

COMPARISON OF IMMIGRATION PROPOSALS

(LAST MODIFIED 6/5/06)

	<b>Jackson-Lee (HR 2092)</b> Introduced 5/4/05; No further action	<b>Kennedy-McCain (S. 1033/H.R. 2330)</b> Collapsed into Sen. Compromise Bill, S. 2611	<b>Sensenbrenner (HR 4437)</b> Introduced 12/6/05 Passed House 12/16/05	<b>"Compromise Bill" (S. 2611)</b> Introduced 4/7/06 Passed Senate 5/25/06
<b>LEGALIZATION</b>	<ul style="list-style-type: none"> <li>Provides Lawful Permanent Resident (LPR) status for those who have been here continuously for at least 5 years at the time the bill is enacted, have good moral character, and no criminal offenses.</li> <li>Any student who has lived in the US and attending school for at least 5 years may apply at any time, even after the effective date of the bill.</li> <li>Updates the registry to 1986.</li> </ul>	<ul style="list-style-type: none"> <li>Creates the H-5B visa for current undocumented U.S. residents.</li> <li>H-5B visa for 6 years. After meeting conditions of this visa, may apply for Lawful Permanent Resident (LPR) status (not guaranteed)</li> <li>Must meet English and Civics requirements</li> <li>Pay all back taxes and pass background checks</li> <li>Cost: \$2,000 in fines and fees</li> <li>Spouses and minor children may also apply for H-5B status.</li> <li>Students under 21 may substitute school for work for the 6 year requirement.</li> <li>Employers who provide workers with documentation of past work history are given "amnesty" from fines for any previous violations of employer sanctions.</li> </ul> <p><b>Who is ineligible?</b></p> <ul style="list-style-type: none"> <li>Individuals with criminal convictions, national security concerns</li> </ul>	None.	<p>Creates a legalization program for <b>4 Groups</b> of individuals.</p> <p><b>Group 1: "Earned Adjustment"</b> [Individuals in US before 4/5/01]*</p> <p><b>Group 2: "Deferred Mandatory Departure (DMD)"</b> [Individuals who entered between 4/5/01 and 1/7/04]*</p> <p><b>Group 3: AgJOBS</b> [Worked in agriculture for at least 2 years]*</p> <p><b>Group 4: DREAM</b> [Benefits certain long-term residents who entered when they were children]*</p> <p><i>*For more detail on eligibility and ineligibility provisions, SEE the Appendix table "Eligibility &amp; Ineligibility Provisions in 'Compromise Bill' (S. 2611)" at the end of this document.</i></p> <p>For <b>Groups 1-4</b>, removal will be suspended if show basic eligibility for legalization program. SEE "Detention" and "Smuggling" below for more bases for ineligibility.</p>
<b>GUEST WORKERS</b>	<ul style="list-style-type: none"> <li>No new guestworker program proposed.</li> <li>Fees paid by employers under existing guestworker programs to be used for job training in rural and inner city areas especially in communities of color.</li> <li>Employers using existing</li> </ul>	<ul style="list-style-type: none"> <li>Creates H-5A visa for workers outside of agriculture.</li> <li>Applicants must have offer of employment.</li> <li>Term of visa is 3 years and is renewable for one time for another 3 years.</li> <li>Employers not required to offer</li> </ul>	None.	<ul style="list-style-type: none"> <li>Creates 200,000 new H-2C nonimmigrant worker visas annually.</li> <li>Person must have job offer, pay \$500 fee.</li> <li>Visa good for 3 years, and could be renewed once for a total of 6 years.</li> </ul>

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<b>GUEST WORKERS (CONT)</b>	guestworker programs must first show efforts to hire local workers.	prevailing wages; must list available jobs in a database before hiring H-5A workers. <ul style="list-style-type: none"> <li>• Workers may change jobs; must pay \$500 upon application.</li> <li>• Cap of 400,000 visas for the first year may be modified once the cap is reached.</li> <li>• After 4 years, H-5A visa holders may apply for LPR status. Employers may petition for LPR visas for workers at any time.</li> </ul> <b>Who is ineligible?</b> <ul style="list-style-type: none"> <li>• Workers unemployed for more than 45 days may be subject to deportation.</li> </ul>		<ul style="list-style-type: none"> <li>• H-2C worker may apply for permanent residence through employer (labor certification) or self-petition after 4 years if DOL certifies labor shortage and submits documents from federal agencies that establish current employment.</li> <li>• Program open to any industry (except in occupations where unemployment rate is 9%) but employer must go through certification process.</li> <li>• May travel out of the US.</li> <li>• Must leave the country if unemployed for 60 or more consecutive days (exceptions: must demonstrate disability or "reasons beyond control").</li> <li>• Includes spouses and children under 21.</li> <li>• Could change jobs but limited to employers participating in H-2C program (portability).</li> <li>• Whistleblower protections for employees.</li> <li>• Employer may not deny any right to employee under applicable federal, state, or local labor or employment law.</li> <li>• Limited right to sue employer for violations of this program.</li> <li>• Must be paid prevailing wage as per DOL statistics.</li> <li>• H-1B temporary work visa cap is raised to 115,000 per year (up</li> </ul>

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<b>GUEST WORKERS (CONT)</b>				from 65,000 currently). <ul style="list-style-type: none"> <li>• Visa number may grow to meet market demand</li> <li>• Removes numerical cap on entry of foreign nurses.</li> </ul>
<b>EMPLOYER SANCTIONS</b>	No change.	<ul style="list-style-type: none"> <li>• Fines will increase for employers who hire undocumented workers.</li> <li>• SSA will become responsible for verifying worker status under new electronic immigration verification system. Essentially, “no match” checks would be institutionalized.</li> <li>• DOL inspectors, responsible for responding to complaints of unpaid wages or overtime, will be required to examine employers’ records of worker immigration status.</li> </ul>	<ul style="list-style-type: none"> <li>• Creates phone and Internet-based employment eligibility verification system.</li> <li>• Eliminates I-9 process.</li> <li>• Creates hefty new fines for employers who hire undocumented individuals.</li> <li>• Creates mandatory new Social Security card for immigrants.</li> </ul>	<ul style="list-style-type: none"> <li>• Eliminates paper I-9 process and creates mandatory electronic verification system to verify employment eligibility.</li> <li>• Eligibility would be required only of new employees as of the date set forth in the Act.</li> <li>• Some employers may be required to verify immigration status of ALL employees if they are designated a “critical employer.”</li> <li>• Penalties for employers who falsely verify employees’ status.</li> <li>• Drastically limits documents that can be used to prove work authorization.</li> <li>• Employers are required to report to DHS any information that would assist in the enforcement of immigration law, including nonconfirmation of worker’s eligibility.</li> <li>• Adds 2,000 agents annually to investigate unlawful employment of immigrants and 1,000 agents annually to investigate immigration fraud.</li> <li>• Enacts anti-discrimination, privacy, and due process protections for workers.</li> </ul>

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<b>BORDER ENFORCEMENT</b>	<ul style="list-style-type: none"> <li>• Will increase number of border and airport inspectors.</li> <li>• Will increase enforcement on commercial smuggling / trafficking operations.</li> </ul>	<ul style="list-style-type: none"> <li>• Mandates DHS to develop "National Strategy for Border Security."</li> <li>• Increases aerial and ground surveillance.</li> <li>• Incorporates information sharing between govts</li> </ul>	<ul style="list-style-type: none"> <li>• Builds 700 more miles of wall along US-Mexico border at a cost of \$2.2 billion.</li> <li>• Calls for feasibility study of building wall at US-Canada border.</li> <li>• Mandatory cross-border agreements with Canada and Mexico.</li> <li>• Creates a Red Zone Defense Border Intelligence Pilot Program in Arizona.</li> <li>• Mandatory detention of all noncitizens (except Cubans) attempting to enter US unlawfully.</li> <li>• Expands expedited removal to all US borders, including to anyone caught within 100 miles of the border who cannot prove that they have been here more than 14 days.</li> <li>• Expands expedited removal to noncitizens who are inadmissible on criminal grounds.</li> <li>• Increases aerial and ground surveillance.</li> </ul>	<ul style="list-style-type: none"> <li>• Builds 370 miles of fencing and 500 miles of vehicle barriers.</li> <li>• Adds 2,400 Border Patrol agents each year through 2011 (current number: 11,300).</li> <li>• Authorizes use and mandates study for expanded use of technology surveillance (including unmanned vehicles and aerial surveillance).</li> <li>• Expands expedited removal to all US borders to anyone caught within 100 miles of the border who cannot prove that they have been here more than 14 days.</li> <li>• Mandatory detention for all individuals "illegally entering" U.S. – exceptions: Cubans, Mexicans, some asylum seekers.</li> <li>• Authorizes use of National Guard at southern border.</li> <li>• Allows DHS to deploy 1,000 border patrol agents in event of international border security emergency.</li> </ul>

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<b>WORKERS' RIGHTS</b>	<ul style="list-style-type: none"> <li>• Makes discrimination against a worker due to immigration status an unfair labor practice.</li> <li>• Requires DOL to conduct a national study on extent of violations of immigrant worker rights.</li> </ul>	<ul style="list-style-type: none"> <li>• Guest workers covered by FLSA and other employment laws.</li> <li>• May not be used to replace striking workers.</li> <li>• Foreign labor contractors must be registered. Only remedy for violations is an investigation at the discretion of DOL .</li> <li>• No appellate process provided. Extends INA protections against citizenship and national origin discrimination to LPRs as well as temporary workers under the H-5A and H-5B programs.</li> <li>• Strengthens anti-discrimination provisions.</li> </ul>	None.	<ul style="list-style-type: none"> <li>• Very limited worker protections for some programs, e.g., AgJOBS and H-2C guestworker program (see above).</li> <li>• Requires Census Bureau to conduct an Immigration Impact Study to examine the impact of legal and undocumented immigrants on the quality of life in the U.S.; also mandates the creation of a Temporary Worker Task Force to study the impact of temporary workers on U.S. market.</li> </ul>
<b>JOB TRAINING</b>	Fees paid by applicants for legalization or employers under existing guest worker programs must be used for job training or creation in communities with historically high records of unemployment.	None provided.	None provided.	None provided.

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<b>FAMILY AND EMPLOYMENT-BASED IMMIGRATION</b>	<ul style="list-style-type: none"> <li>• Doubles annual cap of family visas to 960,000.</li> <li>• Fiancé(e)s, spouses, or children of LPRs may enter country while petition pending.</li> <li>• Relaxes restrictions on widows, children born out of wedlock, orphaned, abandoned nieces, nephews, or grandchildren.</li> <li>• Eliminates affidavit of support as condition for admissibility.</li> </ul>	<ul style="list-style-type: none"> <li>• Redistributes visas in family (immediate family members exempt from family-based immigrant visas) and employment-based categories and doubles number of employment-based visas.</li> <li>• Relaxes financial requirements for sponsors.</li> </ul>	None.	<ul style="list-style-type: none"> <li>• Exempts spouses and children (immediate family members) from existing caps on family-based immigrant visas. This would free up 254,000 visas annually from the current cap of 480,000 for other family and employment based visa categories.</li> <li>• Allows spouse/child of US citizen to continue with application if US citizen petitioner dies.</li> <li>• US citizens and LPRs convicted of certain crimes prohibited from petitioning for family members</li> <li>• Employment-based green cards increased to 650,000 annually (up from 140,000 currently), including spouses and children.</li> </ul>
<b>ASYLUM AND REFUGEE ISSUES</b>	<ul style="list-style-type: none"> <li>• Would establish parity between Haitian and Cuban refugees. Permits adjustment of status to Haitian nationals physically present in the US for at least 1 year.</li> <li>• Eliminates mandatory detention of Haitian asylum seekers.</li> <li>• Grants LPR status to longtime Liberian asylum seekers.</li> <li>• Allows “gender” to qualify as a basis for asylum.</li> <li>• Eliminates 1-year filing requirement for asylum seekers.</li> <li>• Makes LPR status available to recipients of temporary protected status after 5 years.</li> </ul>	None.	<ul style="list-style-type: none"> <li>• New aggravated felony penalties bar asylees from applying for green card.</li> <li>• Changes statutory requirements for withholding of removal.</li> </ul>	Denies asylum to individuals based on their <u>suspected activity</u> related to terrorism or other security-related reasons at the whim of the Attorney General.

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<p><b>DETENTION, DEPORTATION, AND ACCESS TO THE COURTS</b></p>	<p>Eliminates mandatory detention in expedited removal proceedings, misdemeanors as basis for deportation, and retroactive changes in grounds of inadmissibility and removal; restores section 245(i) and makes it a permanent provision; restores suspension of deportation.</p>	<p>Allows defrauded immigrants to sue unscrupulous immigration law practitioners.</p>	<ul style="list-style-type: none"> <li>• Makes unlawful presence a felony.</li> <li>• Smuggling definition includes immigrants who provide basic services or assistance to immigrants.</li> <li>• Drastically curtails access to the circuit courts of appeal by creating a truncated, one-judge screening process for petitions for review of removal orders.</li> <li>• Makes many more minor crimes into aggravated felonies (retroactivity provision inserted).</li> <li>• Seeks to overturn Supreme Court decisions on the immigration consequences of minor criminal convictions.</li> <li>• Creates a new deportability ground for one DUI offense.</li> <li>• Creates new grounds of inadmissibility for those who are convicted of the following types of offenses: misusing Social Security cards; fraud in connection with ID documents; aggravated felonies; unlawfully procuring citizenship; and domestic violence-related offenses such as stalking, child abuse, neglect or abandonment, or having violated a restraining order.</li> <li>• Expands document fraud offenses to include extremely minor offenses, and makes many more document fraud offenses into aggravated felonies</li> </ul>	<ul style="list-style-type: none"> <li>• Grants wide discretion to DHS to determine “good moral character” and makes those decisions unchallengeable.</li> <li>• Smuggling definition broadened to include transporting, housing, and employment of those who are unlawfully present.</li> <li>• 6 months in prison for failure to notify DHS of address change and deportation for failure to file change of address card twice.</li> <li>• Expands document fraud offenses to include minor omissions and admissions such as use of false or someone else’s SSN or name to work. Creates new document fraud aggravated felonies. (But creates new limited waiver for certain legalization applicants.)</li> <li>• Bars person from green card if they admit (conviction not required) a document fraud offense.</li> <li>• Makes illegal entry a misdemeanor crime.</li> <li>• Legalizes indefinite detention by overturning Supreme Court decisions <i>Zadvydas</i> and <i>Martinez</i> and grants unchallengeable authority to extend detention.</li> <li>• Creates new barriers to naturalization and judicial review of naturalization.</li> <li>• Expands definition of aggravated felony to reach minor offenses.</li> </ul>

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<b>DETENTION, DEPORTATION, AND ACCESS TO THE COURTS (CONT)</b>			<ul style="list-style-type: none"> <li>• Legalizes indefinite detention by overturning Supreme Court rulings and grants unreviewable authority to DHS to indefinitely detain more classes of noncitizens.</li> <li>• Immigration violators would be added to the National Crime Information Center database.</li> <li>• Broad new powers for "re-detention" of individuals who were ordered released.</li> <li>• Expands categories of deportable offenses.</li> <li>• Drastically alters naturalization process by creating new bars and requirements.</li> <li>• Expands administrative removal to include individuals who are inadmissible.</li> <li>• Allows secret evidence to be used to deport individuals alleged to be terrorists.</li> <li>• Visa denials to nationals of countries who do not accept nationals who have final orders of removal.</li> <li>• Graduated hefty monetary and civil fines for failing to abide with voluntary departure order.</li> <li>• Allows DHS to cancel nonimmigrant visas (e.g., students, tourists) and requires waiving access to immigration courts before visa is granted.</li> <li>• Reverses burden of proof for</li> </ul>	<ul style="list-style-type: none"> <li>• Allows use of evidence ("extrinsic") outside the record of conviction to establish deportability for certain crimes.</li> <li>• Immigration violators would be added to the National Crime Information Center database.</li> <li>• New penalties for overstaying voluntary departure orders, including fines and broad denial of immigration benefits..</li> <li>• Creates new inadmissibility and deportability grounds for alleged gang members, even if they never committed a crime.</li> <li>• Bars US citizens with certain criminal convictions from sponsoring family members.</li> <li>• Visa denials to nationals of countries who do not accept nationals who have final orders of removal.</li> <li>• Allows secret evidence to be used to deport individuals alleged to be terrorists.</li> <li>• Makes a third DUI conviction (with a 1-year sentence) an aggravated felony, overturning Supreme Court precedent.</li> <li>• Creates exact same sentence enhancements for illegal entry as it does on illegal re-entry.</li> <li>• Adds 20,000 new detention beds and allows closed military bases to be used as detention centers</li> </ul>



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<b>DETENTION, DEPORTATION, AND ACCESS TO THE COURTS (CONT)</b>			<p>those charged with aggravated felonies.</p> <ul style="list-style-type: none"> <li>• Adds 10,000 new detention beds and allows military bases to be used as detention centers.</li> <li>• Imposes mandatory minimum sentences for many offenses.</li> <li>• Mandatory detention/deportation of individuals associated with gangs, even if have not committed a crime.</li> <li>• Prevents federal courts from reviewing naturalization denials.</li> </ul>	
<b>STATE REIMBURSEMENT</b>	None.	<ul style="list-style-type: none"> <li>• Reimburses border states for detention of undocumented immigrants.</li> <li>• Reimbursements for emergency health services for undocumented.</li> </ul>	None.	Provides state reimbursement for costs associated with the prosecution and incarceration of undocumented immigrants.
<b>DIVERSITY VISAS</b>	Doubles number of diversity visas to 110,000 from 55,000.	None.	Eliminates the diversity program.	Alters the diversity visa program by reserving two-thirds of the available 55,000 visas for noncitizens who hold an advanced degree in math, technology, or engineering.
<b>SMUGGLING &amp; TRAFFICKING</b>	<ul style="list-style-type: none"> <li>• Adjustment of status or reward may be available for informants of immigrant smuggling operations.</li> <li>• \$10 million for state and local investigation and prosecution of traffickers.</li> </ul>	<ul style="list-style-type: none"> <li>• Federal agencies to share information to combat trafficking; report to Congress.</li> <li>• Creates new “witness protection” visa as a category of U visa, increasing number from 10,000 to 15,000 per year.</li> </ul>	Expands definition of noncitizen smuggling to include assistance to undocumented person.	<ul style="list-style-type: none"> <li>• Expands definition of noncitizen smuggling to include minor acts of assistance to an undocumented person. Limited exception for religious organizations and those providing “humanitarian” services.</li> <li>• Expands smuggling forfeiture provision.</li> </ul>
<b>VAWA</b>	Provides several protections for victims of domestic violence, sexual assault, and trafficking.	Provides several protections for victims of domestic violence, sexual assault, and trafficking.	None.	VAWA protections extended to some legalization applicants (Group I in “Legalization” section).

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<b>STATE/LOCAL &amp; OTHER INTERIOR ENFORCEMENT</b>	<ul style="list-style-type: none"> <li>Eliminates authority of state and local agencies to carry out immigration functions.</li> <li>Allows state and local authorities to prohibit local enforcement of immigration law.</li> </ul>	None.	<ul style="list-style-type: none"> <li>Gives law enforcement agencies authority to enforce immigration laws.</li> <li>Withholds funding to states who do not enter into cooperation agreements with state agencies or local law enforcement.</li> <li>Development of an “immigration enforcement pocket guide.”</li> </ul>	<ul style="list-style-type: none"> <li>Mandates local law enforcement to enforce federal criminal immigration law.</li> <li>Allows states to offer driver’s license that includes citizenship status.</li> <li>Encourages DHS to enter into agreements with local law enforcement and state agencies to enforce federal immigration law.</li> <li>Changes the definition of crime of “entry without inspection” to a continuing offense which would make it easier for local police to enforce immigration laws.</li> <li>Requires that DHS enter into cooperative agreements with local law enforcement to investigate smuggling.</li> </ul>
<b>LANGUAGE RIGHTS</b>				<ul style="list-style-type: none"> <li>English as national language.</li> <li>English as common and unifying language.</li> <li>No right to government services or materials in any other language.</li> <li>Makes the naturalization English and civics test more difficult to pass.</li> </ul>

Updated for the National Network for Immigrant and Refugee Rights by South Asian Network, National Immigration Project, Filipinos For Affirmative Action, and Migration Policy & Resource Center/Occidental College. This table was initially produced by the Planning Committee of the Community Dialogue on Immigration Reform, held in Oakland, CA on July 16, 2005, including Bay Area Immigrant Rights Coalition (BAIRC), Coalicion Nacional de Inmigrantes Guatemaltecos (CONGUATE), Communication Workers of America District 9, East Bay Alliance for a Sustainable Economy (EBASE), East Bay Jobs With Justice, Filipino Civil Rights Advocates (FilCRA), FAA, SF Labor Council for Latin American Advancement, No. CA District Council of Laborers, NNIRR, Oakland Community Action Network, Priority Africa Network, UC Berkeley Labor Center, United Food and Commercial Workers Local 428.

**APPENDIX: ELIGIBILITY & INELIGIBILITY PROVISIONS IN “COMPROMISE BILL” (S. 2611)**

	Eligibility Provisions	Who Is Ineligible?
<p><b>GROUP 1: “EARNED ADJUSTMENT”</b> [INDIVIDUALS IN US BEFORE 4/5/01]</p>	<ul style="list-style-type: none"> <li>• Can apply for work permits for 6 yrs then wait up to 2 more years for current backlog to clear before being granted green card/Lawful Permanent Resident (LPR) status.</li> <li>• Must prove 3 years employment prior to 4/5/06 (some exceptions to work requirement, e.g., over 65+ years, enrolled in school, etc.).</li> <li>• Pass background checks.</li> <li>• Pay <i>all</i> federal back taxes and ineligible to collect refunds prior to 2006.</li> <li>• Pass English/civics test and meet other requirements (limited waiver).</li> <li>• May be disqualified if here legally (e.g., tourist, student, business visa) on 4/5/06, if ever failed to “comply with any request for information,” or if ever committed fraud, such as when seeking employment or fleeing persecution.</li> <li>• Enacts confidentiality protections (gov’t cannot use information for criminal prosecution).</li> <li>• Waiver available for inadmissibility bars. Limited public charge provision, etc.</li> <li>• Cost: \$4,000 per applicant in fines and fees.</li> <li>• Sanctions violations waived for employers.</li> <li>• VAWA protections for battered spouse/children.</li> <li>• Criminal penalties for misrepresentations in application</li> <li>• Special rule for determining “public charge” – no cash assistance.</li> <li>• Administrative and judicial review available.</li> </ul>	<ul style="list-style-type: none"> <li>• Individuals subject to final orders of removal/deportation.</li> <li>• Individuals who failed to depart after a grant of voluntary departure.</li> <li>• Individuals who are subject to reinstatement of removal after illegal reentry.</li> <li>• Individuals who have been convicted of a “serious crime” in the US or who are believed to have committed a “serious crime” outside the US.</li> <li>• Individuals who have been convicted of a felony or 3 or more misdemeanors, even if crime committed years ago.</li> <li>• A limited discretionary waiver is available if individuals (1) can show that they failed to receive notice of immigration hearing, or (2) show that their failure to appear was due to exceptional circumstances ,or (3) can demonstrate that their departure would result in extreme hardship to USC or LPR child, parent, or spouse.</li> <li>• Individuals who are inadmissible under INA 212(a)(1), (a)(2), (a)(3), (a)(10)(C) and (a)(10)A) . Limited waiver available except for those inadmissible under health grounds. NO HIV waiver available.</li> </ul>
<p><b>GROUP 2: “DEFERRED MANDATORY DEPARTURE (DMD)”</b> [INDIVIDUALS WHO ENTERED BETWEEN 4/5/01 &amp; 1/7/04]</p>	<ul style="list-style-type: none"> <li>• Must show continuous employment before 1/7/04 (no employment requirement for 65+).</li> <li>• Must not have been legally present on 1/7/04 (could be disqualified if here legally on 1/7/04).</li> <li>• Cannot be unemployed for more than 60 days (limited exceptions).</li> <li>• Must apply in 6-month application period and must pass background checks.</li> <li>• New DMD document permits work and travel.</li> <li>• Work permits expire after 3 years. Can apply for new guestworker visa but must do so from abroad (not subject to 200,000 guestworker cap). Guestworker visa program may provide path to green card or must find another way to immigrate.</li> <li>• Must leave before DMD expires and surrender work permit.</li> <li>• Must concede deportability and waive most rights to contest deportation.</li> <li>• Must be admissible and submit to wide range of questions.</li> </ul>	<p>Same as Group 1, EXCEPT for last bullet point</p> <ul style="list-style-type: none"> <li>• Ineligible if you are a “persecutor.”</li> <li>• Individuals who are not admissible (some inadmissibility grounds do not apply and a limited waiver is available).</li> </ul>

**APPENDIX: ELIGIBILITY & INELIGIBILITY PROVISIONS IN “COMPROMISE BILL” (S. 2611)**

	Eligibility Provisions	Who Is Ineligible?
<b>GROUP 2 (CONT)</b>	<ul style="list-style-type: none"> <li>• Must surrender Social Security card and any “false” document.</li> <li>• If applying for LPR status, would have to wait up to 8 years for current and Group 1 backlog to clear.</li> <li>• Penalties for failure to leave: Most immigration relief barred for 10 years. Graduated fines imposed on individual who fails to depart after one year of being granted DMD (e.g., after two years of being granted DMD, \$3,000 penalty).</li> <li>• Administrative appeal is available, but no judicial review.</li> <li>• Most spouses and children are covered.</li> <li>• Enacts confidentiality protections (cannot use application for future criminal prosecution).</li> </ul>	
<b>GROUP 3: AgJOBS</b> [WORKED IN AGRICULTURE FOR AT LEAST 2 YEARS]	<ul style="list-style-type: none"> <li>• First, apply for “Blue Card,” then, after 3 or 5 years (depending on hours/days worked previous years) apply for green card.</li> <li>• 18-month application period.</li> <li>• Employer cannot terminate employment except for just cause (provides limited arbitration rights).</li> <li>• May travel out of US.</li> <li>• Ineligible for most public benefits for 5 years.</li> <li>• Special “public charge” rule – demonstrate no cash assistance rec’d</li> </ul>	<ul style="list-style-type: none"> <li>• Individuals convicted of 1 felony or 3 misdemeanors.</li> <li>• Individuals who served more than 6 months for any crime.</li> <li>• Any individual who is inadmissible. No waiver for most crimes and security grounds e.g. crimes of moral turpitude.</li> <li>• If “Blue Card” was obtained under fraud.</li> </ul> Individual is deportable for not filing for green card.
<b>GROUP 4: DREAM</b> [BENEFITS CERTAIN LONG-TERM RESIDENTS WHO ENTERED WHEN THEY WERE CHILDREN]	<ul style="list-style-type: none"> <li>• Must have entered before age 16 and resided in US for at least 5 years.</li> <li>• Must demonstrate good moral character (can look at juvenile delinquencies).</li> <li>• Must have a high school diploma or admitted to a post-secondary institution for higher learning.</li> <li>• After applying, individual becomes conditional permanent resident for 6 years, then petitions for removal of conditions. Removal of conditions based on several factors.</li> <li>• Confidentiality provisions exist.</li> </ul>	<ul style="list-style-type: none"> <li>• Individuals who were ordered deported (some exceptions).</li> <li>• Individuals with juvenile delinquencies or convictions or considered to be security risk.</li> <li>• Individuals inadmissible for misrepresentation (limited waiver available).</li> <li>• Individuals who do not meet enrollment requirements during conditional residency.</li> </ul>