

THE PHILIPPINO EXPRESS

January 17-23, 2000



LEGAL NOTES

Reuben S. Seguritan

Travel risks for green card applicants

A foreign travel advisory for aliens with pending immigration applications has been issued by the INS. These aliens are advised to obtain an advance parole before making any travel plans.

The reported plight of the Filipino priest who has a pending adjustment of status application but was barred from entry after his Philippine vacation should serve as warning that the INS means business. The Filipino priest has been coming back to the US in time for the Christmas celebration when the INS inspector at the port of entry found out that he did not have an advance parole.

An advance parole is a permission granted to certain aliens in order to reenter the US. Those who

need it are aliens who have an application for adjustment of status pending and are traveling abroad temporarily for emergent personal or bona fide reasons. Exchange aliens subject to the foreign residence requirement and aliens under removal proceedings are not eligible. Aliens who have valid H-1 or L-1 visas and their dependents do not have to file for advance parole as long as they are maintaining their non-immigrant status.

The travel included a reminder that aliens who have been unlawfully present in the US before they filed their adjustment application may be subject to the three-year or 10-year bar. Such aliens may be held inadmissible upon their return and/or their adjustment application may be denied.

A major cause of delay in the processing of I-485 applications is the CIA security check. In the past, this security check took many months. The INS had to forward certain biographic information about the applicant to the CIA and the CIA in return had to notify the INS of any derogatory information, like criminal record, that had a bearing on the applicant's eligibility to obtain permanent resident status.

Processing of adjustment cases pending in New York

solely for CIA clearance should be completed within the next two months.

In response to a letter by Congresswoman Nita Lowey, the INS has assured the New York District Office that sufficient funding will be provided to ensure maximum efficiency in the processing of applications.

At the same time, the INS Commissioner reiterated that her top priority in fiscal year 2000 is the reduction in the naturalization backlog, along with the reduction in the adjustment of status backlog and the renewal of green cards.

Currently, naturalization applications are taking 15 to 17 months to process while adjustment applications are taking 18 to 24 months long. Processing times are expected to be shortened in the near future.