

## June 2007 Visa News

### IMMIGRATION HIGHLIGHTS



By Atty. Crispin Lozano

IN this issue, we will discuss the visa bulletin for June 2007, and other important developments in immigration.

#### I. June 2007 State Department Visa Bulletin

If you are checking the status of your priority date, the Department of State is presently processing the following petitions with priority dates as indicated below.

##### A. Family-Based Preferences:

1. First Preference Unmarried Sons and Daughter of Citizens – Apr. 22, 1992 – This Preference advanced by 4 weeks since last month.

2. Second Preference:  
a. Spouses and Minor Children of Permanent Residents – Apr. 22, 2002 – This Preference advanced by two weeks since last month.

b. Unmarried Sons and Daughter 21 years and over of Lawful Permanent Residents – Oct. 1, 1996 – This Prefer-

ence did not advance since last month.

3. Third Preference Married Sons and Daughters of Citizens – Jan. 1, 1985 – This Preference did not advance since last month.

4. Fourth Preference Brothers and Sisters of Adult Citizens – Mar. 1, 1985 – This Preference advanced by 8 weeks since last month.

##### B. Employment-Based Preferences:

1. First Preference – Priority Workers – Current

2. Second Preference – Advanced Degree Professionals – Current

3. Third Preference – Skilled Workers & Professionals – June 1, 2005 – This preference advanced by 22 months since last month; Unskilled – Other Workers – Oct. 1, 2001 – This preference becomes available for June 2007; Schedule A Workers – June 1, 2005

4. Fourth Preference – Certain Special Immigrants and Religious Workers – Current

5. Fifth Preference – Alien Investors – Current

Please note that for the month of June 2007, Employment-based Third Preference

(professionals and skilled workers) is available for the Philippine nationals if the priority date in their approved Labor Certification or I-140 petition, if no labor certification is required, is dated earlier than June 1, 2005. For Schedule A nurses and physical therapists, immigrant visas are available for petitions dated June 1, 2005.

Also, Third Preference visas for Unskilled Workers such as caregivers, nursing assistants and nannies is available for those Philippine Nationals for the month of June 2007 if the priority date of the Labor Certification is dated before 10/1/2001. If the priority date on your Labor certification is before 10/1/2001 and you qualify under Sec. 245(i) or your I-94 is currently valid, you can file an I-140 petition and an adjustment of status at the same time.

#### Hot News of the Week:

1. The DOL issued the final rule prohibiting substitution of labor certification effective July 16, 2007. This means that an employer may still substitute an employee to an

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### LEGAL RIGHTS



By Atty. Johnson Lazaro

THE recent immigration reform bill has people buzzing even in Manila. Consuls, embassy employees and future immigrants are talking about President Bush's recent proposal. The proposal which the White House has billed as a bipartisan agreement on Comprehensive Immigration reform has good and bad news for present and future immigrants.

One of the most interesting provisions in the proposal is the balancing of importance of family connections with the economic needs of the US. Many visitors in the US Embassy here in Manila don't believe that this is good for family immigration. The proposal seems to be focusing on the nuclear family and parents. This may exclude brothers and sisters of US citizens or permanent residents. Some people here were surprised to hear that at this time, brothers and sisters can still be petitioned. They are, however, opposed to eliminating this

## Even Manila is Excited About Immigration Reform

from the visa category. The crowds at the US Embassy in Manila are encouraged that their loved ones in the US who are undocumented may be allowed to legalize. The proposal is clear that there would be no amnesty but there will be a reward given to illegal immigrants. According to the White House proposal, illegal immigrants who come out of the shadows will be given probationary status. This means that an applicant will need to clear security and other background checks. They must maintain a clean criminal record, pay a \$1,000 fine and follow other procedures before receiving a work visa. Additional requirements include additional \$4,000 fine, enrollment in English classes and following a path to a green card application.

Another bright prospect for US visitors is the creation of a Temporary Worker Program. The proposal creates a temporary worker program to fill jobs Americans are not doing. It is proposed that the

workers will be limited to three two-year terms with at least a year spent outside the United States between each term. Temporary workers will be allowed to bring immediate family members only if they have the financial ability to support them and they are covered by health insurance. Some immigration experts suspect that Congress may add a provision to allow these temporary workers to stay permanently. Embassy visitors are delighted that they may get a chance to enter the US, bring their families and work permanently in America.

So what happens next? The "grand bargain" immigration proposal reform as they call it will be drafted into legislative language and introduced as a bill in the next several days. After that there will be debates and amendments and then the vote. Experts in Washington expect the vote to take place near the end of May this year. The bill would then go to the House of Representative for

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## Priority Dates for Workers Jump...

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their immigrant visa petitions and adjustment of status applications. The "Other Workers" LC recipients that have been waiting since 2001 or earlier may also file for permanent residency.

EB-3 foreign workers outside of the U.S. with approved LCs may also begin consular processing in June if they have a priority date earlier than June 1, 2005. It may be advisable for LC holders with a current priority date to file their immigrant visa petitions under the USCIS's expedited processing to ensure an approval within 15 days. Once the USCIS approves the case,

the National Visa Center can then begin scheduling interviews at a foreign consulate.

Applications should be filed as quickly as possible because visa numbers may retrogress in upcoming months. Retrogression is not uncommon and it may result in several months or even years of delay before an adjustment application can be filed again.

If visa numbers retrogress, the USCIS cannot grant permanent resident status. It does however, keep the case on hold and the USCIS will continue to renew work authorization and, in some qualifying cases, travel authorization. This means the foreign worker

and family members will be able to continue working without interruption while they wait for a visa number to become available.

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Atty. Reeves has represented clients in numerous landmark immigration cases that have set new policies regarding INS action and immigrants' rights. His offices are located in Pasadena, San Francisco, Las Vegas and Makati City.

Telephone: (800) 795-8009

E-mail: immigration@rreeves.com

Website: www.rreeves.com.

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The analysis and suggestions offered in this column do not create a lawyer-client relationship and are not a substitute for the personalized representation that is essential to every case. (Advertising Supplement)

## RP's Franchising Industry...

From PAGE 31

Philippine Chamber of Commerce and Industry, and the Philippine Retailers Association.

This year's expo is expected to post a new record in visitor attendance based on the current local and global economic developments.

Describing franchising as a global economic catalyst and, at the same time, one of the most successful outcomes of a globalizing world economy, Limjoco said, "Through franchising, the world economy is, not only globalizing, but also universalizing since a

franchised business carries with it a tinge of culture from its country of origin and introduces that uniqueness to the rest of the world, thus contributing substantially to a universalizing local marketplace that we can see today in many consumption centers in Manila and other megacities abroad. The rise of this multifaceted but universalizing culture is driven by the strength of sound business practices and social acceptance of both the diversity of human cultures and the universality of human needs.

"As such, the universal applicability of franchising promotes, not only multinational and multicultural understanding, but also global economic innovativeness, productivity and harmony."

Limjoco cited as example the expansion of foreign franchises to the Philippines and the equally successful expansion of homegrown franchises to foreign markets, many of which occurred through the Franchise Expo and the help of the PFA and its business development arm, Francorp. (Philstar.com)

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