

# Filipino Reporter

**FAIR, FEARLESS, FACTUAL**

December 17-23, 1976

## Questions and answers

**Q.** I came here as a tourist but I changed my status in 1975 to H-1 when a hospital sponsored me for training in Internal Medicine. When I finish my training in June 1978 what options, if any, will be open to me to be able to continue staying here and work? My third preference petitions was approved in November 1975 and my son was born a U.S. citizen four months ago.

**A.** If you are from the Philippines and have no relatives here your only option, it seems, (on the basis of the information you provide) would be to continue on an H-1 visa with your present hospital or another.

**Q.** You recently wrote an article about FMGs with approved third or sixth preference petitions who

may never get their green cards because they haven't passed Parts I and II of the NBME exam. If such is the case, is it not useless to file a third preference petition this time.

**A.** No. The possibility is strong that the FLEX may be considered as equivalent of the NBME exam. Hence it is always to your advantage to have a third preference petition filed before the new law makes it extremely difficult for you to do it.

**Q.** My petition for third preference was approved July 1970 based on my profession. If I do not get my green card by July 1977, will that qualify me for immigrant status based on the fact that I shall have stayed in the U.S. for seven years?

**A.** Not necessarily. Aliens who have been in the U.S. for seven years continuously can apply for suspension of deportation. The application, however, must be made at a deportation proceeding. To have the application approved you must convince the immigration judge that you, or your permanent resident or U.S. citizen wife and/or children would suffer exceptional hardship if you had to return home. This is not easy to prove (and economic hardship is not enough). If your application is denied you will be forced to return home. If approved you must wait an additional two years until you are granted permanent resident status.

**Q.** What exactly is the deadline for filing third preference pe-

titions of FMGs in order that the new law (FMG provisions) will not be applicable?

**A.** FMGs must file before January 1, 1977, have their petitions approved before January 9, 1977 and file application for adjustment of status before January 9, 1977 (which is not possible for Filipinos) and also, if on exchange visitor visas, be granted waivers of the two-year foreign residence requirement by INS before January 10, 1977 in order that the stricter provisions of the new law will not be applicable.

**Q.** In 1973 I became a crewmember of a Norwegian ship by using the name of my brother. Upon arriving in New York in November that year I jumped ship. Thereafter I applied for a SS number and got it under my true name. I am now happily married to a permanent resident and my wife (incidentally, she now qualifies for U.S. citizenship) wants me to apply for a green card. What is the procedure?

**A.** Your wife must file a Form I-130 petition for you. Once that is approved you must apply for an immigrant visa at an American Consulate abroad (either Montreal, Canada or Manila (if you are a Filipino) since ship jumpers are ineligible to adjust status here to permanent resident. INS will probably allow you to remain here until you are invited to the American Consulate to obtain your immigrant visa.