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Key Ingredients of the Senate Immigration Bill?

Unlike most Senators, the lawyers and legislative analysts at NumbersUSA HAVE read all of the more than 360 pages of the “grand bargain” immigration bill and the amendments that have been adopted.

Despite claims by supporters of the bill that opponents are acting “emotionally” rather than on the basis of facts, most opponents are quite aware of the key elements of the bill and are opposing the bill because they DO know the facts.

AMNESTIES: Who is eligible for amnesty under this bill? (“Amnesty” is allowing a foreign citizen or a U.S. business to keep the rewards they sought when they broke immigration laws.)

- All illegal aliens would get indefinite legal rights to U.S. residence and jobs if:
 - (1) they claim to have been in the United States since January 1, 2007;
 - (2) they apply for a “Z” visa at an U.S. Citizenship and Immigration Services (USCIS) office within two years;
 - (3) they pay a \$1,000 fine (plus \$500 for each spouse, child, and parent living here illegally with them);
 - (4) they submit to fingerprint and security checks, including criminal and terrorist databases; and
 - (5) their security checks turn up (within the first 24 hours following submission to the background checks) fewer than three misdemeanors and no felonies.
- That would cover **virtually all of the estimated 12-20 million illegal aliens currently living and residing unlawfully on U.S. soil**). Of those not covered, there also are **amnesties aplenty** for illegal aliens who graduate from U.S. high schools (the DREAM Act amnesty) and for 1.5 illegal alien agricultural workers (the AgJOBS amnesty).
- The employers of newly-amnestied aliens also would receive amnesty, as they would not be subject to fines or prosecution either for hiring the illegal aliens or for any tax fraud committed as a result.

ENFORCEMENT AND THE SO-CALLED “TRIGGERS”: Proponents of the “grand bargain” often point to the bill’s “enforcement-based ‘triggers’” when claiming that this bill does not grant amnesty to illegal aliens and that they are serious about curbing illegal immigration.

Unfortunately, these provisions are virtually meaningless unless the executive branch is willing to enforce them. Repeatedly for more than six years, the Bush administration (much like the Clinton Administration before it) has demonstrated its unwillingness to enforce current law. There is little in this bill that would ensure any better performance in the future.

The triggers are not related to granting amnesty (indefinite legalization) to the 12-20 million illegal aliens and the outlaw businesses. The aliens and the businesses get the legalization before any triggers. If the triggers are not met, the legalization still stands.

- The triggers do **NOT** require DHS to have operational control of the border;
- they do **NOT** require DHS to comply with the law and build the all of the fence;
- they do **NOT** require DHS to implement the exit system that would allow us to know if "guestworkers" actually leave, even though it has been in the law since 1996;
- they do **NOT** require work site enforcement;
- and they do **NOT** require DHS to increase its apprehension rate or its alien absconder removal rate.

The triggers primarily relate to spending money and hiring personnel. If they are met, the amnestied illegal aliens would then be allowed to obtain Z visas and a path to U.S. citizenship. And businesses would be allowed a greatly enlarged guest worker program. Nonetheless, failure to meet triggers would still allow illegal aliens to remain in the United States for life, and would protect outlaw businesses from any penalties.

GUESTWORKERS: The new Y-visa guestworker program would kick in upon certification that the triggers had been met. This program allows U.S. employers to import **up to 200,000 low-skilled foreign workers per year** to fill American jobs in industries like construction, landscaping, and services. The number was 400,000, with the possibility, nay, probability of increasing to 600,000 before Sen. Jeff Bingaman (D-N.M.) successfully amended the bill.

These workers would be allowed to come for up to three two-year periods, as long as they agreed not to bring their families and went home for one year in between each period.

If they wanted to bring their families for one two-year period, they would be prohibited from coming for more than two two-year periods, but since we have no exit system in place to ensure that "temporary" workers or their families leave when they are supposed to, and since the bill requires only that DHS submit a plan to eventually implement one, **these workers and their families could simply stay in the United States illegally.**

INCREASING PERMANENT LEGAL IMMIGRATION AND (SUPPOSEDLY) "ENDING" CHAIN MIGRATION: The bill purports to end chain migration by eliminating the visa categories for siblings and adult children. First, however, it proposes clearing the waiting list of such relatives by increasing family-based permanent immigration **until the more than six million individuals who have been on the waiting list since May 2005 have been accommodated.**

This bill would triple the annual level of Chain Migration for at least 15 years.

Once all those on the waiting list for the Chain Migration categories have been granted green cards, all the millions of amnestied Z visa holders would become eligible to apply for green cards. Z visa holders would be required to drop off their green card applications at a U.S. consular office in their home country (or in **any other country where consular officials choose to accept the applications regardless of nationality of the applicant**). DHS would collect another \$4,000 from each head of household, check that they are learning some English, and that they have paid their taxes, but only since they were granted amnesty. Those Z visa holders who declined the offer of a green card could simply renew their Z visa every four years for as long as they wanted to remain in the United States.

With regard to employment-based (EB) immigration, rather than the current EB visa preference categories, the bill would create a "merit system," which would assign points to applicants for green cards based on their skills, education, English fluency, and the presence of relatives in the United States. Under this system, **in the first five years under the bill, the number of permanent visas in this system would be almost double the current number of EB visas.**

The temporary H-1B visas that primarily bring in foreign tech workers to compete with skilled Americans would be increased by 50,000 (from 65,000) the first year and gradually boosted to an extra 115,000 by the fifth year.