

White House Issues Its Version of CIR

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On March 29, 2007, the White House issued its version of Comprehensive Immigration Reform (CIR).

What follows is a summary of the categories in their document:

- 1- Provides a channel for temporary workers (TWP) known as the "Y" visa
- 2- Provides for a "Z" visa for those present in the U.S. without lawful status
- 3- Requires English proficiency, civics training and an oath of allegiance
- 4- Certain "hard" triggers will need to be met before implementation of the TWP and other reforms

The Temporary Worker (Y VISA)

- 1- First year cap not yet determined.
- 2- Every two years thereafter the cap can be altered if the Secretary of Homeland Security, in consultation with the Secretaries of Labor and Commerce, certifies a "demonstrable need" for higher or lower numbers.
- 3- Employers seeking a temporary worker must demonstrate that U.S. workers are not available. An offered position must be listed in a publicly accessible computer database. Certain private companies will be able to pair applicants with jobs.
- 4- This program will include two sorts of temporary workers: A seasonal worker who will be able to work 9 months in the U.S. and then 3 months abroad, which can be renewed indefinitely, and the main program that will permit the worker to remain in the U.S. for 2 years with 6 months abroad, and which can be renewed twice for a total of 6 years. Worker may NOT bring his or her family, but can travel freely to see them.
- 5- \$1,500 fee will be imposed for processing the visa.
- 6- The temporary worker can apply for permanent residency through normal channels, but must wait normal processing times, even if temporary worker status expires.

The Currently Undocumented (Z Visa)

- 1- A penalty of \$2,000 will be imposed for every three-year Z visa period. The rationale is that the penalty is necessary to "fine" the person who entered the U.S. in violation of the law or who remained in the U.S. in violation of the law.
- 2- The Z visa applicant will need to pay the same processing fee of \$1,500 for each period, the premise being that the process would be self-funding.
- 3- Z visa holders will be eligible for emergency social services and for primary and secondary education (public schools).
- 4- The Z visa will be valid for three years and can be renewed indefinitely.
- 5- Must pass at the first renewal (after three years) and the same English, and civics test that is required for citizenship (exceptions for elderly)
- 6- A Z visa holder cannot offer derivative status to family members who are abroad.

Clean Up Extended Family Backlogs and New Merit-Based System

- 1- Redirect 50,000 annual visas to merit-based and national-need categories.
- 2- Eliminate preferences for siblings and adult children.
- 3- Eliminate diversity visa program.
- 4- Require that current applicants on wait list file new application with \$500 filing fee in order to consolidate and determine exact number on wait list.
- 5- Offer anyone refused the opportunity to apply for merit-based visas, with points awarded for having U.S. relatives.
- 6- Convert all diversity visas and some parent preference visas to merit-based selection (this would create 100,000 openings immediately).
- 7- New visa system that prioritizes according to national needs and individual merits by emphasizing education.
- 8- Make it easier for the best foreign students earning STEM (science, technology, engineering and medical degrees) at U.S. universities to remain in the U.S. as workers.
- 9- After the initial period, implement a point-based system for up to 700,000 applicants per year based on i) educated and skilled workers critical to national competitiveness and ii) unskilled workers with high employer valuations and other equity and roots in the U.S. The merit system can be tuned at various points to keep the level and mix of permanent residency approvals focused on the national interest.

The Current Undocumented and Permanent Residency

1- Z visa holders who wish to apply for permanent residency may do so but only through a regular program, but with specific restrictions imposed (in recognition of their unlawful status or previously unlawful status),

- a) Pay an additional penalty of \$10,000 (\$2000 when applying and \$8000 when approved).
- b) Will not be able to adjust status- must apply through U.S. consulate in country of origin- with valid Z visa guaranteeing them right to return.
- c) Application will be points based, not based on offer of employment.
- d) Points system will include criteria for education, skills, English proficiency, employer recommendations, with additional significant weight to years of U.S. work, property ownership, health insurance enrollment, children's success in school, civic roots and other equities in the US.

Can Y Visa holders Apply for Permanent Residency?

- 1- No option to automatically convert to permanent residency since Y visa holders are truly temporary.
- 2- Y visa holder will be able to apply through normal processing channels that exist.