

THE PHILIPPINO EXPRESS

September 13-19, 1999



LEGAL NOTES

Ruben S. Seguritan

Lawyers group to sue INS over delays

Because of unconscionable delays in the processing and adjudication of immigration applications and petitions, the American Immigration Law Foundation (AILF) plans to sue the INS, hoping that it will speed up its processing procedure and reduce its backlogs.

The AILF is a sister organization of the American Immigration Lawyers Association (AILA). Through its Legal Action Center, it engages in impact and class action federal litigation over issues of due process and fair implementation of immigration law and policy.

The AILF has solicited the help of immigration lawyers in identifying problem cases. In a letter addressed to AILA members, Jeanne Butterfield, AILA Executive Director, and Nadine Wettstein of Wettstein Legal Action Center said: "We offer our assistance and ask you for your assistance. We may be able to sue on behalf of your clients

who are affected by INS processing delays, whether those client are large or small employers, family members of intending immigrants, or the immigrants themselves.

The AIFA members are being asked to complete a questionnaire for each of their clients who have experienced undue delays. Among the information needed are the date the application was filed, and file or identifying number, a short summary of the INS conduct that is particularly objectionable, and a short statement of any particular or unusual harm that is occurring or may occur to the alien applicant because of the delay.

Aliens whose applications or petitions have been pending for a long time should contact their attorneys about the possibility of filing legal action on their behalf.

Delays in processing have been caused by several factors. In an art article that appeared in the New York Times about two months ago, computer glitches have forced the New York INS to process some 120,000 naturalization applications by hand. Many of the applicants were never given appointments for fingerprinting and those that were fingerprinted waited too long for an interview that their fingerprint validity had already expired.

Nationwide, more than 1.8 million citizenship applications have not been acted upon. Los Angeles has the biggest case-load of pending naturalization cases, about 400,000. while New York has over 3000,000. Many of these cases were filed in 1996 and early 1997. Processing of other types of applications have also been affected. A permanent resident application is now averaging 33 months to process. Even the production of green cards is now taking up about three years in some cases.

Delays have also occurred because some files have simply been forgotten by INS staff. When these employees were transferred to other jobs, they left behind some untouched files dusting on the tables.