

Figeroux Associates

(718) 834-0190

26 COURT STREET* SUITE 701, BROOKLYN, NEW YORK 11242

FAX (718) 222-3153

The Comprehensive Immigration Reform Act of 2010 Introduced by Senators Menendez (D-NJ) and Leahy (D-VT)

Title V: Legalization of Undocumented Individuals

Lawful Prospective Immigrants

- *Creates a provisional legal status, Lawful Prospective Immigrant (LPI)*, for undocumented immigrants who are present in the U.S. as of September 30, 2010, register with the government, have never committed a serious crime, and are otherwise admissible to the United States.
 - o Applicants must submit biometric data and undergo background and security checks and pay appropriate fees.
 - o Applications for LPI status will be accepted for one year; persons facing removal proceedings or with final removal orders will be permitted to apply if they are otherwise eligible.
 - o LPI status will be initially valid for four years, with the possibility of extensions.
 - o LPI status confers work and travel authorization.
 - o Spouses and children residing in the U.S. or abroad will be eligible for LPI Dependent (LPID) status.
 - o LPI and LPID status may be revoked at any time if the LPI/LPID ceases to be eligible for the program or is absent from the U.S. for more than six months without permission.
- After six years in LPI/LPID status, an applicant may apply to become a *lawful permanent resident*, provided he or she continues to meet all eligibility requirements, including renewed biometrics and background and security checks, and also establishes basic citizenship and English skills, payment of all taxes, and compliance with Selective Service registration.

- o Applicants over the age of 21 will pay a \$1,000 penalty in addition to processing fees.
- o Persons granted LPR status under this Act will be ineligible for means tested benefits in accordance with existing law.
- o Regardless of date of application, no one may receive LPR status for at least 8 years from the date of enactment or 30 days from the date that visas are made available to reduce all backlogs covered by this Act.

- ***Creates administrative review, removal proceedings, and judicial review for aliens who have applied for lawful prospective immigrant status.***

Denials of applications may be appealed to a special administrative review panel. A denial from the administrative appeal is final and may not be renewed in immigration court, but an applicant may preserve federal judicial review, which may only be considered after the completion of removal proceedings. If an applicant is not already in removal proceedings and wishes to pursue further review, he or she must ask to be placed in removal proceedings. There is no judicial review available for late filing denials. Broader challenges to the implementation of the law may be brought in federal court. However, there are limits on the nature, jurisdiction and timing of certain claims.

- ***Includes provisions to ensure confidentiality of information.***

Release of material about an individual application is strictly prohibited, and subject to disciplinary action and civil penalties, except in circumstances relating to legitimate law enforcement or national security inquiry or a

coroner's request and only when that inquiry is specific or governed by existing information sharing agreements. Confidentiality protections do not apply where fraud is established or all proceedings related to the application have been completed.

- The *number of persons granted LPR status* under this Title will not be included in calculating annual visa limitations. Information submitted regarding past employment can not be used against an employer for purposes of prosecuting immigration or tax laws. Requires Social Security Administration to assign SS numbers to LPI/LPIDs.

- Regulations must be issued within nine months of enactment. The government is authorized to engage in contracting and hiring (in order to quickly build the program) without following certain requirements and may lease properties and modify facilities directly.

- Permits LPs to *correct their social security records without penalty* and requires the creation of fraud prevention programs within the departments charged with administering the legalization provisions.

- **Incorporates the entirety of the "DREAM Act."**

- Establishes two new *fee accounts*. The first will use application fees and appropriated funds to operate the LPI program, including the costs of outreach, grants to service providers, and anti-fraud programs. The second account will distribute penalty fees collected into the program, to repay initial start up funds, and to further benefit immigration benefit, enforcement, investigation, fraud prevention and integration programs.

To attend a free seminar on Comprehensive Immigration Reform hosted by Figeroux & Associates and the Immigrant's Journal Legal & Educational Fund, Inc., please call 718-243-9431 or 718-856-2560. Or, **please complete and fax your information to our office at 718-222-3153.**

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Tele: _____ Fax: _____

Are you interested in becoming a member of the Immigrant's Journal Legal & Educational Fund, Inc., then visit our website at www.ijlef.org Or call 718-243-9431

Are you interested in registering for a seminar, then please check your choice(s) below and we will mail you a schedule.

Tax & Financial Planning For Individuals & Businesses

Real Estate - Purchasers Rights & Mortgage Financing

Estate Planning & Wills

How to get a green card

Are you interested in any of these services?

WILLS , ESTATE PLANNING , TAXES

IMMIGRATION LAW , FAMILY LAW

ACCIDENT OR PERSONAL INJURY

Then call the Law Offices of Figeroux & Associates, at 718-834-0190.

COMMENTS: _____

Produced Fall 2010