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DETAILS OF NEW IMMIGRATION REFORM BILL INTRODUCED IN CONGRESS.

By Christopher A. Kerosky, Esq.

A major new piece of comprehensive immigration legislation was introduced in the U.S. Senate on April 16th that would offer undocumented persons here a chance at gaining legal status. The proposed law was introduced by 8 Senators from both political parties, who have been negotiating its terms for many months. Apparently, the proposal has bi-partisan support and a good chance of passage.

It has been named the "Outline of the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013"

Summary of the New Law

The new proposed law creates a temporary legal status known as "Registered Provisional Immigrant Status" ("RPI") for undocumented immigrants and their spouses and children in the U.S. This legal status would be available to all undocumented persons who can prove they have been in the U.S. since December 31, 2011 – a cut-off date later than most expected. Excluded from the legalization would be those convicted of a felony or three misdemeanors. Persons with deportation orders would still be eligible.

The law also provides these applicants and their family members with an opportunity to apply for lawful permanent resident status. Applicants would have to wait ten years and meet certain other requirements in order to get permanent residence. The wait would be three more years for citizenship. Agricultural workers and DREAM Act eligible applicants would have a shorter wait of five years for the green card.

The law states that persons currently waiting in immigrant backlogs for their permanent residence would be ahead of undocumented applicants in the line. This would speed up

the wait for persons currently waiting on family petitions for up to 20 years, but it's not yet clear exactly how much it would shorten the waiting periods.

In order to qualify for a green card, those now undocumented would have to maintain physical presence in the U.S. during the ten-year period prior to applying for their green card, pay a \$1,000 fine plus application fees, prove they worked in the U.S. "regularly", meet certain English and civic requirements, and pay all taxes due during those 10 years while in RPI status.

This bill contains a number of other elements:

- It would increase immigrant family-based and employment-based visas to help alleviate the immense backlog that exists;
- It would double the number of H-1B visas for professional workers;
- It would create a merit-based immigrant visa such as exists in Canada;
- It would impose a number of enforcement measures including requiring all employers to verify employment authorization,

In addition to providing temporary visas to those presently here, the bill would establish a sort of guest worker visa, known as the "W visa". This would allow for an increasing number of visas (up to a maximum of 200,000) for workers to fill non-professional positions. Since presently there are very few ways for unskilled workers to obtain a U.S. visa, this would be a major change in U.S. immigration policy. For the first time in decades, the U.S. would be creating a large-scale legal method for unskilled workers to come to the U.S. to fill open positions in our economy.

What are the chances of this bill becoming law?

The chances that some immigration reform legislation will be enacted before the end of the year are very good. Neither political party wants to delay a resolution of this issue, as next year will be an election year. There appears to be consensus that some sort of legislation should be passed this year and it will likely contain a component of legalization for the undocumented and a guest worker program.

CHRISTOPHER A. KEROSKY of the law firm of KEROSKY PURVES & BOGUE has practiced law since 1984 and has been recognized as one of the top immigration lawyers in Northern California for the last seven years by San Francisco Magazine "Super Lawyers" edition (2006-2012). He graduated from University of California, Berkeley Law School and was a former counsel for the U.S. Department of Justice in Washington D.C.

WARNING: The foregoing is an article discussing legal issues. It is not intended to be a substitute for legal advice. We recommend that you get competent legal advice specific to your case.