



IMMIGRATION PRACTICE GROUP

# ALERT

## IS COMPREHENSIVE IMMIGRATION REFORM FORTHCOMING? SENATE AND WHITE HOUSE AGREE ON “GRAND BARGAIN” BILL

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In mid-May White House administration officials and a bipartisan group of senators reached agreement on comprehensive immigration reform legislation, called the “Grand Bargain” Bill. The bill, now known as S. 1348 is **still in its draft stages** but represents the first immigration proposal to be agreed upon by both the White House and members of the Senate. On May 25th, the Senate completed its first week of debate on the highly contentious bill; the Senate’s consideration of amendments resumed on June 4th and presently remains ongoing. The bill contains a wide variety of provisions for extensive reformation of the current immigration system. We present for your consideration several key provisions of the bill (as of the time this publication went to press):

### 1. Employers will be required to verify the eligibility of the workers they hire

- Employers will be required to verify the work eligibility of all employees using an employment eligibility verification system, which will allow for real-time verification of employee photos and documents.
- The Department of Homeland Security and the Social Security Administration will be able to share employee mismatch information.
- Employer audits will be conducted as an additional check on employer compliance with the system.

- Tough new anti-fraud measures will be implemented and strong penalties imposed on employers who break the law.
- Fines for noncompliance will increase significantly.

### 2. Employment-Based Immigration: A Merit System

- Current employment-based immigration categories (i.e. the way by which foreign nationals become legal permanent residents, also called “green card” holders) will be eliminated, and substituted with a “merit-based” point system.
  - Points will be assigned for skills, education, employment background, and other attributes that further the national interest, including the ability to speak English, level of schooling, including added points for training in math, science and technology, a job offer in a high-demand field, work experience in the U.S., employer endorsement and family ties to the U.S.
  - The point system does not appear to contain provisions for multinational managers, extraordinary ability aliens, or outstanding professors or researchers.

### 3. New Temporary Worker Program (Y Visa):

- Temporary workers will be able to enter the U.S. for 2 year terms, limited to three 2-year terms per lifetime, and requiring at least 1 year spent outside the U.S. between each term.

- U.S. employers will have to advertise jobs at a competitive wage rate before hiring a Y visa temporary worker.
- Annual cap of 200,000 (half of the originally proposed 400,000) with no option to increase based upon market conditions (removed from original).
- Only 10,000 “exceptional” Y visa holders may become permanent residents.
- Temporary workers will be allowed to bring immediate family members only for one of these terms provided they have the financial ability to support them and they have health insurance coverage.

4. Reductions to Family-Based Immigration

- The current family-based immigration system, under which approximately two-thirds of “green cards” are given to relatives of U.S. citizens, will be replaced with a system in which family immigration will focus on the nuclear family (spouses and minor children).
  - Immediate Relatives will no longer include parents of U.S. citizens
  - Permanent residence for siblings and adult children of U.S. citizen and permanent residents will be eliminated.
  - There will be a new preference category for parents of U.S. citizens, with an annual cap of 40,000.

5. Undocumented Immigrants may stay and work, but must go home to obtain permanent residence:

- Undocumented workers will be able to register for a temporary work permit, remain employed and receive a counterfeit-proof biometric card to apply for a work visa, called a “Z visa,” provided they pass a background check and pay at least a \$1,000 fine.
- Z visa holders will become eligible to apply for permanent residence several years later provided they pay a \$4,000 fine, demonstrate payment of all required federal and state taxes, complete accelerated English requirements, wait in line until the current backlog clears, demonstrate merit under the merit-based system and return to their home country to apply.

Since more than 300 amendments to S. 1348 have been presented for consideration before the Senate, the bill will certainly undergo further revisions prior to the final presentation to the House and a full Congressional vote. Fox Rothschild will bring you updated news regarding the bill’s progress when further information is available.

For more information regarding the information in this alert, please contact the author or another member of the Immigration Practice Group via the contact information below.

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