

Faster Green Card Processing for Professionals

By Reuben S. Seguritan

As of February 1, Filipino professionals and skilled workers do not have to wait for a visa number before they file for adjustment of status as the Philippine employment-based 3rd preference becomes current for the first time in many years.

This group of applicants includes nurses, physical therapists, accountants, teachers, computer professionals, and non professionals like specialty cooks with at least two years of specialized training or experience.

When filing, applicants should be aware of new procedural as well as substantive changes. For instance, all adjustment applications based on employment must be mailed to the INS Service Center, not to the local office. Final decisions may be made by the Service Center. If an interview is necessary, the application will be sent to the local office for interview and the decision will then be made by the said local office.

The following forms should be submitted: (1) Form I-485; (2) G-325; and (3) 9003. If the applicant is not in lawful status or has worked without authorization or if his H-1 visa has been invalidated (because he did not work for the original petitioner) or has expired, he should also file form I-485A and pay a penalty of \$1,000.00. The filing fee for adjustment of status is \$130.00.

If employment authorization is needed, form I-765 should be filed, with a filing fee of \$70.00. The applicant should still be working for the petitioner and that an employment letter should be obtained to go with the forms. The typewritten letter of employment must state the (a) date of hire, (b) position and (c) salary.

Other documents needed are: (1) birth certificate; (2) marriage certificate, if married; (3) four (4) photographs; (4) fingerprints; (5) all H-1 approvals since entry into the U.S.; (6) I-94; (7) old and current passports; (8) medical examination report; and (8) copy of third preference approval.

If the name in the birth certificate is different from the name in the passport or I-94 like having the name of "Maria" and you use only "Ma.", affidavits should be obtained stating that they are one and the same person.

The fingerprint must be taken at a facility which is authorized by the Immigration Service. Most police departments are authorized. Fingerprint envelopes must not be opened as this will invalidate it. The medical examination report is valid only for one year.