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Long delays in Philippine third- preference

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Last month, the Department of State has flagged the probability of setting cut-off dates by January 2005 for the employment-based third preference category (EB3) to cope with the impending oversubscription of immigrant visa numbers. This is certainly bad news for Filipinos.

Most Filipino professionals and skilled workers immigrating to the US like nurses, teachers, medical technologists, physical therapists and occupational therapists fall under this category. This category also includes unskilled workers like domestics and healthcare aides.

The practical effect of the cut-off date is that the foreign worker, who is the beneficiary of a 3rd preference petition with a priority date on or before the cut-off date, would have to wait for the immigrant visa number to be available before he/she can come to the US.

As of November 2004, the visa numbers for EB3 immigrants from the Philippines is current. This means immigrant visa numbers are still available for all qualified applicants. Since the Philippines is one of the largest suppliers of nurses to the US over the past several years, the extremely high demand for immigrant visa numbers would result in the oversubscription of the EB3 visas allotted for the Philippines.

Informed sources from the Department of State indicate that the cut-off date will regress to 2002 in about two months from now. While it is difficult to predict the extent of the delay this will cause with accuracy, similar

situations in the past tells us that the delay could be considerable.

This brings into sharp focus the need to legislate a temporary visa program specifically for nurses. In addition, there is a need to lobby for an increase in the annual H-1B quota which now stands at 65,000 visas. At present, the H-1B visa allotment for 2005 has been exhausted, meaning, no H-1B visas will be given until October 2005.

The US is in the throes of a serious nursing shortage--one that has compromised the quality of healthcare nationwide. It is also in need of skilled professionals who will work in schools and tech companies.

Without a temporary visa program for nurses and an increase in the annual H-1B allotment for skilled workers, the US will not only lose the opportunity to re-staff its hospitals and medical facilities with foreign nurses, its industries and economy will also lose its competitiveness as professionals opt to work in other countries where immigration rules are more accommodating.

Those who need sample letters to lobby for temporary work visas and increased annual H-1B visas for nurses as well as other professionals and affected workers may write or call me at: *450 Seventh Ave., Ste. 1400, New York, NY 10123, Phone No. 212 695 5281, Fax 212 563 2664 or send an email to seguritanlaw@yahoo.com.*