

THE FILIPINO **EXPRESS**

December 1997

Filing Petitions Before January 14, 1998

By Reuben S. Seguritan

Last November 26, President Clinton signed into law the Department of Justice Appropriations bill which terminated the "old" Section 245(i) law and enacted in its place an amended Section 245(i) program.

The new program allows illegal aliens who are beneficiaries of visa petitions and labor certifications filed on or before January 14, 1998 to preserve their eligibility to adjust their status in the U.S.

Without the new law, illegal aliens would have been required to leave the U.S. and apply for immigrant visa at a U.S. Consulate abroad. This would have meant remaining outside the U.S. for three years if they had been unlawfully present for six months or for ten years if they had been unlawfully present for at least one year.

Examples of those benefitted by the new law are: (1) aliens who entered without inspection; (2) aliens who overstayed their period of authorized stay or have failed to maintain lawful status at any time; (3) aliens who have engaged in unauthorized employment after entry; (4) alien crewmembers under the D nonimmigrant category.

Because the deadline is fast approaching, aliens who are unlawfully here or who expect to be here beyond their authorized stay, such as relatives, domestics, professionals, students and crewmen, should file immediately. They should make sure that the correct forms and supporting documents are filed properly.

If you are eligible under more than one category (for example, you have a U.S. citizen brother or you are the unmarried child of an immigrant), it is better to file under both categories. If both your parents are qualified petitioners, both of them should file on your behalf. A second petition will serve as a "backup" just in case something happens to one of them.

If you are already the beneficiary of an employment-based petition but you are planning to move to another employer, you should request your prospective employer to file another petition for you. Also, even if you already have an employment-based petition, you should have a family member file a relative petition just in case your employer withdraws the petition or goes out of business.

New Fingerprint Procedure

Effective December 3, 1997, fingerprints from Designated Fingerprint Services are no longer accepted for purposes of naturalization or adjustment of status. Adjustment applications are only accepted by the INS if the fingerprints are done by a recognized law enforcement agency such as the New York Police Department.

Naturalization applicants on the other hand should submit their N-400 applications without fingerprint cards. They will receive instructions later to appear at a special Application Support Center for fingerprinting.