

## **Employment-Based Green Card Process Opens to Filipinos**

On Thursday, June 14, 2007, thousands of Filipinos were suddenly given the opportunity to begin their employment-based immigrant visa processes, with the reasonable expectation of securing U.S. lawful permanent resident status (also known as “green card” status) within only a few months.

The employment-based immigrant visa process requires that a visa actually be available for a person to receive that visa and come to (or remain in) the U.S. For many foreigners, it is the first step in the actual immigration process, wherein lawful permanent resident status is obtained. In order to determine whether a visa is available, you must read the monthly Visa Bulletin issued by the U.S. Department of State (DOS). Over the past several years, the monthly Visa Bulletin has shown a *retrogression* in the priority dates of certain employment-based visa petitions filed. Stated plainly – there has been a waiting list for many employment-based immigrant visas. In many cases, people were required to wait for several years before a visa would become available.

But, according to the latest Visa Bulletin, as of July 1, 2007, nearly all employment-based immigrant visa categories (except for the “Other Workers” category) will be current. Stated plainly, the waiting lists for virtually all employment-based immigrant visas have been eliminated, and these employment-based visas are available to whoever applies. The list of eligible foreigners seeking employment and an immigrant visa, through this process, is almost endless. Some of the more common applicants will be nurses, physical therapists, occupational therapists, computer specialists, engineers, architects, teachers, business managers, accountants, doctors, lawyers, and other skilled employees. But this is not a complete list. In fact, such visas are now available for hundreds of different types of jobs – too many to list here.

Why is this development important to U.S. businesses, foreign individuals and their families? For virtually all foreigners, you may now apply for an immigrant visa and lawful permanent residency with the support of an employer, and secure “green card” status for yourself and certain family members – within only a few months. As a U.S. employer, you may now *legally* fill important positions within your company with qualified employees. Also, you may extend the stay and employment eligibility indefinitely for existing foreign employees – while maintaining an at-will job relationship.

But you must act now! The U.S. government warns that it may again impose waiting lists on these visa categories – maybe as early as September 2007. Thus, you should prepare and file the necessary applications and petitions immediately. Indeed, the July 2007 Visa Bulletin states: “All Employment Preference categories except for Third ‘Other Workers’ have been made ‘Current’ for July. This has been done in an effort to generate increased demand by Citizenship and Immigration Services (CIS) for adjustment of status cases, and to maximize number use under the annual numerical limit. However, all readers should be alert to the possibility that not all Employment preferences will remain Current for the remainder of the fiscal year. Should the rate of demand for

numbers be very heavy in the coming months, it could become necessary to retrogress some cut-off dates for September, most likely for China-mainland born and India, but also possibly for Mexico and Philippines. Severe cut-off date retrogressions are likely to occur early in FY-2008.”

If you have already begun your employment-based immigrant visa process, you should contact your attorney, and confirm that the process is continuing as quickly as possible. If you have not already begun this process for yourself or your employees, but wish to do so, we urge you to contact a qualified attorney, who will guide you through this process. There are many complex steps that must be completed before actually applying for an immigrant visa and eventually securing lawful permanent residency.

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