

**A CLOSER LOOK AT THE MARTINEZ-HAGEL COMPROMISE:  
A HARD AND STRICT PATH FOR EARNING LEGAL STATUS**

IN THE U.S. FOR MORE THAN 5 YEARS, PRIOR TO APRIL 5, 2001	IN THE U.S. FOR LESS THAN 5 YEARS, BUT BEFORE JANUARY 7, 2004	ENTER U.S. AFTER JANUARY 7, 2004 H-2C PROGRAM OPTION	PATH TO A GREEN CARD FOR THOSE NEWLY ENTERING THE U.S. WITH H-2C VISA
<p><b>Pathway to apply for Green Card and, eventually, Citizenship.</b></p>	<p><b>Allowed to apply for Deferred Mandatory Departure and remain and work in the U.S. for up to 3 years. Pathway to apply for Green Card and, eventually, Citizenship.</b></p>	<p><b>Must depart the U.S. but remains eligible to apply for the new H-2C temporary guest worker program for the future flow of essential workers. Workers would apply from their home country.</b></p>	<p><b>Those entering the U.S. with H-2C visa</b></p>
<p><b><u>YEAR 1</u></b> Apply for temporary legal status Must prove that: 1. Prove that applicant worked a minimum of 3 of 5 years prior to application 2. Must be continuously employed 3. Undergo national security and criminal background check 4. Proficient in English language 5. Prove payment of all federal and state taxes 6. Prove registered for Selective Service, <i>if applicable</i></p> <p><b><u>YEAR 6 (estimated)</u></b> Obtain green card ONLY AFTER all existing backlogs are adjudicated and cleared. Must prove continuous employment, pay \$2,000 fine, and repeat clearances.</p> <p><b><u>YEAR 12 (estimated)</u></b> May apply for U.S. Citizenship. Must meet all naturalization requirements noted in the last column.</p>	<p><b><u>YEARS 1 through 3</u></b> <u>During this 3 year period, individual has 3 options:</u> 1. Apply for readmission as an immigrant (based on legally valid family based relationship) 2. Apply for readmission as a nonimmigrant 3. Apply for modified H-2C program</p> <p>If new temporary status is granted, individual will have to depart the U.S. and return to a port of entry and re-enter the U.S., within the 3 year timeframe mentioned above, to perfect this new status</p> <p><b><u>YEAR 8-10 (estimated)</u></b> This class of immigrants may apply for their green card if applicant has approved visa petition and repeat steps 4 through 7 noted in column 1. These applications will be considered after those in column 1 are adjudicated.</p> <p><b><u>YEAR 13-15 (estimated)</u></b> May apply for U.S. Citizenship. Must meet all naturalization requirements noted in the last column.</p>	<p>Annual cap of 325,000, with a market based escalator.</p> <p>Compromise language includes a waiver of the 3 and 10 year bars, as well as some discretionary waiver verbiage.</p> <p><b><u>Applicant/Employee</u></b> <u>Must prove that:</u> 1. Can perform labor/service required for occupation 2. Have offer of employment 3. Pay \$500 application fee 4. Undergo medical exam 5. Undergo national security and criminal background check</p> <p>Must not have lapse in employment for over 60 days.</p> <p><b><u>Employer</u></b> Must file petition with DOL and DHS <u>DOL attestation must include:</u> 1. Prevailing Wage 2. Proof of Effort to Recruit U.S. Workers 3. No strike or layoff</p>	<p><b><u>YEAR 1</u></b> May seek an employer sponsor as a vehicle to obtain a green card while in H-2C status.</p> <p><b><u>YEAR 4</u></b> May self-petition for a green card after 4 years in H-2C status.</p> <p><b><u>YEAR 8-10 (estimated)</u></b> May adjust status to that of a Green Card holder. Must meet all criteria noted in Steps 4 through 7 in column 1.</p> <p style="text-align: center;"><b>WHAT ARE THE NATURALIZATION REQUIREMENTS</b></p> <p>Must either be a green card holder for 5 years or marry a U.S. Citizen and apply after 3 year. <u>Must also prove that:</u> 1. Period of continuous residence and physical presence in the U.S. 2. Proficient in English 3. Knowledge of U.S. history and government 4. Good moral character 5. Follow principles of the U.S. Constitution 6. Favorable disposition toward the United States 7. Proof of payment of taxes</p>