

# IMMIGRATION TIDBITS

## Secure America and Orderly Immigration Act of 2005

Dramatic immigration reform legislation was recently introduced in Congress. Specifically, a bipartisan coalition of Senators and Representatives introduced major immigration reform on May 12, 2005. Called the Secure America and Orderly Immigration Act of 2005, it will, **if approved**, dramatically overhaul United States immigration law. While the bill provides far too many proposals to list here, there are a few important items that will be especially beneficial to many which includes:

### H-5A Essential Worker Visa

- Creates a new temporary work visa to cover all types of occupations (including unskilled occupations) that do not qualify for other types of visas, such as the H-1B.
- H-5A filing fee is \$500 in addition to the usual fee (\$185).
- Inadmissibility for immigration violations (including deportation) prior to May 12, 2005 may be waived by paying a \$1,500 fine.
- H-5A visa initially valid for three years, and renewable an additional three years.
- H-5A workers may change employment without filing new application.
- H-5A employers may immediately apply for permanent residence (green card) on behalf of their H-5A workers, or H-5A workers may apply for permanent residence on their own after four years in H-5A status.



### H-5B Visa for Undocumented Workers

- Creates a new temporary work visa (H-5B visa) for undocumented workers and their families present in the United States on or before May 12, 2005.
- To qualify, must provide evidence that the worker was in the U.S. but “not legally present” on May 12, 2005, and must also provide evidence that the worker was employed (either full time, part time, seasonally, or self-employed) or a full time student prior to May 12, 2005.
- Filing fee for H-5B to be determined. In addition, there will be a \$1,000 fine for all applicants age 21 years and older.
- Inadmissibility for immigration violations (including deportation) prior to May 12, 2005 may be waived.
- H-5B workers may travel abroad.
- H-5B visa valid for six years. H-5B workers may not change or adjust status during the six-year period.
- H-5B worker may apply for permanent residence (green card) at the completion of the six-year period. To qualify, worker must pay all Federal income taxes owed, and must demonstrate basic understanding of the English language and knowledge of the history and government of the United States.

### Family Unity and Backlog Reduction

- Increases the number of immigrant visas (green cards) available each year, thereby reducing backlogs in the family-based and employment-based preference categories.
- Expands the definition of immediate relatives—currently children, spouses, and parents of U.S. citizens—to also include the children of spouses or parents of U.S. citizens.
- Provides a waiver of the 3/10 year bar by paying \$2,000 fine for violations occurring prior to May 12, 2005.

Because there is no guarantee that the immigration reform package will be approved by Congress, or even if it is approved, it may be significantly altered.

Source: <http://www.frankmorton.com/reform.html>

## VISA PRIORITY OCTOBER 2005

Unmarried Sons & Daughter of US Citizen.	<b>1ST</b>	<b>MAY 22, 1991</b>
Spouse & minor children of Green Card Holders	<b>2A</b>	<b>NOV 01, 2001</b>
Unmarried Sons & Daughter over 21 yrs old of Green Card Holders	<b>2B</b>	<b>APR 22, 1996</b>
Married Sons & Daughter of US Citizen	<b>3RD</b>	<b>NOV 08, 1990</b>
Brother & Sister of US Citizen	<b>4TH</b>	<b>MAY 01, 1983</b>