

Immigration Reform: Too Early To Start Planning?

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On June 27, 2013, the United States Senate passed SB 744, a historic, broad, comprehensive immigration law reform package with, by today's standards, a large majority; 68 votes in favor, including 14 key Republican senators. The challenge is whether or not good immigration reform legislation can pass through the House of Representatives. At this stage, it's too early to predict, but it is somewhat likely that sufficient immigration reform legislation can be passed by the House that it can go to a conference committee with the Senate bill, with both legislative bodies passing one of the biggest immigration bills in the history of the United States, which will fundamentally change our legal immigration system and for the first time provide legal options to a large underclass of undocumented workers, estimated to be as high as 11 million within the United States.

The following are key points from this prospect of immigration reform legislation that could be signed by President Barack Obama by the end of the year:

1. While I believe the leadership in both parties and certainly the President of the United States sincerely believe that 2013 is the best opportunity to pass immigration reform, and that it is in the interest of both parties and the country to do so, and the President badly wants a big immigration bill for his legacy, there are still a number of significant road blocks in the House and, in particular, in the Republican Caucus that could derail the prospects.
2. Until final passage, it would be premature for anyone to retain counsel to commence their representation. Unfortunately, even at this early date, there are unscrupulous consultants and so-called "notarios," particularly in the heavily Hispanic areas of Houston, who are already soliciting clients in violation of state laws, against the unauthorized practice of law rules, and taking advantage of desperate individuals.
3. For foreign nationals with temporary work visas or foreign students in college, particularly those graduating in STEM (science, technology, engineering and math) fields, there will be more visa numbers available for both temporary work visas and for Lawful Permanent Residency, which means that the process of obtaining Lawful Permanent Residency or so-called "green card" status will go faster and there will be more options for STEM graduates to do so on an expedited basis.
4. For the so-called "Dreamers" who were brought here by their parents as children and who have graduated from high school and are enrolled in college or are college graduates, or those very few who managed to serve in the U. S. military, there will be an expedited process for obtaining both temporary status and then Lawful Permanent Residency and, eventually, U. S. citizenship. These students who have benefited from regulatory changes that allowed them to obtain "deferred action" status and Employment Authorization

Documents (EADs) will be able to obtain a legal temporary work authorized status with a statutory basis, which will lead to Lawful Permanent Residency.

5. For U. S. employers, particularly those who are desperate to find skilled workers in occupations where there are few native born American job applicants, for the first time there will be a viable guest worker program that will allow U. S. employers to hire low and semi-skilled workers under a legal program.
6. Most important, for the large undocumented population who work for our benefit mostly doing jobs few American seek to do and who have been here at least prior to January 1, 2011 or perhaps even earlier, those without a criminal record will be eligible for the first time to obtain a temporary legal status that can be extended and ultimately have the right after 10 years to apply for Lawful Permanent Residency under a number of conditions.

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