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## **Ineligible Aliens May Now Adjust Status in US**

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President Bill Clinton signed into law last August 26 a bill that will allow previously ineligible persons to immigrate without having to leave the US. This law takes effect October 1, 1994 and will sunset on October 1, 1997.

This new law will especially benefit Filipinos, particularly the large number of crewmen and nurses who have applied under any of the preference category and are presently in the US awaiting for their priority dates to become current. It must be understood though that this bill is not an amnesty and will only benefit immediate relatives or aliens eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and aliens whose immigrant visa is immediately available at the time the application is filed.

Previously, there were several classes of aliens who were ineligible to immigrate to the US by adjusting their status here. These aliens were then required to leave the US and apply for an immigrant visa in a US Consulate, usually in their country of origin. Among these aliens who were not allowed to adjust their status were the following:

1. Crewmen
2. Aliens who entered the US without inspection
3. Aliens admitted in transit
4. Aliens other than immediate relatives of US citizens who have been out of status or who have worked without authorization after January 1, 1977.

These aliens had to leave the US and have had to have their immigrant visa interview at a US Consulate, usually in the country of origin.

The new law will benefit these classes of aliens but they will have to pay five times the adjustment of application fee plus the normal fee which is \$130.00. This makes then a total of \$780.00 for the application. Said additional sum, however, does not apply to a child under 17 years of age, or to the alien's spouse or unmarried children classified as family unity beneficiaries.

The law which was passed by Congress as HR 4603 also contained a bar to overseas visa processing for individuals who have been physically present in the US, unless and until they have remained outside the US for 90 days. This bar will not apply to aliens who have remained in legal status at the time of their departure or to family unity beneficiaries.

The law which bypasses the "visa processing" at a US Consulate will enable many aliens to faster processing of their visa while avoiding the cost and inconvenience of long travel for such a purpose. It will also allow aliens to obtain their employment authorization during the processing of their application and seek further action in a US court should their adjustment application be denied.