

## Immigration Reform

**Proposed:** Border Security, Economic Opportunity, and Immigration Modernization Act of 2013

**Will it happen?**

**When?**

**What you can do now to be prepared.**

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No one can be sure if comprehensive reform of our immigration laws will happen. **The proposed bill released April 16<sup>th</sup> is not a law. It must first be reviewed by both houses of Congress, debated, possibly modified, and finally voted upon and approved. If finally voted into law and signed by the president, that process can very well take several more months, or more. No one can predict how long the process will take, and what amendments might be made.**

Here is a summary of some terms of the bill, as summarized by the Senate working committee on April 16<sup>th</sup>. The actual bill, over 800 pages long, was just released to the public, and will require time to review. At this time there appear to be some key provisions for possible legalization of undocumented foreign residents (Registered Provisional Immigrant Status) providing that:

- 1. No applicant could be granted RPI status until certain proposed requirements for increasing border security are met. (Supposedly within about 6 months of enactment.)**
- 2. Any application for RPI status would have to be filed within 1 year. (Presumably from when applications are first accepted?) (With provision for a possible 1 year extension.)**

Getting a majority of the Republican controlled House of Representatives to agree to a final version of this bill could be a very large problem. So don't count on anything yet. But, let's hope for the best. What does the current proposal look like, and what can you start doing

now to prepare if some kind of immigration reform really does finally become law?

## **The Proposed New Immigration Bill**

As a summary of likely key provisions of the initial proposed bill, it will probably include provisions for:

1. Granting possible "Registered Provisional Immigrant Status" (RPI) for some persons who can prove their presence in the U.S. since on or before December 31, 2012.
2. Allow persons with approved DACA status, and certain agricultural workers to apply for permanent resident status in 5 years (instead of 10 years for normal "Provisional" status.)
3. Increasing US border security, including use of National Guard troops.
4. Gradually eliminating current backlogs for many pending family and employment based immigrant visa applications.
5. Tougher controls and enforcement, including a required and improved "E-Verify" system, to prevent unlawful employment.
6. Eliminating the Visa Lottery.
7. Eliminating or restricting family based immigrant visas for brothers and sisters, and married children 31 or older, of US citizens.
8. Raise the allowed annual number of H1-B visas for highly skilled workers.
9. Establish a new "W" visa for certain low skilled workers.
10. Add new "merit based" visas, based on education, employment and length of residence in the US.

### **Proposed "Registered Provisional Immigrant Status."**

This new category may be more difficult to obtain and keep than we might have hoped. Many people will not qualify. Some basic requirements include:

1. Continuous presence in the U.S. since on or before December 31, 2011.
2. Payment of \$2,000 in fines over a 10 year period and payment of any and all taxes.

3. Spouses and children could be included on the same application.
4. Not eligible if:
  - A. Prior conviction for any felony, 3 or more misdemeanors or any crime of moral turpitude or drug offense that would disqualify applicant from admission to US.
  - B. Inadmissible for any other criminal, national security, public health or "morality" ground.

5. After 10 years in RPI status, the applicant may apply for Permanent Resident Status, if: he or she has maintained continuous physical presence, obeyed the law, paid all taxes, worked regularly, learned English and US civics and pays third and last fine of \$1,000, plus the application fees. **However, a grant of LPR "Green Card" status may depend on:**

- A. **Later Congressional agreement that border security goals have been reached. (Not applicable to DACA/Dream Act cases or some agricultural workers.)**
- B. **All US family and employment based immigrant visa applications pending on the date of enactment of the law have available visas.**
- C. **Applicant's being able to qualify under normal regulations governing "Adjustment of Status."**

**(A and B not applicable to DACA/Dream Act cases or some agricultural workers.)**

6. Persons with DACA/"Dream Act" status, and certain agricultural workers, can apply for Permanent Resident Status in only 5 years.

7. After 3 years as an LPR, the RPI applicant may apply for citizenship. Former "Dream Act kids and some agricultural workers can apply immediately after receiving LPR status.

8. While in Registered Provisional Immigrant status, applicants could legally work, and could supposedly travel outside the U.S. They would not continue to be "unlawfully present" in the US. But, **would not** be able to receive means based public benefits, including health care.

9. Persons who are otherwise eligible, but who were deported for non criminal reasons, can reapply for admission to the US and RPI status if they are the parent or spouse of a US citizen or lawful permanent resident, or are eligible for DACA/Deferred Action/öDreamerö relief.

## How to Prepare Yourself

1. **There is no new law yet. Do not** pay money to some önotarioö or other person who promises to öget you to the head of the line.ö Do start now to gather records you may need.
2. Do consult as needed with a qualified immigration lawyer or certified immigration representative to review your immigration history and give you guidance in preparing yourself in the event the proposed bill becomes law in the future.
3. Have, or get, some identification, a copy, with English translation, of your birth certificate if possible, a consular ID card, old passport, etc.
4. Pay off any traffic or other court fines you may have.
5. Verify your arrest record, or lack of one. For any arrests, including serious traffic charges such as a DUII, obtain copies of:
  - A. Police reports,
  - B. Certified copy of any court file,
  - C. A transcript of any plea or sentencing court appearance,
  - D. Records showing you fully completed all sentencing terms and probation requirements,
    - E. Any counseling or treatment records, particularly for drug or alcohol issues,
6. Get proof of your prior presence in the U.S.: records for school, bank, medical care, taxes, bills, consumer purchases, insurance, and emails, letters, anything.
7. Gather all your wage records as best you can. See a licensed tax preparer for help preparing any needed tax returns, and contact state and federal tax agencies to make arrangements for paying any back taxes owed.
8. Together with your income and schooling records, gather medical or other records that might indicate you are capable of supporting yourself and that you

are not likely to need public assistance.

9. Get copies of all paperwork involved in any prior application for any immigration benefit of any type, filed by you or for you, or removal or other immigration proceeding you've been involved in.
10. Prepare a detailed written record for yourself explaining how you entered the US on the last occasion and listing all prior entries and departures from the U.S. - dates and circumstances
11. Get certified copies of all marriage, divorce and birth records for you and any spouse or children. If any are lawful residents or citizens, obtain proof of that status.
12. Work on your English. It may be required before you can become a permanent resident.
13. Gather school grade records and any awards or certificates of achievement you've received.
14. Make a list of the names, addresses and phone number of 3 or 4 people that might be willing to write a letter of recommendation for you, or sign a statement verifying your good character and achievements in the U.S.