



IMMIGRANT LEGAL ADVOCACY PROJECT

## WHAT THE SENATE IMMIGRATION BILL S. 744 MEANS FOR MAINERS

- **No new law has passed yet.** You cannot apply for anything new at this time. The “Border Security, Economic Opportunity, and Immigration Modernization Act” was introduced in the Senate on April 16, 2013, and is only a proposed bill right now. Before it can become a new law it must go through the Senate and the House of Representatives and be signed into law by the President.
- **Be careful of notarios or unauthorized consultants.** When immigration reform is in the news, scammers will give bad advice and steal money. Wait until there is a new law and then consult with a qualified immigration lawyer before filing any applications. Those who do not qualify or who apply too early could be deported!

### SOME KEY FEATURES OF THE SENATE BILL:

*Note: the details of the Bill will change during the legislative process.*

#### LEGALIZATION:

- **What it is:** The Bill would create a path to citizenship for some people who do not have legal status, if they have been in the U.S. since December 31, 2011. There will be restrictions and not everyone will qualify. Some people with a criminal history, including misdemeanors, will not qualify. Nobody will be able to apply until certain border security measures are completed. The first step will be a temporary Registered Provisional Immigrant “RPI” status. Ten years later, if more border security measures are met, some individuals will be able to apply for legal permanent residency, “green card” status. Three years later, they can apply for citizenship.
- There would be a quicker path to permanent residency for some **agricultural workers and “DREAMers.”**
- **What you can do to be ready:** If you want to be ready in case there is a new law, you can collect documents to prove you have been in the U.S. since December of 2011, make sure you have filed and paid your taxes, collect your identity documents like your passport and birth certificate, work on studying English, and save money to pay for the filing fees and fines.

**CHANGES TO THE CURRENT IMMIGRATION LAWS:** The Bill would make a number of changes to our current immigration laws. Some of the key provisions are described below:

#### CHANGES TO ASYLUM:

- Eliminates the one-year filing deadline to apply for asylum. Please note that the **one-year filing deadline still applies now** and will only change if the law passes. If you are applying for asylum now, you must file your application within one year.

## **CHANGES IN PATHS TO PERMANENT RESIDENCY (“GREEN CARD” STATUS):**

- **Decreases family immigration** by eliminating visas for siblings of U.S. Citizens and for married children of U.S. Citizens who are over 30 years-old, and by decreasing the number of family-based visas that are available each year. However, the Bill will also shorten the waiting periods for some family-based visas, cut down on backlogs, and expand some eligibility categories.
- **Increases the number of employment-based visas** for professionals.
- **Eliminates diversity lottery visas.**
- **Creates a new “Merit-Based Visa”** where individuals would qualify for permanent residency through a point system, based on their education, employment, length of residence in the U.S., and other considerations.

## **NEW TEMPORARY WORKER VISAS:**

- **Creates a new “W” visa**, providing temporary visas for lesser-skilled workers and agricultural workers, replacing the current H2A and H2B visas. A new Bureau of Immigration and Labor Market Research would be created to oversee the number of visas that will be available each year, depending on labor shortages. Labor protections for U.S. Citizen workers are included.

## **CHANGES IN DETENTION, REMOVAL (DEPORTATION), AND BORDER SECURITY:**

- Adds **new grounds for deportation** and denial of admission to the U.S., including for those who have three OUI convictions.
- **Increases the number of prosecutions** for immigration-related crimes at the border.
- **Increases funding for border security** technology and additional Customs and Border Protection (CBP) officers.
- Creates **border security “triggers”** that must be met before anyone can apply under the legalization program.
- Increases **funding for the immigration courts.**
- Includes some **changes to the detention system** to improve fairness and save the governmental expense of costly detention for those with no criminal records, by increasing alternatives to detention and giving more discretion to immigration judges.

## **E-VERIFY:**

- **Requires all employers to use E-Verify** within five years to verify employment authorization for all employees. This includes a photo matching identification system where the individual’s immigration document, passport or driver’s license must match the photo in the EVerify database.

*ILAP will continue to follow the comprehensive immigration reform bill through the legislative process and we will advocate for provisions that can modernize our immigration system while supporting family unity, human rights, and fairness. You can check our website for updates and advocacy information at [www.ilapmaine.org](http://www.ilapmaine.org). If a new law passes, you can contact ILAP to find out whether you might qualify.*