



## Immigration Update

by H. Raymond Fasano

# Washington is Getting Serious About Comprehensive Immigration Reform

### The week of Jan. 28, 2013, was a landmark week

for immigration law. The week began with news that senators from the Democratic and Republican parties were getting together to make a plan for comprehensive immigration reform. The *New York Times* reported that a group of senators “has agreed on a set of principles for a sweeping overhaul of the immigration system, including a pathway to American citizenship for 11 million illegal immigrants that would hinge on progress in securing the borders and ensuring that foreigners leave the country when their visas expire.” The deal includes a pathway to citizenship that the Democrats demanded and enforcement of immigration laws that Republicans wanted. The *New York Times* quoted Sen. John McCain (R-Ariz.) as stating: “We can’t go on forever with 11 million people living in this country in the shadows in an illegal status.” The group of senators is also addressing visas for skilled aliens in the United States under current immigration laws. The proposals would seek to nearly double the number of available visas for skilled worker aliens. The bipartisan group said on Monday that their plan would create “a tough but fair path to citizenship for unauthorized immigrants.”

The announcement from the U.S. Senate was followed by President Barack Obama’s speech on Tuesday, Jan. 29, 2013, in which he unveiled his plan for immigration reform in Las Vegas, Nevada. President Obama’s speech called for an overhaul of the immigration system that included the following:

- **Border security:** Make our borders more secure by putting more boots on the ground to stop the flow of illegal immigration with the use of technology and the help law enforcement. In addition, the proposal continues the administration’s focus on deporting dangerous criminals a priority.
- **Cracking down on businesses that hire undocumented employees:** The President’s plan seeks to punish businesses that commit unfair hiring practices and exploit workers. Employers would also be given the tools to verify identity documents.

- **Earned citizenship:** Individuals would have to be subject to criminal background checks, pay taxes, pay a penalty, learn English, and wait for citizenship at the back of the line. There would be no skipping ahead of the line before people who have waited for years because of immigration backlogs.
- **Streamlining the immigration system:** The plan would make the system efficient and reward individuals who play by the rules and work hard. It would also attract the best international talent and give entrepreneur visas to those that would start up businesses in the United States.

The President’s plan also includes an important provision for the improvement of our immigration courts. The *White House Fact Sheet* states the following:

**Improve our nation’s immigration courts.** The President’s proposal invests in our immigration courts. By increasing the number of immigration judges and their staff, investing in training for court personnel, and improving access to legal information for immigrants, these reforms will improve court efficiency. It allows DHS to better focus its detention resources on public safety and national security threats by expanding alternatives to detention and reducing overall detention costs. It also provides greater protections for those least able to represent themselves.<sup>1</sup>

What this means is, we must all pay special attention to what will be coming out of Washington in the next several months. Healthcare reform was the focus of the President’s first term. His efforts along with Democrats in Congress pushed through medical insurance reform at a rapid pace. It would seem that we can expect the same speed of legislation with immigration reform. Resisting or opposing immigration reform makes no sense today. The strong Latino vote showed Republicans that their tough stance on enforcement was not going to be tolerated by the public.

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The Republicans had no choice but to respond to the immigration concerns of the public.

No matter what comes out of Washington, there is no simple immigration case. People seeking advice on an immigration case should meet with a qualified immigration lawyer. Only lawyers who specialize in immigration law day in and day out have the experience to identify problems. There are too many variables and unknowns for people to risk their future to a volunteer or a nonlawyer. Although nonprofit groups may be well intentioned, oftentimes these lawyers often have little or no experience in immigration law. While they may be great corporate lawyers and have a charitable heart, their lack of experience can actually harm a person's future if they make mistakes. The same is true for churches and other community groups that purport to offer free legal services.

When I meet with clients for the first time, I give them a copy of my biographical package that includes a discussion of my experience, cases I have won, classes that I have taught, and articles that I have written. It is a resume for my clients to review so that they have confidence in my experience and ability. My respect for my clients causes me to demonstrate my experience before I get hired. It is with this experience that I look forward to immigration reform.

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The Federal Bar Association's (FBA's) Immigration Law Section is co-sponsoring its 10th Annual Immigration Law Seminar in Memphis, Tenn., on May 17–18. There could not be a timelier event for practitioners in all areas of the law to attend in order to become familiar with immigration law, especially given the recent news that Washington is making comprehensive immigration

reform a top priority this year. The seminar is not only packed with the top immigration judges, lawyers, and government representatives from around the country who will be discussing every aspect of immigration law, but it also includes pre-conference events and activities during the seminar that promise to make it a memorable experience—hopefully one that the practitioner will want to turn into an annual tradition. Hotel accommodations are going fast. The conference host hotel is the Marriott Hotel Downtown, 250 N. Main St., Memphis TN 38102—telephone: (901) 527-7300. For reservations call (877) 901-6632 or (506) 474-2009. Please remember to ask for the FBA or American Immigration Lawyers Association room block rate of \$159 + tax per night. The brochure for the seminar is available at [www.fedbar.org/ImmigrationBrochure13](http://www.fedbar.org/ImmigrationBrochure13). ©

#### Endnote

<sup>1</sup>*FACT SHEET: Fixing Our Broken Immigration System So Everyone Plays by the Rules*, available at [www.whitehouse.gov/the-press-office/2013/01/29/fact-sheet-fixing-our-broken-immigration-system-so-everyone-plays-rules](http://www.whitehouse.gov/the-press-office/2013/01/29/fact-sheet-fixing-our-broken-immigration-system-so-everyone-plays-rules).

## Join us for the 10th Annual Federal Bar Association Immigration Law Seminar May 17-18, 2013 • Memphis, Tenn.



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**Presented by the FBA Immigration Law Section  
In conjunction with the Memphis Mid-South Chapter of the FBA; the American Immigration Lawyers Association (AILA); and the U.S. District Court for the Western District of Tennessee, through its Court Improvement Fund**

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**For conference details and registration information, visit  
[www.fedbar.org/ImmigrationBrochure13](http://www.fedbar.org/ImmigrationBrochure13).**