

No 245(i) Extension

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There will most likely be no extension to the Section 245(i) cutoff date. Even New York Governor Pataki has lobbied to extend the April 30 deadline, but he elicited a less than enthusiastic response from the Bush administration and congressional leaders.

Two bills have been introduced: HR 1242 by Rep. Peter King of Long Island who is seeking an extension of until October 31, 2002 and HR 1195 authored by Rep. Charles Rangel of Manhattan who is negotiating for an April 30, 2001 deadline. These efforts, however, have proven to be ineffectual and passage of either of these bills before the deadline is extremely unlikely.

Emphasis is put on the fact that time is running out for undocumented aliens to take advantage of the expiring law. Four months is indeed too short a period for time-pressured employers to make a decision of whether to petition their employees. At the same time, most immigration lawyers and nonprofit agencies are having difficulty handling the huge volume of applicants.

The last time the benefit was made available to undocumented aliens three years ago, a record number applied. Estimates suggest that this time the number would double if not triple.

On April 6, 2001, the INS issued a memorandum to all its offices reiterating its earlier instruction to accept applications that are physically received or postmarked on or before April 30, 2001. It is not requiring its offices to open beyond normal operating hours on April 30. However, a survey of its district offices has indicated that most of them will remain open until midnight to accept in-person filings.

With the countdown to the deadline beginning and with only ten days left, there is still time to file. Although processing time has not been accurately predicted, many unskilled workers have been discouraged from filing because of what they perceive to be a long wait of ten years or more.

In January 1998, most attorneys anticipated a ten-year wait but were proved wrong. At that time the priority date being processed was December 1990. This month unskilled workers like domestics who filed in August 1997 are now eligible to file their adjustment of status applications. Next month the date to be processed will advance to May 1998. So what had been foreseen to be a lengthy wait turned out to be that of only a few years. This but demonstrates the futility of forecasting when visa numbers would be available.