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IMMIGRATION

Relative preferences cleared up

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Because of the continued emphasis on family reunification and the consequent drifting away from skills and training as the underlying philosophy of the immigration selection system, it is necessary to clear up the confusion that has surrounded the relative preferences as laid down in the US Immigration scheme.

The 1977 amendments did not strike any major alteration in the existing preferences as was done in 1952 when professionals were moved down from first preference to the third and sixth preferences. One change of far-reaching impact on the pattern of immigration, however, was made when a new system of pro-rata allocation was devised which would assure all the preferences, from first to seventh, of visa numbers. This is of special significance to the Philippines which for several years has been able to reach only up to the third preference.

There are four relative preferences, namely, first, second, fourth and fifth. Briefly, they are defined as follows:

First Preference—Unmarried sons and daughters of US citizens;

Second—Spouses and unmarried sons and daughters of resident aliens;

Fourth—Married sons and daughters of US citizens;

Fifth—Brothers and sisters of US Citizens.

The first preference applies only to adult, unmarried children of US citizens. Minor, unmarried children do not fall under this category because they are entitled to exempt status. This means that said minor children are admitted as immigrants without any restriction as to quota. On the other hand, married children of US citizens fall under the fourth preference, obviously a lower classification.

Stepchildren are included under the first preference if the marriage that created the status took place when they were under 18. Adopted children are not included unless they qualified as "children" at the time of the adoption.

Under the second preference, a resident alien's married children are not included but they may qualify for fourth preference when their parent becomes a citizen. A resident spouse or parent who is abroad may confer second preference benefits if he has not abandoned his permanent resident status and he continues to maintain his status as a lawful resident.

The married sons and daughters of American citizens fall under the fourth preference even if said children are over 21. This category includes legitimated children regardless of their ages when legitimation occurred. Also included are adopted children if they qualified as "children" at the time of the adoption provided they have been adopted in accordance with the laws of the applicable place of residence, and, thereafter, had resided with the adoptive parents for two years. Likewise, stepchildren are qualified if they were under 18 at the time of the marriage creating the relationship.

With regard to the fifth preference category, the recent amendments imposed an age limitation, 21, to the US citizen who can confer fifth preference status to his brothers and sisters. The term include half brothers and half sisters. Illegitimate children likewise qualify unless the only common parent is the natural father.

Under the foregoing relative preferences, the spouses and children of an immigrant, accompanying or following to join him, are entitled to the same classification, if visas are not otherwise immediately available.