



# Bipartisan Senate Immigration Bill Provides Much Promise and Change

Client Advisories

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The “Gang of Eight” U.S. Senators have released their outline of the [Border Security, Economic Opportunity and Immigration Modernization Act](#). These Senators have been working for months to fix our broken immigration system in conjunction with providing stronger and more effective border security. The American Immigration Council, the AFL-CIO, *The Washington Post* and *The New York Times* have all reacted positively to the [17-page outline](#) released this week.

The bill's theme is setting aside old partisan ways in favor of realistic comprehensive reform to southern U.S. border security strategy. The first-year focus of the bill is nearly entirely U.S. border security strategy, including additional mobile surveillance systems, new checkpoints, 3,500 additional U.S. Customs Agents and deployment of the National Guard to construct double- and triple-layer fencing in high frequency border crossing areas. For **employers**, the bill confirms continued heightened scrutiny and enforcement actions against employers who hire unauthorized workers, including the use of ICE (U.S. Immigration and Customs Enforcement) raids, I-9 audits, fines and shutdowns. The future steps of the reform would require employers to use a national E-verify system for the verification of all future employees.

For **individuals and their families**, Year Two and future years of the reform would provide a long awaited light at the end of the tunnel in the form of paths to legalization for those who are presently residing in the United States with no documented status. This new status of “Registered Provisional Immigrant” (RPI) will only be available to non-felons of good moral character, subjecting the applicants to a merit-based system, fines, employment and adjustment filing requirements. Attaining RPI status is long and costly, but appears designed to help legalize working immigrant families that are already here, broadening our tax base while avoiding the term “amnesty.” Additional portions of the bill provide relief for **employers** who have struggled to fill high technology, science, engineering and mathematical positions. These visa reforms in areas of H-1Bs and in the faster processing of green cards will focus only on highly skilled workers, professionals or members of professions in desired areas of the sciences and the arts, and those with Masters Degrees in technology, engineering or math from U.S. universities. Merit-based qualifications will govern who moves forward toward green cards and who does not.

The bill provides for modest increases in the mandatory caps placed upon different types of visa categories, including H-1B visas, and the creation of a new unskilled worker “W” visa for these workers and their families. Requirements of the employers who wish to fill positions they otherwise cannot fill with these visa workers will require registration and mandatory recruitment of available U.S. workers. Improvements to agricultural visas hoping to replace the broken H-2A visa worker program should provide better registration, tax documentation and a path to registered provisional immigrant status for presently undocumented farm workers across the country.

For politicians seeking support of their constituents, it is rarely a popular topic to address immigration reform. The Border Security, Economic Opportunity and Immigration Modernization Act is the first serious step toward reformation that should benefit U.S. employers, strongly qualified foreign workers desiring to enter the United States and those undocumented workers already here, a reality that cannot be avoided in any feasible immigration reform package. We look forward to the Senate’s quick path of finalizing this bill for a vote and to the House of Representatives engaging constructively in the continuing process.

If you have any questions about the Border Security, Economic Opportunity and Immigration Modernization Act or other immigration or employment law issue, please contact [Gregory J. Palakow](#), Chair of Archer’s [Immigration and Homeland Security Practice Group](#), at (908) 788-4306 or [gpalakow@archerlaw.com](mailto:gpalakow@archerlaw.com), or a member of the firm’s [Labor and Employment Department](#) at any of our offices listed below.

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