

<p>Senators John McCain (R-AZ) and Edward Kennedy (D-MA) Secure America and Orderly Immigration Act of 2005 (S. 1033).</p>	<p>Senators John Cornyn (R-TX) and Jon Kyl (R-AZ) Comprehensive Enforcement and Immigration Reform Act of 2005 (S. 1438).</p>	<p>Senator Chuck Hagel (R-NE) legislative package: enforcement and national security (S. 1916); employment eligibility verification (S. 1917); future guestworkers (S. 1918); and earned legalization plus backlog reduction (S. 1919).</p>
<p><u>Temporary Worker Visa Program</u></p> <ul style="list-style-type: none"> • 400,000 visas for initial year with an escalator; • initial three year authorization with option to extend up to 6 years; • spouse and minor child derivative visa status available; • H-5A Adjustment to permanent residence if petition by employer by alien after cumulative total of 4 years in H-5A status; • English Language and civics requirements. 	<p><u>Temporary Worker Visa Program</u></p> <ul style="list-style-type: none"> • 2 year work “W” visa and a mandatory one year return. Available for three 2 year work and return programs; • family members can only visit 30 days for each 2 year work visa; • no cap on the number of visas unless a newly established task force recommends a cap; • no opportunity for permanent residence conversion from this category; • repeals the H-2B program. 	<p><u>Temporary Worker Visa Program</u></p> <p>H-2B Reform</p> <ul style="list-style-type: none"> • 100,000 annual cap; • 9 month maximum admission in any 12 month period for “short-term service or labor”; • dual nonimmigrant and immigrant intent is permissible. <p>New H-2C Visa</p> <ul style="list-style-type: none"> • 250,000 annual cap; • 2 year admission with an option for an additional 2 year renewal; • spouse and minor child derivative visa status.
<p><u>Undocumented Immigrants in the U.S.</u></p> <p>New H-5B Visa and then Adjustment to Permanent Residence Status - Outside the Employment-Based Immigrant Visa Caps</p> <ul style="list-style-type: none"> • physical presence at time of introduction, in unlawful status and not inadmissible; • spouses and children also receive H-5B status; • must be employed at the time of application; • must have evidence of employment; • 6 year authorized stay with no change to other visa category permitted; • filing fee paid by alien of \$1,000. <p>Adjustment to LPR status from H-5B</p> <ul style="list-style-type: none"> • May apply after 6 years of work in H-5B status; • world-wide cap not applicable. 	<p><u>Undocumented Immigrants in the U.S.</u></p> <ul style="list-style-type: none"> • Mandatory Return Program over the next 5 years; • there is no new legal mechanism for the undocumented to use to re-enter the U.S.; • disallows participation in either the “W” program or the Mandatory Return Program if the home country has not entered into a bilateral agreement with the U.S. that requires on return, criminal issues, housing, health coverage etc. 	<p><u>Undocumented Immigrants in the U.S.</u></p> <p>Earned Adjustment to Permanent Residence Outside the Employment Based Caps</p> <ul style="list-style-type: none"> • Physical presence for five years prior to date of introduction (brief, casual and innocent exception); • evidence to show 3 years of work during the 5 year period; • filing fee of \$2,000; • spouses/children are included; • waivers of inadmissibility included; • Deferred Departure Status for those who do not meet the residency or work requirements for the earned adjustment program.

<p><u>Family Unity and Immigrant Visa Backlog Reduction</u></p> <ul style="list-style-type: none"> • Immediate relatives of U.S. citizens are carved out from the family-based immigrant visa cap of 480,000; • spouses and minor children of permanent residents are re-classified as immediate relatives. 	<p><u>Family Unity and Immigrant Visa Backlog Reduction</u></p> <ul style="list-style-type: none"> • Reallocates employment-based immigrant visa distribution and recapture of unused numbers. 	<p><u>Family Unity and Immigrant Visa Backlog Reduction</u></p> <ul style="list-style-type: none"> • Immediate relatives of U.S. citizens are carved out from the family-based immigrant visa cap of 480,000; • employment-based annual cap remains the same with high-skilled workers and immediate family members exempt; • H-1B professional visa cap exempts those who have earned advanced degrees in the U.S.
<p><u>Interior Enforcement</u></p> <ul style="list-style-type: none"> • Establish a new Employment Eligibility Confirmation System to replace the existing I-9 system. 	<p><u>Interior Enforcement</u></p> <ul style="list-style-type: none"> • 10,000 new investigators over 5 years for worksite enforcement and 1,000 new fraud detection agents; • Mandatory Employment Eligibility Verification Program within 12 months. 	<p><u>Interior Enforcement</u></p> <ul style="list-style-type: none"> • Employer Verification System is mandatory and permanent but phased in over several years; • increases fines for employers; • provides a safe harbor.
<p><u>Border Enforcement</u></p> <ul style="list-style-type: none"> • provide for the collection of biometric machine-readable information from an alien's immigration-related documents upon arrival and departure from the U.S. to determine the alien's status; • authorizing the establishment of labor migration facilitation programs with foreign governments whose citizens participate in the new temporary worker program. 	<p><u>Border Enforcement</u></p> <ul style="list-style-type: none"> • 10,000 additional detention beds; • 10,000 new border patrol agents; 1250 new CBP officers; • \$5 billion over 5 years for new technology and infrastructure; • authorizes denial of admission to national of a country that does not accept the prompt return of its nationals; • 1000 additional DHS investigators, additional trial attorneys and judges. 	<p><u>Border Enforcement</u></p> <ul style="list-style-type: none"> • Dedicated funds from fines for border security; • CBP to work with Army Corp of Engineers on closing tunnels and building fences; • expansion of expedited removal; • expansion of criminal penalties for SSN abuse, document fraud, smuggling/trafficking; • members of street gangs are deportable even if not convicted.