Senate CIR Bill: Highlights of Proposed Legislation

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Presenters

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Webinar Agenda

• What happens next: legislative process
• Highlights of Senate bill
• What you can do now

Legislative Process

• 4/17/13 S. 744 introduced in Senate Judiciary Committee
• Markup/Amendments
• Move to Senate floor
• House must also act
• Conference Committee
• Back to House and Senate
• President signature
• One year for regulations to be written.

Highlights of the Bill

• Legalization
• Paths to LPR Status
  – New Merit-based system
  – Family-based
  – Employment-based
  – DREAM Act
  – AgJobs
  – Diversity lottery eliminated
• Nonimmigrant visas
• Humanitarian Relief

Border Security
• Inadmissibility, Deportability
• Removal

Resources

• CLINIC Summary of Senate bill:
  – http://cliniclegal.org/front-announcement
• Full text of the bill:
  http://www.schumer.senate.gov/forms/immigration.pdf
Legalization

- “Registered Provisional Immigrant” Status – RPI
- Can lead to LPR status

Other Benefits:
- Protects from removal and detention
- Provides work and travel authorization
- 6 years of status, one six-year extension

Eligibility Requirements

- Continuous physical presence since December 31, 2011
- Derivative spouses and unmarried children eligible

Ineligible for RPI

- Unlawful voting under Section 237(a)(6);
- Convicted of:
  - 3 misdemeanors
    - Minor traffic offenses not considered
    - State or local immigration offenses not considered
  - One felony
  - Aggravated felony
  - Offense under foreign law

Application Process

- One year application period
  - May be extended 18 months
- Pay filing fee, $500 penalty, assessed taxes (exceptions for DACA)
- Biometrics and biographic form
- Interview possible

Adjustment to LPR

- Conditioned on clearing current visa backlog and on enforcement triggers
- Continuous presence, pay taxes, continued education or employment status, knowledge of English and civics
- Pay filing fee and $1,000 penalty fee

DREAM Act

- RPI for 5 years
- Younger than 16 on date of initial entry
- High school diploma or GED
- College or military service (hardship exception applies)
- Provides list of each secondary school
- Knowledge of civics, English
- RPI time counts toward naturalization
DREAM Act and DACA

- Secretary of DHS may adopt streamlined procedures for applicants for DREAM ACT adjustment for those granted DACA deferred action

Changes to Family-Based

Immediate Relatives
- Spouses, minor children of USC and LPRs
- Parents of at least 21-year-old USC
- + derivative spouses and kids

Preference
- Adult unmarried sons, daughters of USC, LPR
- Married sons, daughters of USC who are under 31 when petition filed
- [no category for siblings of USC]

Changes to Family-Based

- Brings back V status for pref categories
- Clears backlogs
- Expands widow/er self-petitioning
- Expands 204(l) (continuing with petition after death of petitioner)
- Extends K status to fiancé(e)s of LPRs

Humanitarian Relief

- Eliminates one-year filing deadline for asylum applications
- Raises cap on U Status to 18,000 from 10,000 per year
- Provides counsel at government expense to UACs

AgJOBS

- “Blue card” for farmworkers – 100 work days in agriculture
- Path to LPR status after 3 or 5 years – 3 years/150 days/year in agriculture – 5 years/100 days/year in agriculture
- Spouses and children eligible

Guest Workers

- Increase in H-1B visas
- New W visas to replace H-2A – W-1 for lower skilled workers – W-2 for contract farmworkers – W-3 for at-will farmworkers
- Annual caps on W visas for first four years
**Broad Inadmissibility Waiver**

- DHS has discretion to waive inadmissibility for:
  - public interest or
  - hardship to USC or LPR parent, spouse or child
- Subject to several exceptions incl many crime-based inadmissibility categories

**Inadmissibility: Unlawful Presence**

- 3/10 year bars – 212(a)(9)(B)
  - USC or LPR son or daughter added as qualifying relatives for waiver eligibility
  - Requires HARDSHIP, not extreme hardship, to qualifying relative
- Permanent bar – 212(a)(9)(C)
  - Exceptions to ULP apply to permanent bar

**Inadmissibility Changes**

**Willful Misrepresentation**
- Only in 3 years before seeking status
- USC, LPR son or daughter added as qualifying relatives; still extreme hardship standard

**False claims**
- Must be knowing
- Exceptions for under 18, incompetent
- WAIVER available

**Watch Out For:**

- Immigration consequences of conviction/involvement with criminal street gang
  - Inadmissibility/deportability based on 3 or more DUI offenses

**No Reinstatement of Removal Where**

- Reentry prior to age 18 OR
- Reinstatement not in public interest or would result in hardship to USC or LPR parent, spouse or child

**Border Enforcement**

- Establishes “Border Security Goal”
  - to be reached within 5 years of enactment
- Within 180 days of enactment, DHS Sec’y must develop:
  - “Comprehensive Southern Border Security Strategy”
  - “Southern Border Fencing Strategy”
- Funding for surveillance, 3500 new CBP officers
### Employment Verification

- Mandatory Employment Verification System
- All employers must comply within five years
  - Time frame varies depending on number of employees
- Photo matching system to be put in place
  - Matches EAD, passport or driver’s license with photo database

### Enforcement Triggers

- Before DHS can start processing RPI apps:
  - DHS must show Congress it has begun implementing “Comprehensive Southern Border Strategy” and “Southern Border Fencing Strategy”
- Before RPIs adjust to LPR, DHS must certify to Congress:
  - Two above “strategies” substantially operational/complete
  - E-Verify implemented
  - Electronic exit system at air and sea POEs in use

### Preparing Your Program for CIR

- Community education
- Appoint a CIR coordinator
- Create a CIR plan
- Outreach to funders
- Partnerships
- Policies and procedures
- Volunteers
- Lessons learned from DACA

### Questions?

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