

**DRAFT**  
**SIDE BY SIDE COMPARISON OF IMMIGRATION REFORM PROPOSALS**  
as of May 10, 2010

The Obama Administration has said that immigration reform will start in the Senate and that the point person will be Senator Schumer (D-NY). Below is a comparison of the proposal by Schumer and several Democratic Senators (which has not yet been introduced in bill form), with the bill introduced by Representative Luis Gutierrez (D-IL) in December of 2009, and the bill that the Dignity Campaign proposes.

<b>Dignity Campaign</b>	<b>Gutierrez Bill – CIR ASAP</b>	<b>Democratic Senators “REPAIR” Proposal</b>
<p>1. Legalization</p> <ul style="list-style-type: none"> <li>• Legalize all people without status quickly, with low fees and no waiting periods</li> <li>• People will receive permanent residence status, and the right to cross the border and reside in either the U.S. or their countries of origin</li> <li>• Newly legalized people are entitled to public benefits</li> <li>• Anyone in the country on the date legalization legislation is introduced is eligible for legal status</li> <li>• DREAM Act: students would be able to apply for quick legalization in the process above.</li> <li>• Use fees paid by people applying for legal status to set up job creation programs in communities with high unemployment</li> </ul>	<ul style="list-style-type: none"> <li>• People who apply for legalization will receive a <i>conditional nonimmigrant visa</i>, valid for six years. They will be allowed to work and travel.</li> <li>• People would have to: <ul style="list-style-type: none"> <li>○ have been in the U.S. before December 15, 2009.</li> <li>○ perform community service .</li> <li>○ pay an application fee and a \$500 fine.</li> </ul> </li> <li>• People convicted of a felony or three misdemeanors won’t qualify</li> <li>• No one will receive permanent resident status before six years unless all other visa backlogs are eliminated.</li> <li>• DREAM Act: Undocumented students who were brought to the U.S. before the age of 16 won’t have to pay fines and will receive their status more quickly.</li> </ul>	<ul style="list-style-type: none"> <li>• Benchmarks on securing the border must be met before implementing any legalization program</li> <li>• People who apply have to register with ICE, pay for security and background checks</li> <li>• Those who fail to register will be arrested and deported</li> <li>• People convicted of a felony or three misdemeanors won’t qualify</li> <li>• People who don’t pass the security check are deported.</li> <li>• People who pass the security check have to apply for temporary status and biometric ID card, allowing them to work and travel</li> <li>• After eight years, people can apply for permanent resident status which includes: <ul style="list-style-type: none"> <li>○ paying fines and back taxes</li> <li>○ be proficient in English</li> <li>○ live continuously in the U.S.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Incorporates the AgJOBS Act setting up a special process and requirements for farmworkers while relaxing restrictions on the H2-A temporary agricultural guest worker program.</li> <li>• Use fees and fines to fund worker training programs, E-Verify, the Commission on Immigration and Labor Markets, border security, detention and enforcement activities, and to reduce visa backlogs.</li> <li>• Adjust the age for English language requirements, require timely response on background checks, create a grant program for community based organizations, and ensure uniform administration of the naturalization exam</li> </ul>	<ul style="list-style-type: none"> <li>◦ register for Selective Service</li> <li>• Includes special legalization provisions for students who came to the U.S. before age 16 and farm workers</li> </ul>
<p>2. Family Reunification</p> <ul style="list-style-type: none"> <li>• Raise the number of family visas to 480,000 per year, and issue all unused visas from past years</li> <li>• Eliminate the visa backlogs, and process all applications for family preference visas that have been pending for one or more years</li> <li>• Repeal the 3 and 10 year bars preventing people from applying for legal status</li> <li>• Give priority to people displaced by NAFTA, CAFTA or AFTA</li> </ul>	<ul style="list-style-type: none"> <li>• Issue unused employment-based visas and family-sponsored visas from 1992-2008 and allow future unused visa numbers to roll over from year to year.</li> <li>• Exempt immediate relatives from the annual cap on the number of immigrant visas, and increase the number of visas.</li> <li>• Reclassify spouses and children of lawful permanent residents as immediate relatives.</li> <li>• Immediate relatives may continue</li> </ul>	<ul style="list-style-type: none"> <li>• Eliminate current backlogs over eight years.</li> <li>• After eight years, caps on visas would be reinstated to current level</li> <li>• Per country caps would increase from 7% to 10%</li> <li>• Visas will be given to people who buy property in the U.S.</li> <li>• Create a special visa for immigrants from Ireland</li> </ul>

	<p>to pursue their immigration petitions even if the person who petitioned for them dies.</p> <ul style="list-style-type: none"> <li>• Greater authority to stop deportation of parents if there are U.S. citizen children involved.</li> <li>• Prohibit the deportation of refugees who fled their homeland before the age of twelve</li> <li>• Reduce the level of required support from 125% to 100% of poverty level.</li> </ul>	
<p>3. Repeal Employer Sanctions and Enforce Labor Rights</p> <ul style="list-style-type: none"> <li>• Immediately repeal employer sanctions and dismantle the E-Verify database</li> <li>• Increase enforcement of minimum wage, overtime, health and safety and of other laws protecting workers</li> <li>• Make employer threats, based on immigration status, a crime</li> <li>• Make it illegal to violate the organizing and union rights of any worker</li> <li>• Use legalization fees to set up job creation and job training programs for all workers who need them</li> <li>• Everyone is entitled to Social Security numbers regardless of immigration status</li> </ul>	<ul style="list-style-type: none"> <li>• Create an employment verification system to verify the work authorization of new hires, applying to all employers and all new hires.</li> <li>• Punish employers for hiring undocumented workers.</li> <li>• Prohibit the creation of a national ID card.</li> <li>• Forbid employers from discriminating against applicants on the basis of nationality.</li> <li>• Workers are allowed to see their Social Security files.</li> </ul>	<ul style="list-style-type: none"> <li>• All workers, including citizens and legal residents, would have to have a high-tech, fraud-proof Social Security card with biometric ID information.</li> <li>• SSA and DHS will set up a national registry of births and deaths.</li> <li>• Employers would have to use the ID card to confirm any new worker's identity and immigration status.</li> <li>• Non-citizens and employers will be charged a fee when employers check their work authorization</li> <li>• The government can subcontract employment verification to private contractors</li> <li>• Punish employers for hiring undocumented workers, and increase fines for it.</li> </ul>

		<ul style="list-style-type: none"> <li>• Employers are not responsible for subcontractors who hire undocumented workers.</li> <li>• Undocumented workers are not eligible for backpay, reinstatement or other remedies for employer violations of labor rights or health and safety laws</li> </ul>
<p>4. Guest Workers and Future Flows</p> <ul style="list-style-type: none"> <li>• All existing guest worker programs (H1-B, H2-A, H2-B) will end after five years.</li> <li>• During those five years, employers must hire domestic workers first, respect the rights of guest workers and provide adequate housing, transportation and treatment, and blacklists are illegal</li> <li>• After five years, no employer may recruit immigrants for work in the U.S., and no visas will require a person to be employed in order to stay in the U.S.</li> <li>• All guest workers can organize and join unions, and can sue over violations of their rights</li> <li>• 400,000 future flow visas will be available each year for migrants who don't qualify for family preference visas, and those visa holders are authorized to work and can cross the border and live either in the U.S. or their countries of</li> </ul>	<ul style="list-style-type: none"> <li>• Allow employers to recruit workers who can get work authorization while waiting for a visa.</li> <li>• No limits on guest workers with science, technology, engineering and math degrees.</li> <li>• Exempt foreign nurses from numerical limits, with new programs train U.S. nurses.</li> <li>• Create a federal commission to develop employment-based immigration policies, decide when there are labor shortages, and recommend issuing employment-based visas (that require workers to remain employed to stay in U.S.)</li> <li>• Existing guest worker programs would require written notice of terms of employment, identifying recruiters with labor violations, recruiting U.S. workers before hiring guest workers, and disqualifying employers who have conducted a mass lay-off</li> </ul>	<ul style="list-style-type: none"> <li>• Award green cards to immigrants who receive a PhD or master's degree in science, technology, engineering or math from a U.S. university, who are offered a job by an employer</li> <li>• Impose some limits on H1-B visas, and require web posting of job openings before hiring them</li> <li>• More H1-B visas for doctors</li> <li>• Employers must advertise jobs locally before hiring H2-B visa holders, and pay wages higher than minimum wage</li> <li>• Raise caps on the number of H2-B visas</li> <li>• Create a new H2-C guest worker category with visas for three years, renewable once. The number of visas will be adjusted each year.</li> <li>• H2-C workers can apply for permanent resident status after six years.</li> <li>• A new Commission on</li> </ul>

<p>origin</p> <ul style="list-style-type: none"> <li>• Future flow and permanent residence visa holders may apply for citizenship after one year</li> <li>• If the unemployment rate in the U.S. goes up, the number of future flow visas will be reduced.</li> </ul>	<ul style="list-style-type: none"> <li>• Increase the number of visas for investors to 10,000 and create a new venture capitalist visa.</li> <li>• Create 100,000 Prevent Unauthorized Migration (PUM) visas during each of the three years before recommendations made by the new Labor Commission.</li> <li>• PUM visas for people from countries sending large numbers of undocumented workers to the U.S., distributed through a lottery.</li> <li>• Applicants must pass background checks, have less than 4 years of college, and be unable to qualify for family-based or guest worker visas. After 3 years they can apply for legal permanent residence.</li> </ul>	<p>Employment-Based Immigration can declare an emergency and recommend issuing more employment-based visas, and Congress must vote on the recommendation</p>
<p>5. Due Process and Detention</p> <ul style="list-style-type: none"> <li>• Repeal federal laws barring drivers licenses to undocumented immigrants</li> <li>• Repeal 287g; prohibit local law enforcement agencies from enforcing immigration law</li> <li>• End roadblocks, immigration raids and sweeps</li> <li>• Eliminate detention and incarceration of immigrants by allowing people to be released on bail or on their own recognizance while awaiting hearings</li> <li>• Prohibit privately-run detention centers, and tear down existing</li> </ul>	<ul style="list-style-type: none"> <li>• Require humane treatment of detainees, ensure adequate medical treatment, require access to telephones, and increase protections from sexual abuse.</li> <li>• Establish a commission to investigate compliance.</li> <li>• Repeal 287g; prohibit local law enforcement agencies from enforcing immigration law</li> <li>• Require DHS to report any detainee death within 48 hours</li> <li>• Secure alternative to detention programs.</li> <li>• Prohibit unnecessary detention of</li> </ul>	<ul style="list-style-type: none"> <li>• Strengthen system to identify and deport people who overstay their visas</li> <li>• Increase screening of people in prisons and jails</li> <li>• Increase criminal penalties and prison for crossing the border without a visa</li> <li>• DHS can seize property used in “trafficking”</li> <li>• Establish new crimes for document fraud and “misrepresentation”</li> <li>• Criminal penalties and prison for people who don’t leave after receiving an order of deportation</li> </ul>

<p>detention centers</p> <ul style="list-style-type: none"> <li>• Allow refugees to apply for immediate asylum without detention</li> <li>• Families with children will not be separated by detention or deportation. Minors will not be detained.</li> </ul>	<p>refugees.</p> <ul style="list-style-type: none"> <li>• Prohibit the separation of families with children and increased protection for detained parents and caregivers.</li> <li>• Screen for U.S. citizens and permanent residents during raids and enforcement</li> <li>• Make social service agencies, translators, and legal services available during raids and enforcement</li> <li>• Require reports from DHS on the impact of enforcement</li> </ul>	<ul style="list-style-type: none"> <li>• DHS will detain “dangerous criminals” pending deportation</li> <li>• Everyone has to provide biometric information at the border</li> <li>• Uniform standards for detention prior to deportation</li> <li>• “Minimum detention facility standards”</li> <li>• Criminal penalties on employers who “exploit unauthorized labor”</li> <li>• Strengthen the 287g program for cooperation between immigration and law enforcement authorities</li> </ul>
<p>6. Repeal Border Militarization and Enforce Human Rights</p> <ul style="list-style-type: none"> <li>• Dismantle the wall and the “virtual wall” along the border</li> <li>• Remove National Guard troops from the border and prohibit their use in immigration enforcement</li> <li>• End the privatization of border control and security operations on the border</li> <li>• Unrestricted freedom of movement for indigenous communities on the border</li> <li>• Reaffirm that the U.S. Constitution applies to all people inside the U.S., and along the border</li> <li>• End the use of Federal, state and local laws and courts to prosecute immigrants based on their immigration status, especially the</li> </ul>	<ul style="list-style-type: none"> <li>• “A national strategy for border security consistent with ... effective and accountable enforcement.”</li> <li>• Create a Southern Border Security Task Force composed of federal, state, and local law enforcement</li> <li>• An inventory of personnel and assets prior to increasing it</li> <li>• Additional training and oversight for border agents, giving them more equipment and technology.</li> <li>• More effective screening of commercial goods and individuals</li> <li>• Increase the numbers of full-time port of entry inspectors</li> <li>• Improve collaboration with state law enforcement at the border</li> <li>• Suspend the Operation Streamline</li> </ul>	<ul style="list-style-type: none"> <li>• Increase the number of Border Patrol and ICE agents</li> <li>• Increase worksite enforcement inspectors</li> <li>• Increase funds for courts to deport people</li> <li>• Create a “Border Patrol Auxiliary Unit” to assist the Border Patrol</li> <li>• DHS can deploy the National Guard at the border</li> <li>• Increased resources for prosecuting border crossers and for new immigration courts</li> <li>• More vehicles, weapons, surveillance equipment and helicopters for the Border Patrol</li> <li>• Put high tech ground sensors along the border</li> </ul>

<p>Operation Streamline court</p> <ul style="list-style-type: none"> <li>• Prosecute private vigilante groups for violating the rights of migrants</li> <li>• Eliminate border enforcement and detention funding, and redirect the funds to social services, healthcare, education, and family reunification, processing visa backlogs and enforcing civil rights.</li> </ul>	<p>courts pending review</p> <ul style="list-style-type: none"> <li>• Recognize the importance of border communities in effective enforcement and establish a U.S.-Mexico Border Enforcement Commission</li> <li>• Combat human smuggling and migrant deaths</li> </ul>	<ul style="list-style-type: none"> <li>• Set up a commission to investigate the “state of security” on the border, and Congress must vote on its recommendations</li> <li>• State and local governments can’t pass their own immigration laws, until “complete border control is established”</li> </ul>
<p>7. Trade Policy and Displacement</p> <ul style="list-style-type: none"> <li>• Hold hearings about the effects of trade agreements like NAFTA and CAFTA, in the U.S. and in the affected countries, and collect evidence about the way those agreements displace people.</li> <li>• Renegotiate existing agreements to eliminate causes of displacement.</li> <li>• No new trade agreements or structural adjustment programs will be negotiated that displace people or cause a reduction in living standards.</li> <li>• Ratify the U.N. Convention on the Rights of Migrant Workers and their Families</li> <li>• Provide economic compensation to communities hurt by trade agreements</li> <li>• Prohibit U.S. military intervention or aid to enforce trade agreements, structural adjustment policies or market economic reforms</li> </ul>	<ul style="list-style-type: none"> <li>• Nothing said.</li> </ul>	<ul style="list-style-type: none"> <li>• Nothing said.</li> </ul>