

# ***IMMIGRATION REFORM: STEP BY STEP***

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*July 2010*

While I am confident that comprehensive immigration reform will happen soon there appear to be two pieces of legislation that are more likely to pass first. They are known as the “Dream Act” and the “Ag Jobs” law. Due to the possibility that one or perhaps both of them will become law soon, it is important for immigrants to know what they involve and what will be the requirements.

The “Dream Act” would benefit persons less than 35 years of age who came to this country as children and who have good records, both in school and in the rest of their lives. The requirements will probably be as follows:

1. Be no more than 15 years old at the time that he/she arrived here.
2. Have no criminal record.
3. Be enrolled in college, or have a high school or GED diploma
4. Be under 35 years old at the time that the law passes.
5. Have lived in the United States for at least five years.
6. Have not received a deportation or removal order after having reached 16 years of age.

An applicant fitting these requirements would be granted “conditional residence.” To get permanent residence the applicant would have to wait at least five and a half years. During this time he or she must continue to reside in this country, although it will be possible to leave for short trips and return. In addition, he or she must also have met one of these conditions:

- a) Obtained a college degree,
- b) Attended college for at least two years, or
- c) Served two years in the US military, leaving with an honorable discharge.

Once the conditional status is exchanged successfully for regular permanent resident status, the applicant is immediately eligible to apply for citizenship.

This law, if passed, would help colleges and the military recruit from a larger pool of highly qualified and motivated prospective students and soldiers, who in many cases are fully bilingual. It would also open the doors of opportunity to many young people who came to this country as children with their parents and have never known another country. It will remove financial barriers to access higher education for these young immigrants who would now qualify for resident tuition rates at state colleges and for financial aid programs.

Therefore, it is very important for immigrant high school students, who hope to benefit from this law, to graduate and get their diploma. The provision allowing a GED (General Equivalency Diploma) to substitute for a standard high school diploma will help many older students who did not graduate from high school in this country. The GED is a day-long, five-part standardized multiple choice test covering several subjects. Many of my Latin American clients have successfully passed the GED test. If you feel you may need help before taking the test, enroll in a GED preparation course for adults. For those who do not speak English well, the test is given in Spanish. For more information on GED preparation courses check the Mercer County College website: [http://www.mccc.edu/programs\\_ged.shtml](http://www.mccc.edu/programs_ged.shtml) or call **609-570-3185**. The Hightstown Public Library will be offering free evening courses in Spanish starting in the fall. Call **609-448-1474** for more information.

The AgJobs bill would help persons who have worked and plan to continue to work in agriculture in this country. The basic requirement is that the applicant must have worked at least 863 hours or 150 work days in agriculture during the two years proceeding December 31, 2008. (This date may change when the law is finally passed.) Persons who successfully qualify would be given a “blue card,” the equivalent of conditional residence under the Dream Act. Persons would have permission to work in the U.S. with a ‘Blue Card’ and can leave the country for short periods of time and return legally.

As with the Dream Act, applicants must not have been convicted in the past of any serious criminal offense.

Depending on how many hours of agricultural work the applicant does in the future, he or she can become a permanent resident in either three or five years. Spouses and children would be included and they too can work and leave the country for short periods of time.

A question that has not been answered in my mind is what will qualify as agricultural employment. Those of us who have worked in the field of immigration law for many years recall the agricultural worker program of 1987. In that program only workers who worked with field crops qualified. As I read this proposed law, it appears that this law will also include persons who work in dairy and horse farms. It may also be possible that some landscaping workers will qualify, although this is not clear at this time.

The 1987 agricultural workers legalization did not require the workers to continue to work in agriculture as this proposed law does. There is great concern about fraud in this law. It is likely that it will mandate the investigation and harsh punishment of applicants who try to cheat and lie about their qualifications.

If you may qualify under one of these laws, and need to obtain dispositions of minor criminal matters, now is the time to consult with an experienced immigration lawyer to resolve any problems and to obtain necessary documentation.

Comprehensive reform is the ultimate solution to our broken immigration system. We all hope it will happen soon. If things go well with the implementation of the Dream Act and AgJobs, comprehensive immigration reform may follow shortly thereafter.

*This article is intended as a general orientation about immigration law and not as specific legal advice. Only a specialized attorney can provide specific legal advice.*

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