

# SCOTT LEGAL SERVICES, P.C.

The Law Firm For Entrepreneurs, Business Owners & Investors

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## **Immigration Reform Update:**

### **What Do The Senate and Presidential Proposals Mean?**

Now that the fiscal cliff has been dealt with, Immigration reform appears to be the next big item on the agenda for the President and Congress. Just this week both the Senate and the President unveiled a framework for immigration reform and the two plans are not that far apart. In addition, it appears that even a Republican lead Congress is scrambling to pull together a proposal.

So what do the plans say? Both President Obama's and the Senate plan really have 4 key points. Here is a summary of the proposals with some added perspective.

#### **1. Strengthen Border Security**

While there has been a significant improvement related to border security under President Obama, there is more work to do. Both proposals give law enforcement tools to continue the already significant border control efforts and the proposals also allow for the continued removal of criminals and persons who threaten national security.

The proposals could be a source of contention though as many would like to link any other considerations or immigration reform (in particular any provisions related to amnesty) to first strengthening border security. While the reasons for a link between immigration reform and border control may be obvious, the practical implementation aspects and the time associated with security efforts may not make the link practical.

#### **2. Legal Status in the U.S. For People That Are Undocumented**

The proposals really focus on two different statuses for undocumented people. First, a provisional status (similar to a non-immigrant Visa I suppose) would allow an undocumented person to work in the U.S. as long as they met certain criteria. (pay fines, security check, etc.).

For a green card, the process will be more difficult and the undocumented person would have to pay back taxes, pass additional security checks, learn English, and go to the back of the green card line. There will be no uncertainty about their ability to become U.S. citizens if they meet

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these eligibility criteria.

This is another area where there will be a significant amount of controversy. Some are dead set against a path to citizenship (or a green card), and many feel that making undocumented people pay back taxes is an impractical measure. At the end of the day, many who are here without documentation will not have the funds to pay back taxes or hefty penalties so any proposal will have to consider the real life aspects in order to be effective. In addition, proposals will have to take into account the millions of people who are currently in the U.S. on valid Visas. Some feel that it is unfair that they have done everything right (obtained a Visa, entered legally, etc) only to have other jump in front of them. Any proposal will have to address these concerns.

### **3. Making It Easier for Highly Skilled Workers to Get Green Cards**

Even with an M.B.A., a Law degree from Harvard Law School and a Certified Public Accountant Designation, it is extremely difficult for me to get a green card in the U.S.. In fact, I have lived and legally worked here for over 13 years, including obtaining a law degree here, and I still do not have one. Similarly, the U.S. trains millions of highly skilled engineers, health care professionals, scientists, and technology/computer science professionals and then ships them (and their skills) back to their home country. Read more about how to obtain a Green Card by [clicking here](#).

The new proposals will assist employers to find talent in areas such as science, math and technology that will ultimately increase innovation and the competitive advantage for companies in the U.S.. In addition, the proposals outline providing green cards to entrepreneurs that want to start or grow business in the U.S..

### **4. Cracking Down on Employers Hiring Undocumented Workers**

Both proposals also focus on the premise that U.S. employers should hire people that are authorized to work in the U.S.. Those who decide to ignore this will expose themselves to significant liability and tools will be put in place to make it easier for employers to verify an employees ability to work in the U.S..

This proposal is of course a concern for businesses that hire seasonal workers and as such, any immigration reform would also have to address allowing these businesses to adequately hire at the times they need to.

## **What Are Some Of The Differences Between the Senate Proposal and the President's Proposal?**

While the two proposals are very similar the President's proposal provided more detail on improving the legal immigration system to make it broader and more inclusive. In addition, the President's proposal included some elements that were not in the Senate plan including:

- inclusion of court reform,
- judicial review of decisions,
- visas for entrepreneurs; and a
- more expansive definition of families that includes same-sex couples.

## **So Should An Undocumented Person Do At This Point?**

Right now immigration reform is still an idea and legislation has not even been drafted yet. While both Democrats and Republicans both seem like they want to pass reform, there is still some opposition to many aspects of these proposals. As such, it may be premature to rush to do anything yet. There are however a few things you can do to prepare:

- Keep you I-94 card or other documentation showing when you entered the U.S.
- Gather any documents that show the time you have been in the U.S. (eg. tax returns, leases, etc). Whatever law is passed, you will have to prove you have been here as many will try to enter the country once the legislation has been passed and claim they had been here for years.
- Do not take any drugs or commit any crime
- Continue paying taxes if you are already paying

## **Any Questions?**

Contact Scott Legal Services, P.C., [www.legalservicesincorporated.com](http://www.legalservicesincorporated.com) today and let us help you with your Immigration needs. You can also call us at 212-223-2964 or email us at [iscott@legalservicesincorporated.com](mailto:iscott@legalservicesincorporated.com).

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