

Title II—Immigrant Visas Subtitle A—Registration and Adjustment of Registered Provisional Immigrant [RPI]
SEC. 2101. REGISTERED PROVISIONAL IMMIGRANT STATUS

Column #1

What is Registered Provisional Immigrant [RPI] status?

Terms and condition of PRI Status:

- *Legal Authorization to work:* RPI shall be “Authorized” to be employed in the US while in such status.
- *Travel outside US:* RPI may travel outside the US and may be allowed to reenter without obtaining a visa. (Conditions applied, certain requirements must be met however)
- *Classify as lawfully admitted to the US:* An RPI is considered to have been admitted and lawfully present in the US in such status as the date on which the person application was filed.

What kind of Status is RPI?

- An RPI is to be considered “lawfully admitted to the US” and may NOT be classified as a NONIMMIGRANT or as an alien “Lawfully admitted FOR PERMANENT RESIDENCE (e.g. LPR).

What about “Revoking” RPI status, can that happen?

RPI status may be revoke at ANY TIME after providing notice, and after exhaustion or waiver of all applicable administrative review procedures if the person:

- No longer meets the eligibility requirements
- Knowingly use of fraudulent documentation
- Is convicted of fraudulently claiming or receiving a Federal MEANS-TESTED BENEFIT, OR
- Is absent from US for any single period longer than 180 days; or
- Absent for more than an aggregate 180 days during any calendar year

Is an RPI eligible for Public Benefits?

NO, RPI are NOT eligible for public benefits

- Not eligible for any Federal means-tested public benefit
- Health and Human Services will make sure of this by conducting “regular visits” to ensure that RPI are NOT fraudulently receiving any of the Federal means-tested public benefits.

What else RPI are not entitled to?

RPI are to be considered lawfully present in the US for all purposes while in RPI status, EXCEPT that the noncitizen:

- Is not entitled to the “premium assistance tax credit” authorized by the IRS for his/her coverage;
- Shall be subject to the rules applicable to individuals NOT lawfully present under the “Patient Protection and Affordable Care Act”; AND
- Shall be subject to the rules applicable to individuals not lawfully present under certain sections of the IRS code.

What are the Eligibility Requirements – How does RPI works?

1. Physical Presence:

- Must be Undocumented! Have no legal status
- Must be present when submitting application
- Must be present on or before December 31, 2011
- Must have continuous presence from December 31, 2011 until granted RPI status

2. Application Procedures:

- Submit RPI application
- Payment of Taxes: Must satisfy “any applicable Federal tax liability”: all Federal income taxes assessed in accordance with IRS code
- Must abide by the 1 year deadline to submit RPI application (time starts when final rules of the bill are made public.

Can people who have been deported or removed are eligible for RPI?

Column #2

Eligibility after Departure (for deportees)

- An immigrant who is outside the US due to deportation, exclusion, removal, or voluntary departure or who has reentered the US “illegally” after December 31, 2011 “**SHALL NOT** be eligible to file an application for RPI status”
- *Waiver:* Under Secretary’s sole and unreviewable discretion, subject to a preliminary review, MAY WAIVE the rule of ineligibility for those deported if the person:
 - Is the spouse or child of a US citizen or lawful permanent resident;
 - Is the parent or a child who is US citizen or lawful permanent resident;
 - Was younger than 16 years of age on the date on which the alien initially entered the US and has earned a HS diploma, a commensurate alternative award from a public or private high school or secondary school, or has obtained a general education development certificate recognized under State law, or a high school equivalency diploma in the US. OR
 - Was younger than 16 years of age on the date on which the alien initially entered the US, is 16 years or older on the date on which the alien applies for RPI status, and was physically present in the US for an aggregate period of not less than 3 years during the 6-year period immediately preceding the date of the enactment of this bill.

As an RPI am I protected from DEPORTATION? What else can happen to me during RPI period?

RPI applicants and recipients may not be detained or removed from the US, UNLESS:

- Such person **IS, or HAS BECOME, ineligible** for RPI status under “**GROUND FOR INELIGIBILITY**” (conviction/criminal record); OR
- The person’s RPI status has been REVOKED under the provision of “**REVOCATION**”

Grounds for Ineligibility: Convictions of offenses:

- Conviction for an offense classified as a *felony* (in your jurisdiction)
- *Aggravated felony* as defined by Congress
- *3 or more misdemeanor* offenses
- Unlawful voting
- Other international law offenses

Conviction defined: Conviction does not include a judgment that has been expunged, set aside, or the equivalent.

While waiting for approval or denial of RPI application, what happens?

- Applicants may receive “advance parole” to be able to leave and reenter the US under humanitarian circumstances only;
- May not be detained or removed from the US, **UNLESS the person IS, OR HAS BECOME, INELIGIBLE for RPI status;**
- Applicants are not to be considered unlawfully present or unauthorized alien for the time.

What about background checks, and personal data collection?

RPI applicants must abide by the Security and law enforcement clearances procedures, these include:

- biometrics, biographic, and other collection data, and addition “security screenings”

How long is RPI for?

Duration of RPI status and Extension:

*All information is taken directly from Senate Bill 744

“Border Security, Economic Opportunity, and Immigration Modernization Act” Sections 2101 and 2102

<http://www.gpo.gov/fdsys/pkg/BILLS-113s744rs/pdf/BILLS-113s744rs.pdf>

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Column #3

- RPI is valid for 6 years, can be revoked at any time under ineligibility or revocation grounds
- RPI can be extended for additional 6-year terms only if—
 - immigrant remains “ELIGIBLE” for RPI status;
 - immigrant meets “EMPLOYMENT REQUIREMENTS”
 - immigrant successfully passes “background checks”
 - original RPI status of the person has not been revoked for any other reason

What do they mean about Employment or Education Requirements?

Employment or Education Requirement:

- Persons **CANNOT** be granted an *extension of RPI status unless* the person establishes that, during the person’s period of status as a RPI, the person:
 - Was regularly employed throughout the period of admission as a RPI, with unemployment of NOT MORE THAN 60 DAYS; and is not likely to become a “public charge” OR
 - Is able to demonstrate “average” income or resources that are not less than **100 PERCENT of the Federal Poverty Level** throughout the period of admission as a RPI.

So, when extending RPI, what about that thing about Paying Taxes?

Payment of Taxes:

Applicants MAY NOT be granted an extension of RPI *unless* they satisfied “any applicable Federal tax liability, just like when they originally applied.

How about the cost, how much do I will pay for this?

It is not too clear as of now, but what it is clear is the following:

- Application Fee Amount: 16 years and older applicants must pay a processing fee to DHS in an amount to be determined. AND a
- Penalty Amount of \$1,000

What about those with children or spouses that will like to file together is that possible?

Eligible applicants can file either independent or dependent (must meet requirements): Dependent Spouse and Children:

- -Spouse or Child was physically present in the US on or before December 31, 2012
- Continuous presence thereafter until RPI status is granted.
- Meets all related eligibility requirements
- If dependent status is terminated by the parties, dependent can re-file as independent for RPI

What if I cannot supply them with requested documentation, what will happen then?

Application can be dined based on insufficient evidence or not following through with requests/procedures. Actions against you can be taken, like initiating deportations proceedings.

What about the Legal Permanent Resident status thing – well that is a bit more complicated, but here is a try!

SEC. 2102. Adjustment of Registered Provisional Immigrant to that of an alien lawfully admitted for permanent residence

Eligibility Requirement for Adjustment of status to that of LPR:

- Must have RPI status and remains eligible for such status. Continuous physical presence: Not absent from the US for more than 180 days in any calendar year during RPI status. Must have no pending revocations

Column #4

- *Payment of Taxes:* RPI must satisfy any applicable Federal tax liability since the date on which the applicant was authorized to work in the US as RPI, must submit documentation of this.
- *Must meet Employment Requirement:*
 - Regularly employed throughout the period as a RPI, cannot be unemployed for over 60 days;
 - And, is not likely to become a “public charge. OR
 - Is able to demonstrate “Average income” or resources that are **NOT LESS THAN 125 PERCENT** of the Federal Poverty Level throughout the period of RPI.
 - Must submit Employment records: e.g. from local, state or federal agencies like SS Administration, IRS, or other.
 - Other Alternative documentation includes: Records from Banks, businesses, employer labor union, day labor center, organizations assisting workers in employment, affidavits from nonrelatives, remittance records, and school records from education institutions. Other forms of records to be determined.

Instead of Employment Requirement, RPI folks can satisfy this (all or in part) by satisfying EDUCATION requirement instead.

Education Permitted:

- Must provide evidence of FULL-TIME attendance at: Institution of Higher Education, Secondary School, other training or vocational programs for placement in postsecondary education. Programs like GED, etc.
- Must know ENGLISH: for those between 16-70 years of age and who do not have a physical or developmental disability or mental impairment.
- Understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language and also of history and government of US.

Application for adjustment of status. Procedures:

- Submit application
- Must go to the back of the line, meaning until visas become available (What line? Who knows how long the line is)
- Must be interviewed to determine their eligibility requirements, etc.
- Must go through more security and law enforcement clearances (e.g. background checks):
- Must pay Fees and Penalties
 - -Processing fees to be determined
 - -Another \$1,000 fee

Exceptions to Employment and Educational Requirements:

- Is younger than 21 years of age on the date of filing application for first extension of RPI
- Is at least 60 yrs of age on the date of filing application for an extension of PRI or at least 65 years of age on the date on which applied for RPI for the first time.
- Has physical or mental disability or as a result of PREGNANCY
- If the RPI is a dependent RPI
- If RPI encountered the following temporary breaks: -Medical, Maternity, or other employment LEAVE authorization by Federal or State Laws or Policies of the Employer.
- Is or was the PRIMARY CARETAKER of a Child or another person who requires supervision or is unable to care for its self; OR Other uncontrollable circumstances that prevented work. *Waivers are available on the basis of extreme hardship to him/herself, to a “legal” spouse, parent or child.*

*All information is taken directly from Senate Bill 744

“Border Security, Economic Opportunity, and Immigration Modernization Act” Sections 2101 and 2102

<http://www.gpo.gov/fdsys/pkg/BILLS-113s744rs/pdf/BILLS-113s744rs.pdf>