

THE PHILIPPINO EXPRESS

August 30 - September 5, 1999



LEGAL NOTES

Reuben Seguritan

New bills benefit Filipino immigrants

Several immigration bills have been introduced in the U.S. Congress this year that could benefit Filipinos. The most important bills that deserve our support are as follows:

- H.R. 1854 would temporarily increase the number of visas available for backlogged spouses and children of permanent residents.

Introduced by Reps. Christopher Shays and Carolyn Maloney, together with more than 20 co-sponsors, the bill proposes to increase by 60,000 annually for five years the number of visas available for the spouses and minor children of lawful permanent residents. These aliens who are categorized under the family-based 2A preference currently total more than one million in the waiting list. The Philippines ranks second among the countries with the longest waiting list. It's now taking more than five years for a Filipino spouse or unmarried minor

child to get a visa number. This bill which was referred to the House Judiciary Committee on May 18, 1999 would clear up most of the backlogs.

- H.R. 1520 would give priority allotment of immigrant visas to unmarried sons and daughters of citizens, who attain the age of 21 after the date their petition is filed. This was introduced by Rep. Smith and six others and was referred to the Judiciary Committee on April 22, 1999.

This bill would benefit the relative age-out cases. Under current law, when a U.S. citizen parent petitions a child under 21, the child is classified as an immediate relative and a visa number is immediately available. But if the child is already 21 when he goes for the immigrant visa interview, his category is downgraded to first preference which means the visa number will not be available for probably more than 15 years if the child is Filipino.

Under H.R. 1520, the child would be immediately eligible for immigrant visa or adjustment of status in the first preference whether the priority date is current or 15 years behind.

- H.R. 2448 would assure that aliens do not have to wait longer for an immigrant visa as a result of a reclassification from family second preference to family first preference because of the naturalization of a parent

or spouse. This was introduced by Rep. Mink of Hawaii and referred to the Judiciary Committee on July 1, 1999.

Filipinos would be specially benefited if this bill is passed. At present, if the parent of a minor child beneficiary is an immigrant, the child's waiting time is increased to about 15 years.

- H.R. 1841 would restore the eligibility for adjustment of status under Section 245(i). This bill was introduced by Rep. Gutierrez and 36 co-sponsors and was referred to the Judiciary Committee on May 18, 1999.

Without Section 245(i), certain groups of alien have to leave the U.S. to obtain their immigrant visa. These groups include those who came to the U.S. without inspection or as transits or as crewmen and those who worked without authorization or otherwise violated their non immigrant status. If they leave the U.S., they may not be able to come back for three to ten years.

Under Section 245(i), they don't have to leave as long as they paid a penalty of \$1,000. But Section 245(i) expired 1997 with a limited grandfather clause for those who had filed with INS or Labor prior to January 15, 1998.

Many Filipinos, including domestics and professionals did not meet the deadline and they have gone underground with little hope of ever getting legalized.