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IMMIGRATION REFORM MOVES FORWARD

By Christopher Kerosky

In late June, the full Senate approved a proposal for Comprehensive Immigration Reform by a vote of 68 to 32. It now heads to the House of Representatives and for the first time in over 5 years, it has a real chance of becoming enacted into law.

The lengthy bill proposes an overhaul of our legal immigration system while expanding border security measures and hardening current employment verification procedures. Most notably, the proposal would give unauthorized immigrants already in the country legal status right away and, after 13 years, a chance to earn U.S. citizenship.

President Obama supports the proposed law, so if it passes both houses of Congress, it will become law.

Below is a rough outline of what their comprehensive immigration reform legislation includes:

Temporary status for undocumented immigrants currently living in the United States. The Senators' proposal would give unauthorized immigrants the opportunity to register with the federal government and receive "Registered Provisional Immigrant Status" ("RPI"). All undocumented immigrants who have been in the U.S. since December 31, 2011 can qualify for the temporary status. Persons with deportation orders would still be eligible. Those convicted of a felony or three misdemeanors would not be qualify, with limited exceptions.

Permanent Residence after 10 years. 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. 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.

Shorter waits for citizenship would be created for DREAMers and Ag workers.

Unauthorized immigrants who came to this country as children (the DREAMers) and unauthorized agricultural workers would only have to wait 5 years for permanent residence.

Shorter Visa Backlogs. Backlogs would be reduced for both family-based and employment-based immigration applications. This would mean much shorter waits for persons waiting for years to get their green card through parents, adult children or minors. Siblings of U.S. citizens would no longer be eligible to adjust, but this would apply only to persons not submitting applications before the date of the legislation.

More Skilled Worker Visas. Visas for legal immigration to the United States would be restructured so that they are more responsive to labor demand, especially at the high-skilled end of the occupational spectrum. Green cards would be given to foreign students who earn a graduate degree in science, engineering, technology, or mathematics from a U.S. university. 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.

Guest worker system. The proposal calls a W visa, a simpler more functional visa that would allow employers to hire an immigrant if an American worker cannot be found to fill a position. In the case of workers from Mexico, there would be a way to employ short-term or long-term laborers depending on the extent of need in the labor market.

Mandatory Employment verification. The proposal calls for a mandatory system of employment-eligibility verification required of all employers. This would mean a large expansion of the eVerify system to all employers nationwide.

On the whole, the proposal would be great news for immigrants and our country. The huge number of undocumented immigrants in the U.S. could finally come out from the shadows, live and work here legally, and contribute to our economy and tax base in a more rational way. It is a sensible, functional and practical solution to a broken immigration system.

Please send emails or make phone calls to Congress to express your support for the bill. If you are interested in key Congresspersons to contact on this issue, please contact my office and I'll provide you a list with their contact information.

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

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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.