. It can also create an alarm or a temptation....for either investigating or flirting. You may need to draw the line to the use of Facebook or delete the account.

**Check In, Don't Assume:** Posts by your partner, friends, or colleagues are three words to three sentences about their world they are in. You aren't in their world, but you get a sneak peak at their world. Since you don't have all the background to that person's post, your view of it may be completely off based. Check in with the other person if you have concerns about a post and get the



Facebook isn't the problem.... it is the relationship dynamics and our human reactions that get in the way.

entire story. Don't just watch and wait for the Facebook relationship status to change or get hidden, and don't just assume that someone isn't taking care of themselves by simply reading a two lined message. Take a leap and talk to the other person before you assume.

**Be SUPER Clear:** If your relationship is already on the rocks, be super duper clear with your posts. Don't post ambiguous posts, such as "Things that make you go hmmm..." You might be brainstorming on your next project at work, but your partner may read it after getting off the phone with you and worry that you may be in debate about the relationship, or uncertain about the bond. Even though it might not say much to you, it could spark a sensitive cord with your partner. Give a bit more info so it shows more of your world, such as, "Things that make you go hmmm.... brain storming for work." The clearer you are, the less you have to explain.

**Post Safe Topics:** Use safe topics posts that won't strike a cord or can be misinterpreted. Safe topics may include what you are doing for the day, how your workday is going, or maybe a few of your favorite quotes.

**Don't Air Your Relationship Dirty Laundry:** Your feelings may be consuming you and all you want to do is let it out...on Facebook. Posting your relationship problems won't fix them. It simply posts your dirty laundry to the

public and causes more problems. Instead, address the issue directly with your partner. It isn't that people don't care about your relationship and your struggles, but posting your issues and complaining about it isn't appropriate... nor will it get you anywhere. Not everyone needs to know the nitty-gritty about your relationship. Think twice before you post. It is a public forum.

**Change Your Privacy Settings:** Sometimes personal life really shouldn't mix with business, or certain people shouldn't know your daily life activities. Change your privacy settings so that co-workers, family, and friends have limited access. Remember, people don't know exactly what is going on in your world, and they may interpret your posts wrong. Piecing together someone's life by Facebook posts is very common, yet very challenging to get the puzzle pieces to fit exactly. Filter who can and cannot see your postings; save yourself a lot of pain and heartache.

**Include Your Partner:** Instead of having the Facebook individual and separate, include your partner by either going on together or having a joint account. The relationship could improve drastically by simply bonding over an online social experience as a team. Allow your partner to sit next you while you go on, helping reassure them. Discuss what would feel comfortable for the two of you and find a way to include one another.

**Cut back:** It is very very easy to caught up(or addicted) to the social networking and you could find daily surfing increasing and checking your cell phone for updates, or wakeup/go to bed to Facebook. You might cross a line and focus on what your family member has posted that it impacts your day. Either way, your interactions with FB are hindering you and your relationships. Cut back. Know when to say no and let go of the steam. If you are on it all the time, show your partner they priority and more important than Facebooking and cut back on your FB addiction.

**Delete the Red-Flag Friends:** Sometimes people may cross a line by posting inappropriate messages or flirty comments. If this person is a red-flag for either you or your partner, it may be time to delete them from friend's list or you may need to confront the issue straight on. Being friends with a "red-flag" won't help the relationship heal, improve a bond, or help your partner feel comfortable with you. It tends to have the opposite effect. If in doubt...press delete. ●

*Reprinted with the kind permission of Estes Therapy. Jennine is a Marriage and Family Therapist in San Diego, CA. She is certified in Emotionally Focused Therapy for Couples. Supervisor. She writes relationship and self-growth advice for her column Relationships in the Raw. She is the creator of #BeingLOVEDIs campaign. MFC#47653*

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# How Bankruptcy Can Help with Foreclosure

BY VIA 311BANKRUPTCY.COM

For many immigrants, the American Dream is that of either owning a business or a home. Sadly, with recent flat-line mortgage industry resulting in a foreclosure crisis, the American Dream of owning a home has become a nightmare. This nightmare is keeping immigrants from all over the United States awake – from California to Texas to Florida all in-between to right here in New York.

If you are facing foreclosure, bankruptcy might be able to help. In many cases, filing Chapter 7 bankruptcy can delay the foreclosure by several months. Some people may be able to save their home by filing for Chapter 13 bankruptcy.

### What Is Foreclosure?

Typically foreclosure begins after a homeowner falls behind on mortgage payments. The lender begins the legal process of selling the home at auction to get payment for the loan. The process involves numerous steps, including notification to the homeowner. Getting paid for the loan won't happen overnight. Usually, a lender won't begin the foreclosure process until you've missed sev-



eral payments, often three or four. That gives you time to try some alternative measures, such as loan forbearance, a short sale, or a deed in lieu of foreclosure. But if you've already tried and failed with these measures, now is an excellent time to consider bankruptcy as a possibility for avoiding or stalling foreclosure. Here are some ways that filing for bankruptcy can help you.

### The Automatic Stay: Delaying Foreclosure

When you file either a Chapter 13 or Chapter 7 bankruptcy, the court automat-

ically issues an order (called the Order for Relief) that includes a beautiful thing known as the "automatic stay." The automatic stay directs your creditors to cease their collection activities immediately, no excuses. If your home is scheduled for a foreclosure sale, the sale will be legally postponed while the bankruptcy is pending—typically for three to four months. However, there are two exceptions to this general rule:

The first exception: Motion to lift the stay. If the lender obtains the bankruptcy court's permission to proceed with the

sale (by filing a "motion to lift the stay"), you may not get the full three to four months. But even then, the bankruptcy will typically postpone the sale by at least two months, or even more if the lender is slow in pursuing the motion to lift the automatic stay.

Second exception: Foreclosure notice already filed. Unfortunately, bankruptcy's automatic stay won't stop the clock on the advance notice that most states require before a foreclosure sale can be held (or a motion to lift the stay, can be filed). For example, before selling a home in California, a lender has to give the owner at least three months' notice. If you receive a three-month notice of default and then file for bankruptcy after two months have passed, the three-month period would elapse after you'd been in bankruptcy for only one month. At that time, the lender could file a motion to lift the stay and ask the court for permission to schedule the foreclosure sale.

To find out if bankruptcy is right for you, please call 855-768-8845 for a FREE, no-obligation consultation. Remember, you deserve your American Dream. ●



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- \*Correspondence from creditors
- \*Lawsuit documents
- \*Social Security and ID
- \*List of assets

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# Retirement Plans for the Self-Employed

BY CANDACE BAHR

Women all across the country are starting their own business or joining the “gig economy” as freelance graphic designers, photographers, or even Uber drivers. According to the U.S. Bureau of Labor Statistics, just over 10% of all U.S. workers are self-employed. Women make good entrepreneurs because they are able to juggle lots of tasks and respond to a myriad of demands. If you are proudly working for yourself, you may be wondering how to plan for retirement. Unlike your cubicle-working friends and family members, you do not have access to a convenient 401(k) and can’t take advantage of an employer match. A nice pension at the end of your working life also isn’t in the cards.

This just means that you’ll have to be a little more focused and directed as you establish and fund your own personal retirement. Here are your choices:

## IRAs

The easiest plan is to establish is an Individual Retirement Account (IRA). The biggest drawback, however, is that you can contribute only \$5,500 a year



(\$6,500 if you are 50 or older). An IRA might be a good choice if you’re just starting out and can afford only minimal contributions. Regular IRAs are tax-deductible, but if you are in a low tax bracket, consider a non-deductible Roth IRA that will grow tax-free instead.

## SEP-IRAs

Just as at the burger joints, you can super-size your IRA easily. If you want to contribute more than \$5,500 to an IRA, the SEP-IRA (SEP stands for Simplified Employer Pension) will let you plunk 13.04 percent of your net business income into the SEP-IRA, up to \$30,000. What’s the catch? You’ll have to cover all employees over twenty-one years of age who have been working for you for the past three years, and that can get expensive. SEP-IRAs are more popular among self-employed business owners with no employees.

## SIMPLEs

This plan also requires that you cover employees, but to a lesser extent. This Savings Incentive Match Plan for Employees (whew, that mouthful of a name is far from “simple”) operates like a simplified 401(k) salary deferral plan with an employer match. It requires you to kick in only three percent of your employees’ wages, and it covers employees who have earned at least \$5,000 in two prior years and are expected to earn \$5,000 this year. You can put in up to \$12,500 for yourself (plus another \$3,000 if you are 50 or older), and your employees can make tax-deductible contributions to the plan as well.

## Defined Benefit Plans

A Defined Benefit plan is the Rolls Royce of entrepreneur retirement plans, but significant red tape is involved. With a Defined Benefit plan, you can tailor the plan to allow hefty contributions for

yourself while requiring much smaller contributions for your employees. With a Defined Benefit Plan, you can contribute 100 percent of your salary, or whatever is necessary to generate a maximum of \$215,000 retirement benefit per year. But they require the services of an actuary, and you must file a Form 5500 tax report with the IRS on a regular basis.

If you are an employee and your business is a sideline, you should contribute the maximum possible amount to your work 401(k) or 403(b) plan before investing in a self-employed plan. The advantages here are that your employer may match your contributions, the contributions to the 401(k) plan are by painless payroll deductions and most 401(k) plans allow you to borrow from the plan for education, hardships, or general purposes.

You can set up any of these plans through most financial institutions, brokerage houses, and mutual fund companies. ●

*Candace is co-founder of the non-profit Women’s Institute for Financial Education, WIFE.org. With a career that spans more than three decades, Candace is known nationally as an advocate for women’s financial independence. Reprinted with permission.*

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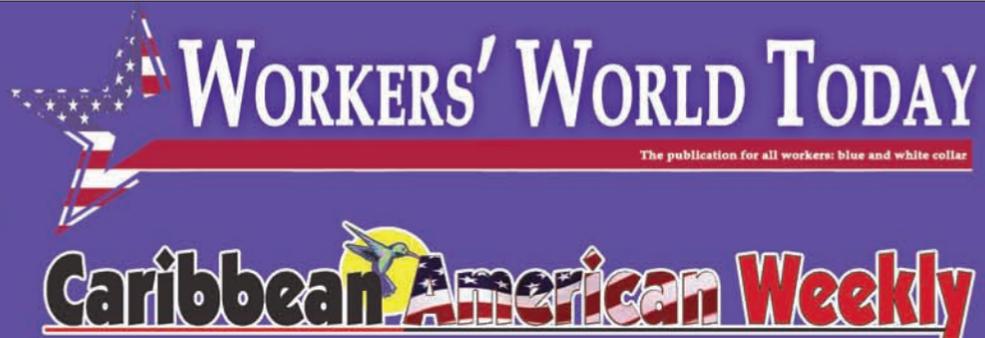
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Please bring the following applicable documents: Interest Statement, Dividend Statement, Mortgage Statement, Retirement Statement K1 Schedule (business owners), Social Security Statement, W2, 1099, 1098

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# WE SUPPORT

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## This Law Firm Supervises the Paralegal Certificate Program Clinic

### Areas of Service

The legal clinics are mainly conducted on Small Business Solutions, US Citizenship, Foreclosure Defenses, Wills & Estate and Worker's Rights. Additional clinical legal services exist in diverse areas such as immigration law, environmental law, intellectual property, housing, criminal defense, criminal prosecution, American Indian law and human rights. In those and other instances we refer participants to other programs after an initial consultation. Remember, legal fees are free when legal fees are allowed by the faulting party, by law, by contract or paid at the end through a contingency arrangement.

### Worker's Rights Defined

Everyday in NYC thousands of workers struggle to make ends meet. Their struggle is made more difficult when they do not have access to competent advice on legal issues, business and financial problems. Our program believes that prevention is always better than last minute cures. We believe that workers' rights are strengthened through preventive measures.

- Wage theft
- Unsafe Conditions & Workplace Injuries
- Workplace Discriminations & Harassment
- Paid Family Leave
- Paid Sick Leave
- Unemployment Insurance
- Workers Compensation and Social Security Consultations & Guidance

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The Chamber Coalition Supports



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### MINIMUM REQUIREMENTS:

- Be at least 18 years old
- Have a Green Card for 5 years or be married to a U.S. citizen for 3 years
- Be in the U.S. for over 30 months
- Read, write and speak English
- Be of good moral character
- Have no extensive travel or trips outside of the U.S lasting longer than 6 months
- Be able to speak, read, and write in English at basic level unless applicant is 55+ years old and has a Green Card for 15+ years or is 50+ years old and had a Green Card for 20+ years

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- Two passport pictures
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# FINANCIAL AID *IS NOT* FREE MONEY.

A school's offer of "aid" is often a mix of grants you don't repay and loans you must repay with interest. Know your financial obligation before you enroll and make a plan to manage your debt. NYC Financial Empowerment Center counselors can help you understand Award Letters and more.

**BE REAL ABOUT STUDENT LOANS.**

**[nyc.gov/studentloans](https://nyc.gov/studentloans) | 311**



# Before You Take out Student Loans for Yourself or a Child

How you finance higher education now can impact you financially for years to come. Use these tips to help with your financing decisions.

## Complete the Free Application for Federal Student Aid (FAFSA) every year you plan to go to school.

The FAFSA determines which federal, state, and school assistance programs and student loans you are eligible to receive, including Pell Grants and the New York State Tuition Assistance Program (TAP). Some programs, such as **grants**, give money toward college that you do not need to repay. **Loans**, on the other hand, you must repay with interest.

**Important:** Always consider federal assistance and loan programs *before* private lenders. Federal student loans have more borrower protections and typically come with a lower interest rate. You must complete the FAFSA to be eligible for federal student loans.

## Read your financial aid offer letter carefully.

Many schools will send you a financial aid offer letter—also commonly referred to as an “Award Letter”—when they offer you admission. It’s important to read this letter carefully so you know what’s being offered and what you will have to pay for your education. The “aid” is often a mix of grants, loans, and work-study (money you can earn through qualifying part-time employment with the college or university). The letter may also mention optional loans like Parent PLUS loans, which your parent(s) will have to pay back. Each type of loan has a different interest rate and different options for forgiveness. In other words, some loans are a better deal than others.

## Understand the risks of Parent PLUS loans.

**If you take out a Parent PLUS loan on behalf of a child, you will have to start making payments as soon as the loan is disbursed, unless you request a deferment.** If you defer, interest will accrue on the loan and your payments will be higher when you

resume payment. If you cannot make payments while your child is enrolled, your child may not be able to register for classes. Parent PLUS loans do not come with the same set of income-driven repayment plans that other federal student loans offer.



If you apply for a Parent PLUS loan, lenders will check your credit. Any payments you make or do not make will affect your credit. Defaulting on payments can lead to garnishment of wages, tax refunds, and Social Security payments.

You cannot transfer Parent PLUS loans to your child. Repaying the loan is the parent’s legal responsibility.

## Know the loan amount you need and accept no more than that amount.

Create a budget to determine the size of loan you will need and how much you expect to be able to repay after graduation. Try the FinAid Loan Calculator at [finaid.org/calculators/loanpayments.phtml](http://finaid.org/calculators/loanpayments.phtml).

A simple rule of thumb is not to borrow more than you expect to be paid annually at your first job post graduation. Sometimes, lenders will offer you more than you need to pay for your education. You do not have to accept a larger amount. Borrowing too much means you will pay more in interest in the long term.

## Shop around and compare private student loans only after you have exhausted federal student loans, work-study, scholarships, and grants.

Speak with more than one lender and compare agreements to see which one best meets your needs. Private student loans may have higher interest rates than federal student loans; may require you to begin making payments while you are still in school; and may have interest rates that are variable, meaning they can increase over time. The higher your credit score—and the credit score of your cosigner if you

choose to use one—the lower the interest rate. *Note:* Your cosigner is responsible for paying the debt if you fail to pay the loan.

Compare fees, which can increase the cost of a loan, making it more expensive. Also compare loan terms—the number of years it takes to pay off the loan. The longer the loan term, the more you'll pay overall.

### **Never sign anything you don't understand.**

If a school pressures you to sign a contract or agreement on the spot, walk away. Always bring home important forms so you can read them more carefully and review them with people you trust.

### **Make sure you consider the long term.**

A typical bachelor's degree program takes four to six years to complete, and there's a limit on how much money you can borrow in federal student loans. Make sure you can afford to pay tuition and living expenses for the entire time it takes to complete the program. Keep in mind that financial aid offers tend to be higher for the first year and may be reduced in later years.

If you think you may need to take remedial classes, consider CUNY Start, which provides intensive college preparation at a low cost.

Also make sure you can afford to pay back your loans once you graduate. Except for rare circumstances, student loans are not dischargeable in bankruptcy.

### **Be careful of taking on too much debt.**

Make sure you understand the terms of any loans and that you will be able to make the payments. The same goes for your parents if they're considering federal Parent PLUS loans or being your cosigner on private student loans. Loans can lower your credit score if you don't pay them back on time, and student loan debt generally cannot be discharged in bankruptcy. Unpaid private student loan debt may result in legal action from debt collectors, and successful

suits can lead to garnishment of your wages or tax liens on your property. Unpaid federal student loan debt can also lead to wage garnishment, as well as garnishment of your tax refund or Social Security payments.

### **Know your payment start date so you don't miss any payments.**

Federal student loans and some private student loans allow you to defer payment while you're in school and for six months after graduation. This is known as a grace period. Some loans, like Parent PLUS loans, require payment as soon as the loan is disbursed. See section about Parent PLUS loans.

**Important:** Some loans, like *unsubsidized* federal loans, might accrue interest while you are in school and during the grace period. *Subsidized* loans do not accrue interest while you are in school or during the grace period.



## **BEWARE OF...**

### **College Scholarships and Financial Aid Scams**

Many scammers prey on students and parents by promising scholarships in exchange for an advance fee. The scammers do not award scholarships and will not refund the fee. Other scammers charge a processing fee to apply for scholarships on students' behalf, but the "scholarships" are not real.

Continued >

## Free Help

### Get free help completing the Free Application for Federal Student Aid (FAFSA) with College Goal NY

Visit [collegegoalny.org](http://collegegoalny.org) for a list of event locations.

### Get free professional financial counseling at an NYC Financial Empowerment Center

To book an appointment:

Call 311 | Visit [nyc.gov/dca](http://nyc.gov/dca) | Text\* TalkMoney to 42033

*\*Message and data rates may apply. Check with your service provider.*

NYC Financial Empowerment Centers are run by the Department of Consumer and Worker Protection in partnership with community-based organizations. Counselors are trained to help students (prospective, current, former):

- create a budget to pay for school;
- understand and explore student loan options, including dealing with old unpaid student loans from a previous enrollment and/or taking out additional student loans;
- handle student loan debt in collections;
- enroll in income-driven repayment plans to lower monthly payments (federal student loan holders only);
- understand loan discharge options;
- get out of student loan delinquency or default.

Counselors can also make referrals to nonprofit legal services providers as needed.



## Other Resources

### College Board

*(compare financial aid offer letters)*

<https://bigfuture.collegeboard.org/pay-for-college/financial-aid-awards/compare-aid-calculator>

### College Navigator

*(data on schools' tuition, graduation rates, student loan default rates, and more)*

[nces.ed.gov/collegenavigator](http://nces.ed.gov/collegenavigator)

### College Scorecard

*(compare schools' average annual cost, graduation rate, salary after attending, average student debt, typical monthly payment of graduates, percent of students paying down their debt)*

[collegescorecard.ed.gov](http://collegescorecard.ed.gov)

### Consumer Financial Protection Bureau (CFPB)

*(tools and resources, including Payback Playbook, information about income-driven repayment plans)*

[consumerfinance.gov](http://consumerfinance.gov)

### Federal Student Aid (part of the U.S. Department of Education)

*(information about FAFSA and student loan forgiveness and relief programs)*

[studentaid.ed.gov/sa](http://studentaid.ed.gov/sa)

### National Association for College Admission Counseling

*(sample questions to ask before you enroll in a school or training program)*

<https://www.nacacnet.org/globalassets/documents/publications/forprofit.pdf>

### New York State Higher Education Services Corporation (HESC)

*(click Prepare for help finding the college that's the right fit for you)*

[hesc.ny.gov](http://hesc.ny.gov)

### U.S. Department of Education

*(list of things to consider before taking out a loan for your education)*

<https://studentaid.ed.gov/sa/types/loans#considerations>



# What Kinds of Property Deeds Are There?

BY SUSAN M. KEENAN

The legal documents used to transfer titles to real estate are referred to as property deeds. The names of the legal owners to the real estate are placed directly onto the property deeds. Each time a piece of real estate is sold, a new property deed must be issued. The two most commonly used types of property deeds are warranty and quit claim deeds.

## Warranty Deeds

Commonly used in most real estate transactions, warranty deeds provide guarantees that the property being sold is free and clear of any encumbrances or claims. The grantor, or seller of the property, warrants that he is the rightful owner of said property and that he holds the title to it. Therefore, he offers the assurance that he has the right to transfer the title to the property. The guarantee that the property is free and



clear is limited to that particular transaction only. Each time a property is sold, a new deed must be issued.

## Quit Claim Deeds

Used when special circumstances exist, quit claim deeds do not offer any guarantees that the property is free and clear. However, the grantor of the real estate guarantees that he owns the property and has the right to transfer it with a quit claim. Circumstances when quit claim deeds are used include:

- Property ownership is transferred into a living trust.

- A spouse is removed from inclusion on the deed.
- A property is transferred as part of an inheritance.

## Survivorship Deeds

A survivorship deed is used to transfer ownership of a property to a surviving spouse. It is used most commonly when property is purchased by couples and one of the spouses dies. This type of property deed allows the surviving spouse to avoid probate.



## Life Estate Deeds

A life-estate deed is designed to transfer the title to real estate directly to a new owner upon the previous owner's death. It is sometimes used when a parent promises a child that he will receive the property when the parent dies. A life-estate deed includes the stipulation that the parent can remain in the home until the time of his death. Life estate deeds are utilized less frequently than other types of property deeds.

If you have questions or want to set up a deed transfer, consult with a well-qualified real estate lawyer. Help is just a phone call away. Call us at 855-768-8845. ■

# Make a Great First Impression

We've all heard the old adage that real estate is three things: location, location, location. While this may be true, it also makes sense to make your home as attractive as possible once a prospective buyer is sold on the location.

That's where staging comes in. Buyers want to get a sense of how their own furniture and tastes will fit into a new home, not yours. There are several ways to achieve a valuable staging, but each requires some thought and investment to aid you in a successful sale.

## Staging Pays Off

Why stage your home? No. 1 — it can really make a difference in time on the market. A recent National Association of Realtors (NAR) study found half of buyers' agents said staging affected a purchasing decision; more than three-quarters said it helped buyers envision themselves in the home, according to a report on the real estate website Trulia.

## Staging Tips

Whether you plan to live in your home while it's on the market or have already moved into a new home, here are some



practical tips to keep your home perfectly staged. It's not easy, but it's well worth the effort.

**The no-brainer: Clean and declutter:** Keep the kitchen and bathrooms sparkling and the rest of the house tidy, vacuumed and dust-free. Box up personal items and store them outside the home — potential buyers check closets, too! If you have pets, you may want to invest in a professional cleaning.

**Lighting and temperature:** Buyers like bright rooms, so lighting is important. Keeping shades and curtains open also helps smaller rooms look larger. Create an inviting atmosphere by making sure all your fixtures are working and attractive. Test different levels of light and temperature to help achieve the proper balance.

**Which rooms?** You don't have to stage every room in your home, but a few are essential. The NAR survey recommends staging the living room, master bedroom and kitchen for maximum effect.

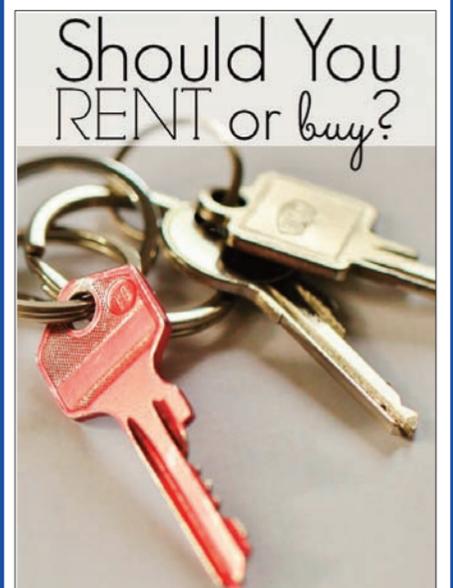
**Furniture:** If your furniture is older, you might want to consider renting new furniture. It can be expensive, but the results will be rewarding. It may help sell your home faster and you'll detach yourself from any personal favorites.

Of course, if you've already moved you'll want to rent new, neutral furniture for your staged rooms. This will give you the opportunity to play

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Call Equity Smart Realty at 888-670-6791 for a FREE consultation.

## The Other American Dream

If home-ownership is a big part of the so-called American Dream, owning a vacation home must land somewhere in the Top 10 for many.

Everyone needs and looks forward to vacations. So if you find yourself visiting the same area frequently, owning a vacation home there makes a lot of sense. If you are considering such an investment, here's some helpful considerations suggested by *Realtor's Magazine* as you begin your quest.

### The Market

Depending upon where you're looking to buy and the type of home you seek (single-family, townhome, or condo), what you'll pay will revolve around inventory, demand and current market conditions locally and nationally. The most recent survey by the National Association of Realtors (NAR) found that the majority of buyers favored single-family homes and purchased a property for vacations rather than to diversify their investments. So trending prices and long-term return on that investment may be of lesser consequence than simply the enjoyment of owning a vacation home.

### Savings and Costs

Chances are, with your own vacation home, you're savoring not only the relative luxury and privacy, but the savings potential. No more expensive hotel stays or spending on



eating out for all meals. But the costs of owning a second home are also significant: higher interest rates, insurance, maintenance, as well as travel should all factor into bottom-line considerations. Carefree vacation living for many doesn't mean mowing the grass.

### Distance

The frequency with which you would visit a vacation home depends largely on how far away it is. According to the NAR, the typical distance from the owner's primary home was 170 miles. Of course, if you're seeking a home near a particular attraction that's farther away proximity may matter less. Some say paradise is better when it's closer; others see the value in a home near the beach, mountains or amusement parks. Many also see their vacation homes as future retirement homes.

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### Furnishing and Amenities

Among the significant extra costs of a second home are its furnishings. Decorating is another burden many don't envision when dreaming of a vacation getaway. Fortunately, many sellers wisely offer vacation homes fully furnished.

Amenities, in-home and nearby, are also an important consideration. If you want a pool, a spa, an outdoor kitchen or a luxury entertaining space indoors or out, expect to pay more. The home's proximity to prime locations, restaurants, clubs and shopping will also add to your costs.

### Renting the Home

A major offset to all the financial negatives

of owning a vacation home is the ability to rent it when you're not using it. But buyer beware: Some homeowner's associations ban or restrict renting, the NAR warns. Realtors also recommend consulting insurance agents and lenders on guidelines and tax consequences of renting — rules differ if the home is primarily an investment property or a true vacation home.

Finally, the NAR suggests the old adage of try it before you buy it. Renting a potential vacation home for a year should give you a good idea if fantasy meets reality.

Need assistance? We will be happy to meet with you and share our guidance. Schedule an appointment today. Call us at 888-670-6791. ■

## REPRESENTATION FOR RESIDENTIAL REAL ESTATE



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3. Negotiation of the best terms for you in the agreements
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5. Correspondence with the seller's attorney
6. Communication with the title company
7. Correspondence with the mortgage company
8. Obtaining the necessary title work
9. Review of mortgage commitment
10. Review of title commitment
11. Preparation for closing
12. Resolving all disputes before closing
13. Representing you at your successful closing

### FOR SELLERS

1. Understanding your unique property
2. Preparation of your real estate agreements
3. Negotiation of the best terms for you in the real estate agreements
4. Explanation of the real estate contracts & covenants
5. Correspondence with the buyer's attorney
6. Correspondence with other parties
7. Preparation for closing
8. Resolving all disputes before closing
9. Representation of you at your successful closing



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4. It's harder to keep your emotions out of the sale.
5. It's not your full-time job.
6. Agents have a larger network than you do.
7. You subject yourself to needless showings.
8. Negotiating the sale is tricky and awkward.
9. You can't see what's wrong with your home.
10. You put yourself at risk of being sued.



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### Predators' Alert!

Minorities continue to be the target of the predatory practices by real estate and mortgage brokers and the man who comes knocking on your door with a bag of cash. To save your home, we offer a FREE consultation.

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# A Good Time to List

On the fence about selling your home this year? Even while there's little time left in 2019 to put your home on the market, if you're interested in selling experts say it may be the best time to do so. Home price growth has been sluggish since 2018 and is expected to remain that way, but waiting for 2020 may be a mistake, experts say. Here's why:

### New Buyers

The days of the last peak in home sales are behind us, but a shortage of housing will keep those who are shopping active, according to *U.S. News & World Report*. It may take longer to sell your home, but turning a profit is still possible. Who are those buyers? Mostly millennials looking to buy their first home, according to the real estate company Trulia. That generation is also the largest group of buyers, according to the National Association of Realtors.

### Interest Rates

Rising interest rates wrongly signal trouble with the economy, says financial expert Dave Ramsey. In fact, rising interest rates are the sign of a growing economy designed to stave off inflation and create stability. Still, they make some buyers reticent. Make sure you work with your realtor or agent to help you set expectations.



### Higher Equity

If you purchased your home in the midst of the recession or just after, you've benefited from historically low interest rates, and your home equity has risen, reports *U.S. News*. That means every mortgage payment and each renovation you've made will net more money from your home when you sell it. You'll benefit from having a larger down payment for your new home and lower interest rates.

### Recession Looming?

While market forces are not expected to change significantly in 2020, a survey of real estate experts and economists by Zillow says they expect the next recession to

begin at some point next year. So conventional wisdom points to putting your home on the market sooner rather than later.

All these factors — low inventory, the chance to turn a handsome profit, mortgage rates, a flood of millennial shoppers — all create an atmosphere ripe for sales. "From a seller's perspective, you're going to have possibly more interested buyers," said Daniel Hale, chief economist for Realtor.com, in an article on that site. "So that's motivation to put your house on the market."

Need help? Schedule an appointment today by calling 888-670-6791. ■

## What Is the Salary of a Real Estate Agent?

Are you interested in starting a new career as a real estate agent? Before beginning any new career, there's one major question that most people have: "How much money can I make?" In order to understand a real estate agent's salary, it's important to know what a real estate agent does to earn their income. Real estate agents are hired by clients to buy or sell properties. The average real estate agent's salary varies from year to year because pay is based on performance-based commission. This means that the amount of money you make per year is based on how many properties you sell and how much commission you receive on each sale.

The U.S. Department of Labor cites the average real estate agent salary around \$59,000, as of May 2017. Some real estate agents make a lot less, and some make a lot more. Typically, as a new real estate agent, you will be working under the guidance of a broker manager with whom you will have to split your commission. This means that you will be listing and selling the property, but the commission you receive will have to be split between you and your managing broker, based on an agreed upon amount. Additionally, your managing broker may have to split the commission with another broker who represents the buyer's side of the transaction. Below is an example of how this process might work:

### How to Calculate Commission-Based Salary of a Real Estate Agent

You make a \$100,000 sale that has a 6% commission rate, which would be \$6,000. This \$6,000 has to be split between the buyer's broker and seller's broker, according to an agreed upon amount (generally a 55% to 45% ratio).

This means \$2,700 goes to the buyer's broker, and \$3,300 goes to the seller's broker (your managing broker).

Next, the \$3,300 must be split between you and your managing broker's agreed upon amount, let's say 50% and 50%.

This leaves you with a commission of \$1,650 for listing and selling a \$100,000 home.

Keep in mind that this doesn't take into account additional expenses you may incur, such as marketing expenses, signage costs, commission reductions, and so on. If expenses are not managed properly, you could potentially lose money on a sale. Additionally, this math can hold true on sales of any price. For example, if you used the same math on a \$400,000 home, you would receive a split commission of \$6,600.

Overall, your earning potential as a real estate agent is dependent on how many sales you can close and how much commission you make off each sale. Your income may also vary depending on how many hours you put in, your level of licensing and training, and which part of the country you work.

Now that you know more about how a real estate agent's salary is calculated, find out how to become a real estate agent. ■

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- Advise you on the best type of deed to use (there are many types of deeds).

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# Find an Affordable Home

One of the first steps in home buying is determining a price point that works for your budget. It's easy to be swept away with incredible features and spacious square footage.

However, if you cannot afford the home long term, you may find yourself in a stressful foreclosure situation. Do you know how to find affordable and desirable housing in your area?

A great resource in your hunt for a home is a qualified real estate agent who has your best interests in mind. Together, you should go over your wants and needs in a new residence, but be firm on which amenities matter most.

Don't be afraid to take your time to find the property of your dreams while staying in your budget. Suffering through buyer's regret on such a large investment shouldn't be an option.

Before you jump into the process of visiting potential properties, consider these strategies to ensure your sights are set on feasible options:

## Do Your Own Research

Before seeking a professional to help find a home, research locations to create a list of must-haves.

An easy way to see numerous properties in a short time is searching online. Sellers are motivated to paint their homes in the best light and entice buyers to make an inquiry.



Typically, you will see vivid pictures of the entire property or have access to a virtual tour. With a few potential structures in mind, drive by in the daylight to see them in person. Keep in mind, if the exterior looks wildly different from the online images, expect the interior to appear the same. Sometimes pictures can be taken at angles to persuade a different perspective. For instance, the home may not be as far from neighbors as it appears, or the interior layout can be misrepresented.

## Consider Additional Expenses

In addition to the initial cost of a home, a factor that buyers often overlook is the additional expenses which come with ownership. When you're searching for a property in your budget, consider these other fees:

**Maintenance:** A sprawling landscape may require expensive equipment to maintain or fees from a lawn care company to keep it looking sharp.

**Insurance:** If you're a first-time buyer, you may be surprised at what it takes to insure a property. Shop around for the best price from a few different companies.

**Property taxes:** When deciding on a monthly payment you can afford, make sure to include an estimate of the annual property taxes. You can typically find an estimate in the listing.

## Research Different Neighborhoods

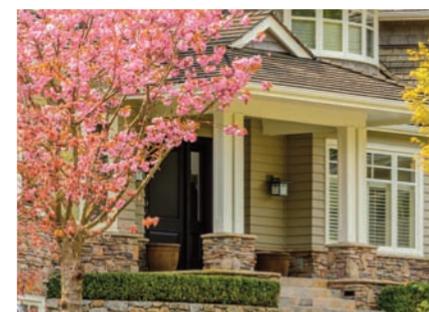
If possible, extend your search to surrounding neighborhoods or counties. It's possible to find better pricing and tax obligations when searching other areas nearby. Of course, you should make sure the new location is still convenient for a work or school commute.

When you bring in an expert to help you house hunt, establish the radius you are willing to travel. With their knowledge and connections, your dream home may be waiting for you in a community you hadn't considered.

If you are in the market for a home, you may want to contact one of our mortgage professionals for more information. We will be happy to meet with you and share our guidance. Schedule an appointment today. Call us at 888-670-6791. ■

## First Impression

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with different arrangements and layouts — even ideas for your new home.

**Curb appeal:** Make sure the outside of your home is attractive as the inside by power-washing the driveway, cleaning windows, keeping the lawn and greenery trim and any outdoor furniture clean and neat.

**Extras:** Make sure the house is fresh by adding scented candles. Adding such touches as fresh flowers, bowls of fresh fruit and dressing up bathrooms can all add to a home's appeal.

Attractive staging will hopefully achieve the stated goals, but it will also remove much of the sentimentality attached to your home and help you see it as more from the perspective of the buyer — which is, after all, the point and the path to a quicker sale!

Need assistance? We will be happy to meet with you and share our guidance. Schedule an appointment today. Call us at 888-670-6791. ■

## Fire Your Landlord and Become a Home Owner



The Chambers' pre-purchased education program is known as **Fire Your Landlord**. This program is designed to take the mystery out of the home-buying process and prepare first-time homebuyers to make the important choices related to home ownership.

The seminar covers such topics as:

- Knowing your financial situation
- Credit and credit issues
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