

FREQUENTLY ASKED QUESTIONS ABOUT The Senate Immigration Reform Bill

JULY 2013

Q. I've heard that the Senate passed an immigration reform bill. Is it law? Can I apply now?

No. Although the Senate passed the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 (S. 744) on June 27, 2013, the bill has *not* been passed by the House of Representatives or signed into law by President Obama. So the bill is not yet law.

Even if the bill eventually is passed by the House and signed by the president, the Department of Homeland Security (DHS) will have to issue rules for how it is to be carried out. And DHS will also need to create a new application form. Until then, *no one* can apply for *any* immigration status under this bill.

Protect yourself from [immigration fraud](#)!¹ Do not believe anyone who tells you that you can apply now for legal status as a result of this bill. Do not pay anyone who claims you can start the process, get in the front of the line, or get any other benefit from this bill right now.

Q. What can I do now to prepare for immigration reform?

You can take some steps to prepare yourself and your family in case the immigration reform bill that provides a road to citizenship becomes law. Learn more [here](#) about which documents you may need to gather.²

Also, we encourage you to become active in the fight for immigration reform. For more information about how you can support a just and inclusive law, visit these websites: [Alliance for Citizenship](#);³ [CAMBIO](#) (Campaign for an Accountable, Moral, and Balanced Immigration Overhaul);⁴ and [United We Dream](#).⁵

Q. Will this bill help people who are in the U.S. without papers apply for a lawful status?

Yes. If the bill becomes law, it will create a road to citizenship for many immigrants who do not now have legal immigration status. They would be able to apply for *registered provisional immigrant* (RPI) status.

¹ www.stopnotariofraud.org.

² www.ilrc.org/files/documents/preparing_for_possible_immigration_reform_english_final.pdf.

³ <http://69.89.31.99/~allianq5/C4Ahome/>.

⁴ <http://cambio-us.org/>.

⁵ <http://unitedwedream.org/action/join-us/>.

LOS ANGELES (Headquarters)
3435 Wilshire Blvd., Suite 2850
Los Angeles, CA 90010
213 639-3900
213 639-3911 fax



WASHINGTON, DC
1121 14th Street, NW, Suite 200
Washington, DC 20005
202 216-0261
202 216-0266 fax

If you had RPI status, you would have a work permit and be allowed to travel outside the U.S. and then return. You would have to be in RPI status for 10 years before you would be eligible to apply for lawful permanent resident (LPR or “green card”) status. And then you would probably have to wait another 3 years to be eligible to apply for U.S. citizenship.

To be eligible for RPI status, you would have to meet these requirements:

- Have been *physically present* in the U.S. on or before December 31, 2011;
- Have been *continuously present* in the U.S. from December 21, 2011, until the date you apply for RPI status;
- Have settled any assessed federal tax liability;
- Have *not* been convicted of certain crimes; and
- Have *not* been a lawful permanent resident, asylee, refugee, or in lawful nonimmigrant status (with some exceptions) on April 16, 2013.

Q. How much will it cost?

The *fin*es and *fee*s that you will have to pay to become first an RPI, then an LPR, and then a U.S. citizen will total *at least* \$3,750.

- To get RPI status and to renew it, you will have to pay a \$1,000 fine, plus the application fees. It may be possible to pay the \$1,000 fine in installments — for example, ten payments of \$100 each.
- To get LPR status after being in RPI status for 10 years, you will have to pay another \$1,000 fine, plus the application fees. Right now, the LPR application fee is \$985, plus applicants must pay an additional \$85 biometrics fee.
- To apply for U.S. citizenship, you will have to pay an application fee. Right now, the citizenship application fee is \$680, but it is likely to be higher by the time you are eligible to apply.

We do not yet know what the RPI initial and renewal application fees will be, but we expect that they will be similar to fees charged for other immigration applications. And the LPR and citizenship application fees could be higher in the future than they are now.

Q. Will I have to pay back taxes?

In order to get RPI status, you will have to show that you have paid all “assessed federal tax liability.” If you have an assessed federal tax liability, it means that the U.S. tax-collecting agency (the Internal Revenue Service) has told you that you must pay a certain amount of tax (plus any interest or penalty if you didn’t pay the tax on time) and that you have not yet paid what you owe.

The way that RPI applicants must show that they have paid all assessed federal tax liability will be established by the rules that will be written to carry out the law, if the Senate bill eventually becomes law. Under current law, all workers in the U.S. who have “net taxable income,” including undocumented workers and workers with any other immigration status, are required to pay federal income taxes.

Q. Will I be ineligible for RPI status if I committed a crime in the past?

Certain crimes and behavior may make you ineligible for RPI status. For example, if you were convicted of a felony or of three or more misdemeanors (if the convictions were on different dates), or if you engaged in certain gang-related conduct, you may not be eligible for RPI status.

If you were convicted of certain crimes, you might qualify for a “waiver” of ineligibility. But you would need to talk to an immigration lawyer or accredited representative who knows criminal law to find out if you might be eligible for a waiver.

If you have ever had *any* dealings with the police, you should talk to an immigration lawyer or accredited representative who understands criminal law *before* you apply for RPI status or any immigration benefit.

Q. Is it true that people who have been deported from the U.S. will be able to return?

This is partly true. If the Senate bill becomes law, a person who has been deported will need to apply for a “waiver” in order to get permission to return to the U.S. Only people who are DREAMers or the spouse, parent, or child of a U.S. citizen or lawful permanent resident will qualify to apply for such a waiver.

Q. Will I be ineligible for RPI status if I was deported in the past and then reentered the U.S. without permission?

If you were deported and then reentered the U.S. without permission after December 31, 2011, you will need to apply for a waiver in order to be eligible for RPI status. Only DREAMers or the spouse, parent, or child of a U.S. citizen or lawful permanent resident are eligible to apply for this waiver.

Q. How would other visa programs change if the Senate bill were to become law?

The Senate bill would make a few important changes to the family visa system. For example:

- The bill would eliminate U.S. citizens’ ability of to petition for their siblings or adult married children over age 31. People would have 18 months after the law goes into effect to petition for their siblings and adult married children. This provision will have a devastating impact on immigrant families who wish to be reunited with their loved ones.
- The bill would remove visa caps for immediate relatives (spouses and minor children) of lawful permanent residents. This means that some immigrants would no longer have to wait such a long time to be reunited with their families.

Q. Will immigrants with RPI status be eligible to apply for the new health insurance programs under the health care reform law (Obamacare or the Affordable Care Act)?

People with RPI status will not be eligible for subsidies available under the Affordable Care Act that would help make health insurance more affordable. Nor will they be eligible for Medicaid, the public health insurance program for low-income people. Nor will they be eligible for safety-net programs like food stamps and welfare. But they *would* be able to get

health insurance through their employer, if their employer offers it, or buy private insurance through the new health care insurance marketplaces.

Q. How can I receive news and updates about immigration reform?

You can visit NILC's [website](#), [Facebook](#), and [Twitter](#) for updates and information about the progress of immigration reform.⁶ You can also [sign up](#) for our email list to receive news about issues related to immigrants' rights.⁷

Again, we encourage you to become active in the fight for immigration reform. For more information about how you can support a just and inclusive immigration bill, visit these websites: [Alliance for Citizenship](#);⁸ [CAMBIO](#) (Campaign for an Accountable, Moral, and Balanced Immigration Overhaul);⁹ and [United We Dream](#).¹⁰

Remember, there still is *no* new legalization program that you can apply for. Protect yourself from immigration fraud! Get involved in the fight for immigration reform!

⁶ NILC's "Immigration Reform 2013" webpage: www.nilc.org/immreform2013.html; Facebook: www.facebook.com/NationalImmigrationLawCenter; Twitter: https://twitter.com/NILC_org.

⁷ http://org.salsalabs.com/o/371/signup_page/sign-up.

⁸ <http://69.89.31.99/~allianq5/C4Ahome/>.

⁹ <http://cambio-us.org/>.

¹⁰ <http://unitedwedream.org/action/join-us/>.