

LAW OFFICES OF
JOHN C. DEARIE
& ASSOCIATES

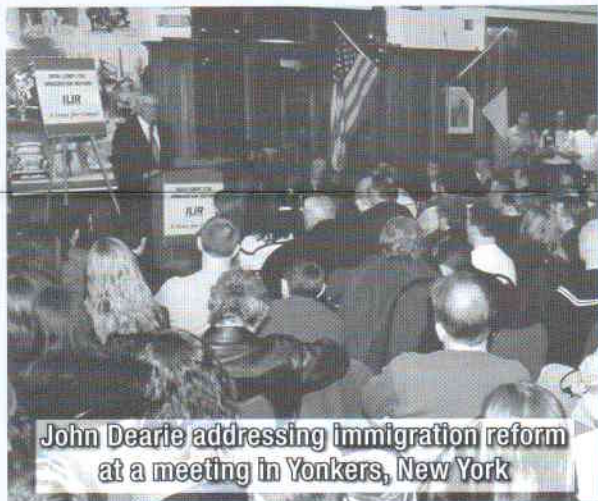


ANSWERS TO THE 11 MOST
COMMONLY ASKED QUESTIONS ON
**Proposed 2007 Federal Reform
IMMIGRATION LEGISLATION**

Over the last year and a half, no domestic issue has so dominated media coverage, both in support and opposition, than proposed federal legislation focusing on immigration law reform.

Recently, immigrant studies in the general New York City area and surrounding suburbs reflect the dramatic increase in immigrant families and the positive impact they are making in countless neighborhoods and communities.

As a founding Board Member of the Irish Lobby for Immigration Reform (ILIR), an immigration reform advocacy organization, John Dearie has sponsored, participated in and addressed virtually every meeting attended by thousands, mostly undocumented, around New York. Additionally, three enormously powerful lobbying days in Washington, DC, urging US Senate and House passage of a critical Immigration Reform Bill, were held where major bi-partisan political voices spoke and committed their support to the legislation, including Senators Kennedy, McCain, Clinton, Schumer and Congressman Joseph Crowley. If enacted, new federal legislation on immigration reform would directly impact over eleven million currently undocumented, whose home countries cover every region of the globe, from Central America to Europe to Asia to Latin America . . . everywhere.



John Dearie addressing immigration reform at a meeting in Yonkers, New York

IMMIGRATION LEGISLATION HOT LINE

Since John Dearie and our entire law office has been so actively involved from the beginning on supporting and maintaining personal contact with all key Legislators concerning the Immigration Reform Legislation, we are pleased to offer updated information and answer any questions concerning the legislative status, as the Washington, D.C. process moves forward.

For the Immigration Legislation Hotline,
simply call our 24-hour toll free number:

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1) Can you summarize the legislative history and present status of the Immigration Reform Bill in the United States Congress?

In December 2005, the House of Representatives passed a Border Security Bill that contained harsh punishment requiring illegal immigrants to return to their home country. In May 2006, the U.S. Senate passed a more comprehensive bill that focused on border security, but also included a Guest Worker Program and a pathway to citizenship provisions. Since each Bill was different, the practical impact resulted in Immigration Reform being legislatively dead last year.

With the November 2006 elections resulting in Democratic control of both the Senate and House of Representatives, plus President Bush's strong support, the chances of passage and signature into law have significantly improved this year.

The best estimate of a legislative time-table shows the House will initially take up the Bill in the April/May period and, if passed there, the Senate this Summer will vote on the legislation, where it seems almost certain to pass. Hopefully, the legislative action and presidential signature could be achieved by late Summer/early Fall 2007.

2) What is the name of the 2007 Immigration Reform Legislation and who are the primary sponsors?



This year's legislation, introduced in April 2007, is known as "The STRIVE Act" (Security Through Regularized Immigration and a Vibrant Economy Act of 2007), with the Prime Sponsor in the U.S. Senate as Senator Edward M. Kennedy (D-Massachusetts) and in the House of Representatives, Congressman Luis Gutierrez (D-Illinois), Congressman Jeff Flake (R-Arizona), and Congressman Joseph Crowley (D-New York).

3) What are the major subject areas covered in the proposed legislation?

The bill can be broken down into seven (7) different topic classifications, known as Titles, as follows: Title I) Border Enforcement; Title II) Interior Enforcement; Title III) Employment Verification; Title IV) New Worker Program; Title V) VISA Reforms; Title VI) Legalization of illegal aliens; Title VII) Miscellaneous.

QUESTIONS 4 THROUGH 10 WITH THEIR ANSWERS WILL FOCUS ON THE KEY PROVISIONS CONTAINED WITHIN EACH TITLE:

4) What key provisions and legislative concept is envisioned within Border Enforcement?

Title I increases border security personnel; shares surveillance equipment with several Federal Agencies tracking immigrants entering the U.S. illegally, acquires unmanned aerial vehicles for border surveillance, creates new criminal penalties for evading border inspection, mandates U.S. to cooperate with Mexico in addressing border security, human trafficking, drug trafficking and gang activity; promotes use of enhancing travel documents to include biometric data.

5) What key provisions and legislative concept is envisioned within Interior Enforcement?

Title II increases tougher criminal penalties associated with gang-related activities; failure to depart after removal; illegal reentry; drunk driving; people smuggling; employing illegal aliens; selling firearms to an illegal alien (would make this a federal crime); possessing firearms as an illegal alien (would make this a federal crime); travel document fraud; money laundering.

Additionally, provides funds to construct facilities to detain up to 20,000 aliens who are awaiting decisions on removal; increases the number of Immigration and Customs Enforcement agents; and requires a determination on Immigration status for all individuals charged with a federal crime.

6) What key provisions and legislative concept is envisioned with Employment Verification?

Title III requires that the Social Security Administration create a verification system for employers to authenticate employee's authorization to work with the system to be phased in and contain safeguards to protect privacy and prevent employers from racial profiling. Further, it creates new civil and criminal penalties for hiring unauthorized employees by employers.

7) What key provisions and legislative concept is envisioned with New Worker Program?

Title IV creates two programs for foreign workers to achieve temporary and permanent citizenship, known as H-2C Visa Worker Program and Earned Citizenship Program. The summary of provisions in each follows:

- H-2C Visa Worker Program establishes a new visa for 400,000 immigrant workers and their families that would be valid for three years and renewable one time, for an additional three years, allowing employers to hire these new immigrant workers, if two conditions exist: 1) employers are unable to find a qualified American worker and 2) if the work is located in a geographical area with an unemployment rate lower than 10% for workers whose education level is at or below a high school diploma.
- Applicants for the H-2C Visa must meet the following requirements: 1) demonstrate job qualifications; 2) provide evidence of a job offer from U.S. employer; 3) complete criminal and terrorism-related background checks; 4) pay a \$500 application fee; 5) undergo a medical exam; and 6) show admissibility to the U.S.
- Earned Citizenship Program will provide NEW immigrant workers, including their spouses and children, with an opportunity to apply for conditional permanent residence and eventual citizenship.
- The Applicant will be required to show: 1) work in United States for five years; 2) show physical presence in the U.S. and evidence of employment; 3) complete criminal and security background checks; 4) pay \$500 application fee; 5) meet English and civic requirements; and 6) show admissibility.

8) What key provisions and legislative concept is envisioned with Visa Reforms?

Title V contains reforms to the U.S. Visa System, in order to increase the rates of immigration and reduce inefficiency. Several reform adjustments to the annual numerical visa limits are proposed, including: 1) exempting immediate relatives from the 480,000 annual family-sponsored visa limit; 2) increasing the limit of annual employer sponsored visas from 140,000 to 290,000; 3) slightly increasing the per-country cap on family and employer sponsored visas; 4) exempting certain highly skilled workers from caps on H-1B visas and employer-sponsored visas and 5) exempting sons and daughters of Filipino World War II veterans from annual visa limitations.

In addition, Title V provides for special immigration benefits for victims of a major disaster or emergency, as well as for women and children deemed to have a credible fear of harm in their home country.

9) What key provisions and legislative concept is envisioned with Legalization of Illegal Aliens?

Title VI provides two new programs for illegal aliens, as contrasted to new or perspective immigrant workers to acquire citizenship. Conditional Non-immigrant Program provides a new six-year visa for illegal aliens and their families.

REQUIREMENTS:

- Applicants must meet each of the following requirements:
- Establish continuous presence in the U.S. on or before June 1, 2006
- Verify employment in the U.S. before June 1, 2006 and employment since that date
- Complete criminal and security background checks
- Pay a \$500 fine plus necessary application fees
- Must not be ineligible to receive a visa pursuant to the Immigration and Nationality Act
- Has not been convicted of a felony or three or more misdemeanors
- Has not participated in the persecution of another person on account of race, religion, nationality, membership in a particular social group or political opinion
- Has not been convicted by final judgment of a particularly serious crime and there are no reasonable grounds for believing that the alien has committed a particularly serious crime abroad before arriving in the U.S.

There is a penalty of up to five years' imprisonment for anyone who willfully falsifies information in an application for conditional non-immigrant status.

The Earned Citizenship Program for Undocumented Individuals provides qualified conditional non-immigrants and their families with an opportunity to apply for lawful permanent resident status (green card) and eventual citizenship.

Applicants must:

- meet employment requirements during the six-year period immediately preceding the application for adjustment
- pay a \$1,500 fine plus application fees
- complete criminal and security background check
- establish registration under the selective service (if applicable)
- meet English and civic requirements
- undergo a medical examination
- pay all taxes
- show admissibility to the U.S.
- meet a Legal Reentry requirement during the six-year period in conditional non-immigrant status, no later than 90 days before filing an application for adjustment to lawful permanent resident status.

IMPORTANT ADDITIONAL FEATURES OF THE EARNED CITIZENSHIP PROGRAM FOR UNDOCUMENTED INDIVIDUALS ARE:

- applicants go to the back of the line for permanent visas
- current immigrant backlogs must be cleared before qualified conditional non-immigrant visa applicants (and their families) can adjust to permanent resident status
- new penalties for making false statements in an application for earned citizenship are created
- immigrants who adjust from a conditional non-immigrant visa (including dependents) to lawful permanent resident status shall not be counted against the numerical visa caps
- those appealing decisions associated with the application for adjustment to permanent status have access to a defined administrative and judicial process

10) What key provisions and legislative concept is envisioned with Miscellaneous?

The legislation would increase funding for three areas: The Immigration Court System; provide relief for immigrant victims of the 9-11 attacks and their families, and facilitate naturalization for members of the armed forces.

11) Even though there is no final Bill passage into law as yet, are there some areas and actions a current undocumented immigrant should be thinking about and planning on even now?

Prospective applicants for legalization under an earned adjustment program can be reasonably confident that at least three requirements will be contained in any final agreed upon legislation. They are:

- IDENTITY:** This can be proved by a valid passport from one's country of origin; an original birth certificate; or some other form of government-issued photographic identification from one's country of origin, such as a driver's license;
- PHYSICAL PRESENCE:** That they were physically present in the U.S. on June 1, 2006 and have continued to reside in the U.S. from that date to the present. This could be proved by paycheck stubs or payroll records; leases or rental agreements; birth certificates of children born in the U.S.; marriage certificates, if married in the U.S.; dental, hospital or medical records; school/college records; or religious records such as baptism, confirmation, registration certificates.
- GOOD MORAL CHARACTER:** That they are persons of good moral character: proof of this could come from many sources, including affidavits from employers, clergy, school/college officials, volunteer organizations, etc.



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