

October 17, 1991: Deadline for Nursing Relief

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For nurses who have had certain problems and are still contemplating whether they are qualified or not under the Nursing Relief Act (commonly referred to as Nursing Amnesty), time is running out. Now is the time to get the answers and decide.

Obviously, the only way to find out is to consult with their lawyer. They cannot get the answer by dilly-dallying and turning the pros and cons over in their heads. Come October 17 of this year, if they haven't as yet filed, much less consulted or decided, they might have missed their chances.

After October 17, 1991, nurses who have not been able to maintain a valid H-1 status at all times with limited exception, will no longer qualify. If they have expired H-1 status but feel they could otherwise qualify for the Nursing Relief, they must check with their lawyer right away. If they meet all the other conditions under the Nursing Amnesty, indeed they still may qualify.

On the other hand, those who have taken other jobs without INS authorization, but nevertheless meet the other conditions under the amnesty should also file as soon as possible. The deadline for filing is also October 17, 1991. Beyond that date, those who have worked without authorization after November 29, 1990 will no longer be eligible to adjust their status.

It is important that they understand this last call: Nurses who may qualify for the Nursing Relief Act but have been out of status or have had worked double jobs without a permit have only until October 17, 1991 to file. The change in the rules also extend to the dependents.

EASIER TO OBTAIN VISA FOR H-1 NURSES AND DEPENDENTS

INS have also made changes on H-1 visas. Effective October 1, 1991, nursing applicants who may have to pick up their visa in the Philippines, can almost be assured to be allowed to return to the US. In the past, those who have had pending 3rd and 6th preference petitions have encountered difficulties, as these petitions have been used as grounds for denial to return.

Another ground for denial used was a nurse's history of having overstayed in the US because of failure to pass her exams. This as well will no longer serve as valid grounds for denial under the new H-1 amendment.

Under this rule, H-1 dependents will also be able to join the nurse in the US.

REFILING 3RD & 6TH PREFERENCES

As many of the nurses must have already known, effective October 1, 1991 also, the Preference Categories will be overhauled. The 3rd and 6th Preference categories under which nurses have been classified, will be replaced by a different employment-based preference.

Nurses who have pending 3rd and 6th preference petitions must refile their petitions in order to reclassify them under the appropriate preference categories. Though they may have to go through the trouble of refiling, they should not lose heart. Their priority dates will still be maintained, provided they file before October 1, 1993.

Unfortunately, the State Department has indicated that dependents of 3rd and 6th preference applicants who may wish to follow to join the principal aliens who have already immigrated may lose their derivative entitlements if they cannot make use of it before October 1, 1991. The remedy in such case is to be petitioned under the revised second preference category.