

STATUS OF SENATE COMPREHENSIVE IMMIGRATION REFORM BILL

- April 16, 2013, the “Gang of Eight,” a bipartisan group of Senators, including Senators Schumer, McCain, Durbin, Graham, Menendez, Rubio, Bennet, and Flake, introduced a Senate bill S.744 “*Border Security, Economic Opportunity, and Immigration Modernization Act*” to provide for comprehensive immigration reform and for other purposes.
- April 19, 2013, Senate Judiciary Committee began hearings on the proposal.
- May 9, 2013, the Senate Judiciary Committee began offering amendments to change the bill, a process known as the “mark-up.”
- May 21, 2013, after considering nearly 200 amendments, the Judiciary Committee voted to approve S. 744 as amended, sending the bill to the debate and consideration on the Senate floor.
- Currently, the bill has not been called for a vote; however, a vote could be called as soon as the week of June 10, 2013.
- **Brief summary of the provisions of the bill that may affect the Kenyan immigrants in the U.S.**
 - After the Secretary of Homeland Security creates a list of border-enforcement goals, undocumented immigrants can immediately apply for a “registered provisional immigrant” (RPI) status. To qualify for RPI status, individuals cannot have a felony or three or more misdemeanors, must have lived in the U.S. since before December 31, 2011, must hold a job and pay a \$500 fine and back taxes. After 10 years, RPIs will be eligible for permanent resident status (“Green Card”). A path to citizenship for this group is estimated to take a total of 13 years, and include a total of \$2,000 in fines as well as payment of back taxes, a clean criminal record, a steady work history, and knowledge of English and civics.
 - Individuals who have already been deported will be eligible to apply to come back to the U.S. if they have a parent or child who is a citizen or permanent resident.
 - There will be a five year citizenship path for certain immigrants brought here illegally as children (DREAMERS) who meet additional requirements.
 - Agricultural workers who have conducted substantial agricultural work in the US for at least two years will receive a blue card and can apply for a green card after 5 years. There will also be a new agricultural guest worker program.
 - There will also be an increase in visas for high-skilled workers. The H1-B visa program will be expanded significantly to attract high- skilled workers, from the current 65,000 to at least 110,000 per year, and up to 180,000 if there is employer demand. Some individuals with extraordinary abilities and in other needed skills-categories will be exempt from these caps.
 - In regards to low skilled workers, there will be a new “W-visa” program for 20,000 low-skilled guest workers, beginning in 2015, rising to 75,000 workers by 2019. This new visa will add an immigration option for persons who do not have specialized skills or degrees.
 - Within 2-5 years of enactment (depending on how many individuals a company employs), employers will be required to “E-verify” every employee’s legal status. Persons caught working illegally will be deported immediately.
 - The Diversity Visa Program as well as visas for siblings of US citizens will be eliminated under this program, therefore, reducing family immigration options in the future.

For more information on S.744 and a list of amendments, visit <http://www.judiciary.senate.gov/>. The Embassy of the Republic of Kenya does not engage in the practice of law. This information is subject to change according to United States Immigration and Nationality laws. As such, it may not apply to all persons or all situations, and should not be construed as legal advice. If you find yourself in a legal situation please consult with an attorney before taking action.

PREPARATION LIST

Congress has not passed a bill yet, however, it is important to prepare your documents necessary ahead of time. The following is a general list of documents the US government may likely require for any immigration petitions or applications. It is general in nature and is not intended to be an exhaustive list for each individual's case.

1. Proof of Identity
 - a. Birth Certificate
 - b. Valid/Current Passport(s)
 - c. National ID
 - d. Drivers License
 - e. School ID
 - f. Military ID
 - g. Any other US government issued identification

2. Proof of Entry into the United States
 - a. The Arrival-Departure Record (Form I-94)
 - b. Crewman Landing Permit (Form I-95)

3. Proof of Residency/Presence in the United States
 - a. Immigration Documents
 - b. Government Records
 - c. Medical Records
 - d. Employment Records (dates, names and addresses of places worked)
 - e. Tax Records
 - f. Military Records
 - g. School Records
 - h. Religious Records
 - i. Housing records (dates and addresses of rental, mortgage, utility bills, money order receipts)
 - j. Club Memberships

4. Proof of Tax Filings
 - a. Tax Records (Proof of filings is very important. If you do not have copies, call the IRS for a free transcript order at 1-800-908-9946. If you do not have a social security number, you can obtain an Individual Taxpayer Identification Number by calling 1-800-829-1040. It is never to late to file back taxes. Contact a tax professional if you need assistance in filing your taxes.)

5. Criminal Records
 - a. Certified copies of court docket records
 - b. FBI records with fingerprints (if necessary)

6. Cost of Filing
 - a. Application fees
 - b. Fines
 - c. Attorney's fees (if necessary)

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