

• April 16, 2013, 12:06 AM ET

What Senate Bill Means for Different Immigrants

By Sara Murray

A bipartisan Senate group is set to unveil a broad overhaul of the U.S. immigration laws this week. Here's a look at how different types of immigrants would be treated under the Senate plan.

IMMIGRANTS IN THE U.S. ILLEGALLY

Dreamers: Young people who were brought to the U.S. before Dec. 31, 2011 and were under age 15 when they entered can get green cards in five years, a Senate aide said. They can apply for citizenship immediately after receiving their green cards.

Agricultural workers: Agricultural workers can get green cards in five to seven years, depending on how long they commit to continue working in agriculture, according to a Senate aide and the bill summary.

Others: After 180 days immigrants in the U.S. illegally can gain provisional status, provided the Department of Homeland Security Secretary has submitted a border security plan. To get the provisional status, they must have arrived in the U.S. before Dec. 31, 2011, pay a \$500 fine plus processing fees and undergo a background check. Anyone with felony convictions or three or more misdemeanors will be ineligible. Once people have provisional status, they can work legally and travel outside of the U.S. People must renew their provisional status every six years and pay another \$500 penalty fee.

After a decade, they'll be eligible to gain permanent legal status. There are a variety of paths they can take but most of them are expected to use a new merit-based system. Under that system, anyone who can prove they've lived in the U.S. for a decade can qualify for a green card that will put them on the path to gain citizenship in three years. To get a green card, they will have had to pay taxes, work regularly, learn English and pay a \$1,000 penalty.

DEPORTED IMMIGRANTS

Some people who came to the U.S. before Dec. 31, 2011, and were deported for noncriminal reasons can apply to return to the U.S. and get provisional legal status. They must be people who were brought here as children and would be considered "dreamers" or the spouse or parent of a person who is a U.S. citizen or lawful permanent resident.

FUTURE IMMIGRANTS

Merit Visas: The merit-based system has a second path, which is mostly expected to be used by future immigrants. Immigrants can apply for visas and they will be given a score based on their education level, employment and other considerations. People with the most points will earn the visas. Between 120,000 and 250,000 visas could be available each year under this program, which is designed to funnel talented immigrants to the U.S. It would launch five years after the bill is enacted and would provide a path to citizenship for immigrants.

Family Visas: The legislation basically restricts family immigration to the immediate family: spouses, unmarried adult children and children who are married and file before age 31. Unmarried adult children of lawful permanent residents are also eligible. These people would all eventually be eligible to apply for citizenship. The bill would also kill some existing family visa programs, including programs for siblings as well as adult children who are married and older than 31.

High-Skilled Graduates: Foreigners who graduate from American universities with advanced degrees in science, math, technology and engineering would be eligible for green cards, a Senate aide said.

Entrepreneurs: A start-up visa program would be available for foreigners who want to come to the U.S. to start a company.

The Super Talented: An unlimited number of green cards for people with “extraordinary ability” in areas like art, science, business and athletics. This group also includes multinational executives and managers.

High-Skilled Visas: The H-1B visa program, a temporary visa for high-skilled workers, would grow to offer 110,000 visas instead of the 65,000 it currently allots. The program could grow as large as 180,000 visas depending on demand for the program and economic conditions. Some 25,000 short-term visas for foreign workers with advanced degrees from U.S. schools would also be available.

Agricultural Workers: Business and labor agreed to a new visa program that would allow 112,000 farm workers to come to the U.S. in the first year of operation. They could work year-round.

Low-wage workers: A new nonseasonal program for people like janitors and construction workers begins with 20,000 visas in its first year and rises to 75,000 in its fourth. Workers would eventually be able to apply for permanent legal status, a Senate aide said.

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