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Among the migrant communities in the United States, both documented and undocumented, the most awaited news remains to be the passing of some Immigration Reform. Immigration Reform has been long awaited, from the previous administration to the current one, there seems to have been a continuous wait on this particular issue. I just hope that the wait ends in the New Year 2010. By the way ... Happy New Year to all of you! Whether this wait for immigration reform will come to an end in year 2010 is hard to say, but yes there are brighter chances of passing of the immigration reform bill than there were before.

The current Immigration Reform Bill is actually titled "Comprehensive Immigration Reform for America's Security and Prosperity (CIR ASAP) Act of 2009". It is also commonly referred to as CIR ASAP. In its current form, the bill touches upon many areas like improvising border security, detention procedures and facilities, family unity, visa reform aiming at backlog reduction, numerical limitation reduction, legalization of undocumented aliens, employment verification, and strengthening America's work force etc.

The bill is very broad in scope but in this article I will talk about parts of the bill that may be of most interest to those that are either undocumented or their cases have been affected to the ever increasing backlog. Again we will be talking about what this bill has to offer as it stands now, without knowing how many amendments will be made or what will be the ultimate shape of the reform once passed.

For persons who are already under a deportation order, the current bill does not seem to have any provision which may have any direct impact/benefit on their situation. The bill is silent with regards to persons against whom a deportation order has been entered into. Nevertheless, there seems to be an indirect benefit through the proposed provisions concerning re-entry bars.

The bill talks about waiving the 3 year and 10 year bar on re-entry which is related to the undocumented status. This potentially means that if deported you will be able to apply for a visa and reenter in the United States immediately after deportation and you will not be subject to a 3 year or 10 year bar on reentry. On the other hand, bars related to the criminal activity and security purposes

will stay. The question, however, remains about how the U.S. consulate will treat visa applicants that are trying to re-enter the country after getting deported.

The topic of most interest in the bill, to millions of illegal/undocumented persons will be the legalization of the undocumented persons in the United States. The bill aims to create a program that will provide conditional non-immigrant status to undocumented persons and their immediate family members (spouse & children). Such status will be valid for 6 years at the end of which the person along with their family members, will be able to file for green card and eventually for citizenship.

In order to qualify for conditional non immigrant status program, a person, among other things will have to:

- Establish their presence in the U.S. at the time of introduction of the bill;
- At time of registration, attests to contributions to the U.S. through employment, education, military service, or other volunteer/community service (with exemptions for minors, persons with disabilities, the elderly, or other unusual circumstances)
- Complete criminal and security background checks;
- Pay \$500.00 fine along with other application fees (not determined yet)

Under the same program above, some special rules are created for persons who were brought to the United States when they were 16 years old or less. So those, who ordinarily would be covered under the Dream Act will also be able to apply under the same program as mentioned above. The special rules for such persons as proposed in the current bill are:

- No fines for persons were brought to the United States before the age of 16, have resided in the U.S. for at least five years, and were 35 years of age or less;
- Such persons will be eligible for accelerated lawful permanent resident status upon graduation from high school, and completion of two years of college, military service, or employment. Persons granted lawful permanent resident status under this provision will be eligible for naturalization three years after the date that they became permanent residents;
- Graduation from a U.S. high school or receipt of an equivalency degree will meet

the English proficiency requirement; and  
· Individual states will be permitted to determine residency requirements for in-state tuition purposes

Once issued the conditional non immigrant status, the applicant will also be authorized to work and travel outside the United States without the fear of becoming subject to a reentry bar.

There is also a penalty for up to five years of imprisonment, if any applicant for the conditional non immigrant status willfully falsifies any information on the application.

The current Immigration Reform bill also touches upon the reduction of the backlogs and numerical limitations when dealing with visa reform.

The bill aims at reclassifying the spouse and children of the lawful permanent residents as immediate relatives. This will particularly benefit the lawful permanent residents who are unable to unite with their immediate family members because of the unavailability of the visa number in the current preference category assigned to the spouses and children of the lawful permanent residents. The immigration reform bill, also talks about enabling the U.S. employer to retain their non immigrant worker for whom an immigrant worker petition (I-140) has been filed by the employer. At present even if an immigrant worker petition has been filed the beneficiary/employee can not file for his green card application given the backlog and non availability of visa numbers for years.

The immigration reform bill proposes to allow the employee to file for an adjustment of status whether or not a visa is available. This will enable the employee to work for the employer as soon as he gets the employment authorization (which can be requested as a part of adjustment of status/green card package)

In addition the Bill also focuses on strengthening the American workforce. This potentially means stricter measures for employment/business visas like, H-1B, H-2B, L-1, EB-5 etc.

Due to the space limitation, I will not be able to go in detail regarding the potential changes in the work related visas but if the readers demand I may do another article elaborating other areas that have not been touched upon in the current article.