

DEUTSCH, KILLEA AND EAPEN IMMIGRATION LAW FIRM

Summer 2013

Your Immigration Team in the Nation's Capital



DEVELOPMENTS:

Immigration Reform for Employers and Persons in Legal Status

The *legal* immigration system is broken and Congress needs to fix it: Congress controls whom employers can hire with employer sanctions, but does not permit employers to meet their true hiring needs. For example, under the current system, if a business needs to hire a professional worker, skilled laborer or unskilled laborer, it might take 6+ years to obtain permanent residence for that employee. If the person happens to be from India, it might take 10+ years. This is because there are many more applicants for immigrant visas than Congress has allocated.

Certain professionals (not laborers) can get temporary work visas, known as H-1B, to come to the U.S. sooner to start work, but there are only 65,000 H-1B visas available per fiscal year. In 2013, over 124,000 companies applied for those H-1B visas during the first week they were available. The government conducted a *random lottery* to pick the lucky winners. The remaining 59,000 employers (to say nothing of employers with H-1B needs the rest of the year) had to do without the employees for now. There is *no* similar, temporary work visa available for laborers, so employers must go through a multi-year process to “sponsor” them for permanent residence before they can start working.

Congress is considering: (1) increasing the H-1B visa quota from 65,000 to 180,000, so employers can hire professional employees as needed all year long, (2) creating a temporary “W” visa for migrant and other laborers, and (3) increasing the number of immigrant visas, to get rid of the backlogs for permanent residence applicants. These actions would greatly benefit the U.S. economy by giving businesses access to the employees they need, preventing large companies from having to move overseas to find the workers they need. It would also benefit the many foreigners, who now live in the U.S. for years with an uncertain status.

At the same time, as “payment,” Congress is thinking of requiring all U.S. employers to use the E-Verify system to check the work permission of all employees, including those from the U.S.

There are similar, long delays for Americans who want to bring their foreign family members to live in the U.S. This will be the subject of a later article.

1666 Connecticut Avenue, NW, Suite 222, Washington, DC 20009

(202) 728-0820 lawfirm@immigrationdc.com Check out our new website: www.immigrationdc.com

DEVELOPMENTS: Immigration Reform for Undocumented Persons

The *illegal* part of our immigration system, persons who are *undocumented*, also needs fixing. There are currently an estimated 11 million undocumented persons in the United States. Some crossed over the Canadian or Mexican border without inspection by immigration authorities, and some were inspected but overstayed the permitted time of their visas. Some of these people are fleeing persecution in their home countries, but many are here out of economic necessity.

Congress is considering a “pathway to citizenship” for persons living here without legal status. Various proposals would quickly provide undocumented persons with temporary legal status, approval to work here and to travel abroad, with later eligibility for U.S. permanent residence. To qualify, applicants would be required to undergo extensive criminal background checks, pay a “penalty” (government fee), and ensure that all past taxes have been paid.

As of this writing, the Senate is on the verge of passing its “immigration reform” bill, and the House seems ready to engage in a more contentious debate. Reform *might* happen in the fall or winter. The primary issues still under consideration are: how tightly the government will “seal” the border, to stem the future, undocumented flow; how long *temporary* residents will have to wait to become *permanent* residents; and whether they will be eligible for citizenship.

Deutsch, Killea and Eapen Takes on the Tough Cases

Our immigration lawyers, located in Washington, DC, have more than 60 collective years of experience practicing immigration law. We aggressively represent companies in immigration compliance, and in obtaining work authorization for their foreign employees. We also enjoy working with individual clients, with their myriad life situations, in need of immigration services. In the 26 years since Morris Deutsch created the firm, we have helped uncountable people from all walks of life to become permanent residents and later US citizens:

- We conduct trials in Immigration Court to prevent deportation. Many include applications for Asylum, Cancellation of Removal, and Waivers of past acts.
- Each year, our firm obtains permanent residence for dozens of foreign “extraordinary ability” and “outstanding” scientists working at the National Institutes of Health, National Institute of Standards and Technology, other nongovernment organizations, and American universities.
- We obtain temporary work visas, permanent residence and U.S. citizenship for all kinds of foreign professionals, laborers, executives, artists, and family members of Americans.
- We *will* assist people to apply for status under “immigration reform,” if and when the law is enacted.

Contact one of our attorneys at (202) 728-0820 or lawfirm@immigrationdc.com.

Morris Deutsch Carolyn Killea Yana Feldman

Daniela Cornejo Rajan Eapen