

## **BREAKING NEWS**

### **Border, Economic Opportunity and Immigration Modernization Act of 2013**

#### **(This will become law only if it is passed by Congress) PART I**

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We have been waiting for a long time about the Comprehensive Immigration Reform Bill. Finally, after extensive deliberations, the Gang of Eight bipartisan Senators, reached agreement on various issues. It happened after extensive negotiations between the Republican and Democratic Senators and seeking support from the labor group A.F.L.C.I.O Chamber of Commerce and Religious groups. The details of the Bill were made available on Tuesday April 16<sup>th</sup> and the bill which contains several hundred pages will be reviewed by us, with a view to analyze all the provisions. In the meantime, we provide an outline on the bill now entitled as “Border, Economic Opportunity and Immigration Modernization Act of 2013.”

### **Legalization and Legal Immigration**

#### **I. Adjustment of Status to Registered Provisional Immigrant Status**

- Individuals in unlawful status may apply to adjust their status to the legal status of Registered Provisional Immigrant Status.
- Eligibility Criteria:
  - Residence in the United States prior to December 31, 2011 and maintenance of continuous physical presence since then.
  - Paid a \$500 penalty fee (except for DREAM Act eligible students), and assessed taxes, per adult applicant in addition to all applicable fees required to pay for the cost of processing the application.
  - Ineligible if:
    - o Convicted of an aggravated felony;
    - o Convicted of a felony;
    - o Convicted of 3 or more misdemeanors;
    - o Convicted of an offense under foreign law;
    - o Unlawfully Voted; and
    - o Inadmissible for Criminal, National Security, Public Health, or other morality grounds.
- Spouses and children of people in RPI status can be petitioned for as derivatives of the principal applicant (but must be in the United States at the time).
- Immigrants in RPI status can work for any employer and travel outside of the United States

- Individuals outside of the United States who were previously here before December 31, 2011 and were deported for non-criminal reasons can apply to re-enter the United States in RPI status if they are the spouse, of or parent of a child who is, United States citizen or lawful permanent resident; or are a childhood arrival who is eligible for the DREAM Act.
- The Application period will be for 1 year with the possibility of extension by the Secretary for an additional 1 year.
- Individuals with removal orders will be permitted to apply, as will aliens currently in removal proceedings.
- RPI status shall last for a 6-year term that is renewable if the immigrant does not commit any acts that would render the alien deportable. Another \$500 penalty fee is applicable at this time.
- The Secretary may collect a processing fee from individuals who register for RPI status in an amount that is sufficient to recover all of the costs of implementing the registration program.
- An individual who has been granted RPI status is not eligible for any Federal means-tested public benefit (as such term is defined in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613)).
- A noncitizen granted registered provisional immigrant status under this section shall be considered lawfully present in the United States for all purposes, while such noncitizen remains in such status, except that the noncitizen
  - o is not entitled to the premium assistance tax credit authorized under section 36B of the Internal Revenue Code of 1986; and
  - o shall be subject to the rules applicable to individuals not lawfully present that are set forth in section 1402(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071).
- After 10 years, aliens in RPI status may adjust to Lawful Permanent Resident Status through the same Merit Based System everyone else must use to earn a green card (described below) if the following things have occurred:
  - o The alien maintained continuous physical presence
  - o They paid all taxes owed during the period that they are in status as an RPI
  - o They worked in the United States regularly;
  - o And demonstrated knowledge of Civics and English
  - o All people currently waiting for family and employment green cards as of the date of enactment have had their priority date become current.
  - o A \$1,000 penalty fee is rendered
- People in DREAM Act Status and the Agricultural Program can get their green cards in 5 years and DREAM Act kids will be eligible for citizenship immediately after they get their green cards.

For more information, please feel free to contact the Immigration and Nationality Lawyers at the NPZ Law Group at 201-670-0006 or by e-mailing us at [info@visaserve.com](mailto:info@visaserve.com).

*To Be Continued...*