

Immigration Modernization Act What's in it for US?

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Immigration is among those topics that recently have received plenty of media attention. Most will agree that our current immigration system is broken, and Congress does not seem to be able to agree upon how to remedy the matter. It does not make much sense to maintain status quo. The current system causes our nation to lose untold revenues and opportunities.

On June 27, 2013, the Senate approved the Immigration Modernization Act. The bill is now waiting on action by the House. It is unlikely that it will be approved as is, or if the Congress can agree on any bill given the current state of affairs of Congressional (non) cooperation.

The IMA is a compromised attempt to bring a substantial change to the current immigration system that is outdated and does not serve the nation's needs in an appropriate manner. It does not afford an opportunity for those who have been living in this country, paying taxes, law abiding sometime for decades, to adjust their status and become legal. The IMA would resolve these and other issues.

Here are some highlights of the new bill. First and foremost, it would provide an opportunity for the undocumented to become legal. Critics claim the Act is unjust because it would give an advantage to the undocumented against those who have been in line for adjustment of status and naturalization. Such is simply a mischaracterization of the facts. The IMA will not advance the undocumented ahead of anyone else – rather the clock starts to tick from the time the undocumented apply for the status change. Let's look at some of the specifics.

Registration and Adjustment of Registered Provisional Immigrants (RPI Status)

The IMA would create section 245B of the Immigration and Nationality Act. Section 245B(a) that states after conducting national security and law enforcement clearances, the Department of Homeland Security may grant registered provisional immigrant (RPI) status to any one who meets the eligibility requirements. Some of the requirements include being physically present in the U.S. on the date when the application for RPI was submitted; being in U.S. on or before December 31, 2011; no felony convictions – not more than two minor misdemeanors and no prior claims to US citizenship.

The most humane side of the new law is that it allows family reunification. Spouses and children can qualify as RPI dependents if the spouse or child is physically present in the U.S. on the day the principle's RPI status is granted and also present on December 31, 2012. Immediate family members (spouses and children) will have to meet all RPI requirements stated above except the RPI's physical presence requirement.

Application process

Applicants need to apply by submitting a form within one year beginning on the date when the IMA is published in the

Federal Register. They also have to pay fees and penalties. The fee is undetermined at this time, however, a penalty of \$1,000 is a set for everyone who is over 21 years of age. For those who are apprehended before or during the application period, who would otherwise be eligible for RPI status, DHS shall provide them the opportunity to apply, and shall not remove them until a final decision is made on their application.

Everyone whose application is approved will receive a card that authorizes the person for work and travel. The card is valid for up to three years. This is not a green card, rather a permit. RPI's may not leave for more than 180 days unless the failure to return within 180 days was due to extenuating circumstances beyond the person's control.

The process described above allows the undocumented to come out of the "shadows." It does not mean they become citizens or even green card holders. It takes further filing, additional fees and many more years before they can be proud citizens of this country. It only means they no longer need to work and live in the shadows. It removes the real fear of deportation and removes the ability for the unscrupulous to prey upon the undocumented.

The IMA also requires that all taxes past and present be paid. These individuals will also be afforded the rights of all workers in the U.S. They will become full contributors to our national economy without harming wages of all Americans as happens when they are in the shadows.

As the U.S. Chamber of Commerce stated in a recent report: "The best policy for the United States is one that sides with freedom and innovation, not restriction. Closing the door to highly educated individuals seeking opportunity and who aid the competitiveness of U.S. companies will weaken, not strengthen our country and will diminish the competitiveness of American employers."

The Center for American Progress created a study that shows that a creation of a common sense immigration policy would lead to \$1.5 trillion in increased GDP over 10 years, contribute to the creation of as many as 900,000 jobs and increase revenues as much as \$5.4 billion.

As a final thought, we believe it worth mentioning that America is the land of freedom and opportunity. We want to attract talented and ambitious individuals in the future, thus we must create a better immigration system. We need to create a system that celebrates freedom and values hard-working individuals across the economic spectrum. IMA would keep our country competitive and spark economic growth that benefits all of us.



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