

The Senate Proposal: “Secure Borders, Economic Opportunity and Immigration Reform Act of 2007”

May 23, 2007

WHAT DOES IT MEAN FOR ME AND MY COMMUNITY?

Q: Is there a new immigration law?

A: No. There is no new immigration law, but a new proposal has been introduced for consideration by the Senate. The new proposal, “Secure Borders, Economic Opportunity and Immigration Reform Act of 2007” (S. 1348), will be debated and voted on in the Senate. Once the Senate has ended their debate, the House of Representatives will also debate and vote on a separate immigration proposal. Later, both versions will be reconciled in what is called a conference committee before the President can sign the bill into law. During the debate in the Senate and the House, the National Council of La Raza (NCLR) will be working hard to change parts of the bill to make it better for the Latino community.

Q: Should I give my money to a notario to begin the application process?

A: No. You **should not** trust a *notario* who says that there is a new process for applying to obtain a work authorization or to change your immigration status if you are undocumented. There will be no new application process until legislation moves through the entire process and the bill is signed by the President. However, you **should** start to gather any documents, receipts, bills, or anything else that can prove you have been living and working in the U.S. Also, take note of all the places where you have lived and the schools your children have attended.

Q: How is this Senate proposal different from the proposal that the House of Representatives passed last year, H.R. 4437 (the Sensenbrenner bill)?

A: There are many differences between the “Secure Borders, Economic Opportunity and Immigration Reform Act of 2007” and H.R. 4437. The Sensenbrenner bill was not a comprehensive immigration reform bill; it was a punitive measure with harsh criminalization provisions. This Senate proposal is the start of a debate to reform our broken immigration system. It includes: 1) a program that allows undocumented immigrants who were in the United States by January 1, 2007 to attain a work visa and eventually become legal permanent residents and U.S. citizens; 2) a new worker visa program for future workers to come to the U.S. temporarily to work; 3) a reduction in the backlog for family immigrants currently waiting in line for visas, and 4) other major changes to our family immigration system.

Q: Would the proposal allow undocumented immigrants to legalize their status?

A: Yes. If this bill were to become law, immigrants who arrived in the U.S. before January 1, 2007 and meet other requirements would be able to get legal status. This proposal would create a new visa program (a Z visa) for undocumented immigrants and their spouses and children in the U.S., which would be valid for eight years, after which you could apply for legal permanent residence or a “green card.” It would provide you with a visa so you could work and travel and it would protect you from deportation.

Q: What are the requirements that undocumented immigrants would have to meet to regularize their status under the Z visa?

A: Under this proposal (which could change) one must:

- Establish that you have continuously lived in the U.S. on or before January 1, 2007
- Prove that you were employed in the U.S. before June 1, 2007 and have been employed since that date (and submit related documentation)
- Complete criminal and security background checks
- Pay a \$1,000 fine, a \$500 impact fee to the state, and other necessary application fees

Q: Will Z visa holders be able to apply for a green card?

A: Yes. This bill would provide qualified immigrants and their spouses and children an opportunity to apply for lawful permanent resident status (a green card) and eventual citizenship. There are many people who have been waiting many years to gain legal permanent residency (green cards). Before a qualified immigrant can receive a green card, all immigrants currently waiting for their green cards must obtain them. This process should take about eight years. Then Z visa holders can begin to obtain green cards.

Q: Are there any other requirements that Z visa holders would need to meet to apply for a green card?

A: A Z visa holder must:

- Meet employment requirements during the eight-year period immediately preceding the application for adjustment
- Pay a \$500 state impact fee
- Pay a \$4,000 fine plus application fees (children are exempt)
- Complete criminal and security background checks
- Establish registration under the selective service (if applicable)
- Meet English-language and civic requirements
- Undergo a medical examination
- Prove that you have paid all taxes while you worked with a Z visa
- At some point during the eight years of holding a Z visa, the primary applicant on the green card application must return to her/his country and file her/his application for a green card with the U.S. consulate.

Q: How would the proposal affect my ability to apply to bring a family member to the U.S.?

A: The proposal makes significant changes to the family-based immigration system. It would reduce the waiting period for those who filed applications for their family members before May 2005. But in the future, adult children and siblings of U.S. citizens and adult children of green card holders would no longer qualify for green cards. In addition, there would be fewer visas available for parents of U.S. citizens; many parents would have to use a new visitor visa to come to the United States. NCLR and many other

organizations object to these new provisions and are committed to work to change them before a bill becomes law.

Q: What is the merit-based or point system?

A: The proposal would significantly change our legal immigration system by creating a new point system for anyone who wishes to immigrate to the U.S. to work or to join family members. The system would award points to potential immigrants based on occupation and job experience, education, and knowledge of English. Points are also awarded to people who have certain family relationships (adult child of a legal permanent resident [LPR] or U.S. citizen, sibling of a U.S. citizen) that are no longer eligible for visas under the family immigration system. Only individuals who accumulate enough points would be able to obtain a green card. NCLR and many other organizations are working to change this point system to preserve family-based immigration.

Q: Does the proposal include a temporary worker program for future workers? How will workers qualify for the program?

A: Yes. This proposal would create a new visa (Y) that would allow a person with a job offer, who has completed background checks, had a medical exam, and paid a \$500 fee to apply to enter legally to work in the U.S. Y visas are good for two years and can be renewed for two more years, provided the worker lives outside the U.S. for one year between the two-year extension. A worker's family may accompany the worker in limited capacity. If a worker stays in the U.S. beyond the time allowable by the Y visa, he or she will be barred from obtaining immigration benefits in the future. A worker may not be out of a job for more than 60 days, otherwise he/she will not be allowed to remain in the U.S. legally. Unfortunately, most Y visa holders would not be eligible to apply for a green card and could not stay permanently in the U.S. This proposal is very controversial, and may change as it goes through the legislative process. NCLR is one of many organizations working to make sure that the program provides a path to U.S. citizenship over time.

Q: What rights would workers with Y visas have?

A: The visa would belong to the worker, not the employer. That means that if the worker is not satisfied with a job, she or he can change to an employer that meets the requirements to hire a worker with a Y visa. Workers will have all the same labor protections that a U.S. worker has, which means that the employer must follow all the rules regarding health, safety, and wages. That also means workers can organize in the workplace. Also, an employer must pay the higher of the wage they pay other workers who do the same job, or what is called the "prevailing wage."

Q: How would employers check my work authorization in the future?

A: This proposal would create a new Electronic Employment Verification System (EEVS) to determine if a worker is eligible to work in the U.S. All workers, including U.S. citizens, would have to be verified through this system. This proposal may also change through the legislative process; it is important to make sure workers are protected against errors in the system.

Q: Are the bills “AgJOBS” (to assist agricultural workers) and the “DREAM Act” (to assist individuals who came to the U.S. as children) found in this Senate proposal?

A: Yes. Both of these bills are currently in the “Secure Borders, Economic Opportunity and Immigration Reform Act of 2007,” but changes to both proposals have been made, mostly in an effort to conform to the overall architecture of the immigration proposal. Farmworkers will have their own legalization program. Individuals who came to the U.S. as children before January 1 2007, who are currently under the age of 30, have graduated from high school, and pursue higher education or military service would have increased access to in-state tuition, federal loans and work study, and most importantly, a path to citizenship.

Q: If this bill has so many problems, why are advocates urging Congress to pass it?

A: This year may be our best chance to pass an immigration reform bill that legalizes undocumented immigrants currently in the United States. NCLR is very concerned about many of this bill’s provisions, and will be working to improve them as the bill moves through the legislative process. But we believe this bill is an important starting point; if the Senate votes it down, it is not clear how we can move any immigration reform forward.

Q: What happens now?

A: The Senate will debate this legislation through the first week of June. Senators will vote on amendments to change the bill, some of which will attempt to make the bill more responsive to immigrants’ needs, some of which will attempt to make the bill harsher for immigrants. The House of Representatives is expected to take up its own bill this summer. If the House passes a separate bill, members of the House and Senate will meet to work out differences; this is another point at which the proposal could change. Please keep in touch with organizations that you trust for information on what is happening, and on how to get involved in the process. NCLR will update information on the Internet as it becomes available. Please check www.nclr.org for more information.

National Council of La Raza