

SIDE-BY-SIDE COMPARISON OF 2013 SENATE IMMIGRATION FRAMEWORK WITH 2006 AND 2007 SENATE LEGISLATION

Issue	2006 Senate Bill (S.2611 as amended)	2007 Senate Bill (S.1639)	2013 Framework from Bipartisan Senate Group *
Border Security, Detention, and Enforcement			
Summary	<ul style="list-style-type: none"> - Title I authorizes new border infrastructure (mainly fencing and surveillance) and personnel – most of which later passed as the Secure Fence Act of 2006. - Title II expands detention and removal authority; increases penalties for a wide range of migration- and document-related offenses; strictly limits judicial review for certain immigration offenses and immigration-related crime; expands state and local enforcement of immigration law. 	<ul style="list-style-type: none"> - Establishes enforcement “triggers” which must be met prior to implementation of new immigration benefits. - Titles I and II similar to 2006 bill, but more modest expansion of border enforcement (reflecting Secure Fence Act), smaller expansion of migration-related crimes, fewer restrictions on judicial review, and less support for state and local enforcement of immigration law. 	<ul style="list-style-type: none"> - Establishes new border security goals regarding surveillance and Border Patrol effectiveness. - Requires the Homeland Security Secretary to submit two plans to Congress within 6 months of bill enactment: A Comprehensive Southern Border Security Strategy and a Southern Border Fencing Strategy, authorizing \$4.5 billion for both. - Establishes border security triggers before unauthorized immigrants can be placed into provisional status and later adjust to legal permanent residence. <u>Trigger #1</u>: Both border strategies must have been submitted to Congress before unauthorized immigrants can gain Registered Provisional Immigrant (RPI) status. <u>Trigger #2</u>: Those with RPI status cannot be eligible to adjust to lawful permanent residence until the Homeland Security Secretary certifies to the President and Congress that both initial plans have been submitted, implemented, and are substantially operational or completed; mandatory employer verification has been implemented; and an electronic exit system at air and sea ports is in use. - Mandates creation of a border commission of governors and appointees to devise a secondary plan if within five years, 90% effectiveness has not been reached in all high-risk sectors. - Provides for use of the National Guard at the Southwest border for a number of purposes, including construction of fencing and deployment of unmanned aerial systems. - Authorizes funding for new Border Patrol stations and forward operating bases, additional border crossing prosecutions and technology, and reimbursement to state and local law enforcement for detaining unauthorized noncitizens who are criminals.

* This is based on the 17-page framework released on April 15, 2013. This Migration Policy Institute side-by-side will be updated after an opportunity for analysis of the actual legislative text.

<p>New manpower authorization</p>	<p>- Adds 2,500 Port of Entry (POE) inspectors + 12,000 Border Patrol agents.</p>	<p>- Adds 14,000 Border Patrol agents + 500 Customs and Border Protection (CBP) inspectors + 200 Immigration and Customs Enforcement (ICE) investigators + 50 US Marshals. - 18,000 Border Patrol agents as trigger for legalization.</p>	<p>- Adds 3,500 additional Customs agents + unspecified number of Border Patrol agents.</p>
<p>Fencing</p>	<p>- 300 miles of fencing + 500 miles of vehicle barriers. - Triple fencing near San Diego.</p>	<p>- 200 miles of vehicle barriers + 370 miles of fencing as trigger. - Additional double and triple fencing near San Diego.</p>	<p>- Establishes a Southern Border Fencing Strategy 6 months after bill enactment and provides \$1.5 billion to identify where fencing, infrastructure, and technology should be deployed.</p>
<p>Ports of entry</p>	<p>- Authorizes additional POEs.</p>	<p>- Authorizes additional POEs.</p>	<p>- No specific language regarding POEs.</p>
<p>Requirement for standards related to border enforcement</p>	<p>N/A</p>	<p>N/A</p>	<p>Establishes two new border security goals:</p> <p>Phase 1 Within 6 months of the bill’s enactment, the Homeland Security Secretary is required to submit two border security plans:</p> <ol style="list-style-type: none"> 1) The Comprehensive Southern Border Security Strategy, which establishes a strategy for achieving and maintaining border security. The bill would authorize \$3 billion to implement the strategy and acquire additional surveillance and detection, aircraft, and unmanned aerial systems; and hire additional Border Patrol agents and Customs and Border Protection (CBP) officers at and between ports of entry at the Southwest border. 2) The Southern Border Fencing Strategy, which will identify where fencing, infrastructure, and technology should be deployed. The bill would authorize \$1.5 billion to implement the plan. <p>Phase 2 Border security goals are considered reached if there is a 90% or higher effectiveness rate for all high-risk border sectors achieved within 5 years of the bill’s enactment. If not achieved, a commission consisting of the four border state governors and border security experts appointed by the President and leadership in Congress will be established. The commission will issue a report with recommendations on further deployment of manpower, technology, and resources to achieve 90% effectiveness in high-risk sectors, and \$2 billion will be given for implementation.</p>

Other border infrastructure	<ul style="list-style-type: none"> - Expands aerial surveillance program; appropriates funding for unmanned aerial vehicles (UAVs). - Expands cameras and “virtual” fence. 	Expands use of UAVs, cameras, virtual fence.	<ul style="list-style-type: none"> - Unspecified additional funding for Border Patrol stations and “forward operating bases” to interdict individuals immediately post-unlawful entry and provide operational support in rural, high-trafficked areas. - Acquisition of additional fixed, mobile, and agent portable surveillance systems; unmanned aerial systems and fixed-wing aircraft. - Construction of checkpoints along the Southern border to bridge the gap to long-term permanent checkpoints.
State and local	<ul style="list-style-type: none"> - Permits grants to local enforcement agencies to combat criminal activities. - Requires DHS to take custody of any unauthorized immigrants under state/local control. - Affirms “inherent authority” of state/local governments to assist in enforcement of criminal immigration laws. - Lists immigration violations in National Crime Information Center (NCIC) database. 	<ul style="list-style-type: none"> - Permits grants to local enforcement agencies to combat criminal activities. - Allows greater federal-state-local cooperation to combat alien smuggling. - Reimbursement for local enforcement under §287(g). - New provisions for transfer of custody. - Expansion of Justice Prisoner and Alien Transfer System. 	<ul style="list-style-type: none"> - Increases funding for Operation Stonegarden to assist state and local law enforcement to help prevent illegal activity along the border. - Provides funding for radio communications and interoperability between Customs and Border Protection (CBP) and state, local, and tribal law enforcement agencies. - Reauthorizes the State Criminal Alien Assistance Program (SCAAP) to reimburse state and local law enforcement for the cost of detaining criminal unauthorized noncitizens.
Arms trafficking	N/A	N/A	N/A
Judicial	<ul style="list-style-type: none"> - Limits judicial review of naturalization denial. 	<ul style="list-style-type: none"> - Limits review of detention to habeas corpus. 	<ul style="list-style-type: none"> - Authorizes and funds border crossing prosecutions and court costs in the Tucson Sector enough to increase prosecutions from 70 per day to 210 per day (\$50 million from \$3 billion Border Security Fund).
Consultation/ international cooperation	<ul style="list-style-type: none"> - Requires coordination with Mexico to tighten border security. - Cooperation with Mexico on enforcement, circular migration, immigration education, firearms trafficking. 	<ul style="list-style-type: none"> - Establishes US-Mexico Border Commission to study impact of border enforcement and make recommendations. 	<ul style="list-style-type: none"> - Establishes a DHS Border Oversight Task Force made up of community representatives, appointed by the President, to work with DHS.
Military/ National Guard	<ul style="list-style-type: none"> - Permits governors to call up National Guard for border enforcement. - Authorizes emergency deployment. 	N/A	<ul style="list-style-type: none"> - Authorizes the National Guard to be deployed to the Southwest border to construct fencing; increase ground-based mobile surveillance systems; deploy additional unarmed, unmanned aerial systems and manned aircraft to maintain continuous border surveillance; to deploy radio communications between CBP and state and local law enforcement agencies; construct checkpoints; and assist in other rural, high-trafficked areas as needed.
Detention	<ul style="list-style-type: none"> - Mandatory detention for unauthorized immigrants (other than Mexicans and Cubans) apprehended at border. - Permits indefinite detention of noncitizens under final removal order. - Requires 20,000 more detention beds. 	<ul style="list-style-type: none"> - Detention bed space capacity must reach 31,500 as trigger for legalization. - End of “catch and release” as trigger for legalization. - Requires 20,000 more detention beds. - Strengthens removal procedures; expands detention during removal proceedings but with limits after 90 days. - Expands parole authority. 	N/A

Interior enforcement	<ul style="list-style-type: none"> - Expands definition of aggravated felony; applies retroactively. - Expands expedited removal (other than Mexicans, Canadian, and Cubans) for anyone apprehended within 100 miles of border and noncitizens convicted of certain crimes. 	<ul style="list-style-type: none"> - Expands definition of aggravated felony; applies prospectively. - Expands voluntary departure; strengthens penalty for failure to comply. - Expands DHS authority to cancel visas. 	N/A
Document security	<ul style="list-style-type: none"> - Requires DHS to issue secure, machine-readable, biometric documents. - New biometric entry-exit requirements. 	<ul style="list-style-type: none"> - New biometric entry-exit requirements; expanded interoperability among biometric databases. 	N/A
New/increased penalties	<ul style="list-style-type: none"> - Entry without inspection (EWI)/evasion of enforcement/illegal re-entry. - Tunnel construction. - Gang activities. - Alien smuggling (expanded definition). - Document fraud (expanded definition). 	<ul style="list-style-type: none"> - EWI/evasion of enforcement/illegal re-entry. - Alien smuggling (expanded definition). - Gang activities. - Failure to depart. 	N/A

Worksite Enforcement

Summary	<ul style="list-style-type: none"> - Requires mandatory participation in electronic employment verification system (EEVS) (new hires only) within 18 months. - Default confirmation in some cases until accuracy standards are met. - Combats ID fraud by limiting eligible documents, expands information sharing with Social Security Administration (SSA). - New protections to prevent employer abuse and erroneous nonconfirmations. 	<ul style="list-style-type: none"> - Requires mandatory participation in EEVS (new hires) within 18 months and re-verification of existing workers within 3 years. - Combats ID fraud by more restrictive limits on documents, more extensive information sharing with SSA, and pilot biometric system. - Some worker protections. 	<ul style="list-style-type: none"> - Requires mandatory use of E-Verify, phased in over 4 years; expansion of E-Verify photo-sharing tool to include state driver's licenses; creation of new system that enables individuals to "lock" their social security numbers and check their own E-Verify history; expansion of US Citizenship and Immigration Services (USCIS) investigatory authority to check whether social security numbers are being improperly used multiple times.
Timeline for mandatory EEVS	<ul style="list-style-type: none"> - Targeted participation beginning 60 days after enactment. - All employers must participate within 18 months of enactment (new hires only). - Default confirmation if DHS cannot meet timelines until system is 99% accurate. 	<ul style="list-style-type: none"> - Targeted participation beginning 30 days after enactment. - Critical infrastructure employers must participate within 6 months. - All employers must participate within 18 months (new hires only). - Re-verification of all workers within 3 years. - Use of EEVS and secure documents as trigger for legalization. 	<ul style="list-style-type: none"> - All employers will be required to use E-Verify (including ag employers): <ul style="list-style-type: none"> • Employers w/ more than 5,000 employees will be phased in within 2 years. • Employers with more than 500 employees will be phased in within 3 years. • All employers, including agricultural employers, will be phased in within 4 years. - Except for immigrants who are eligible for the DREAM Act and agricultural legalization, no immigrant in RPI status shall adjust to permanent residence until Homeland Security Secretary submits written certification of implementation of a mandatory employment verification system.

<p>Anti-discrimination protections</p>	<ul style="list-style-type: none"> - No adverse action from tentative nonconfirmation (TNC); \$20,000 penalty for employers taking adverse action against worker subject to TNC. - Justice Department Office of Special Counsel enforces worker protections. - Expands class of immigrants protected from employment discrimination. 	<ul style="list-style-type: none"> - No adverse action from TNC; \$10,000 penalty. - DHS enforces worker protections. 	<p>N/A</p>
<p>Due process</p>	<ul style="list-style-type: none"> - Administrative review (60 days) and judicial review (60 days) following dismissal after nonconfirmation. - Compensation for lost wages and attorney fees in case of government error. 	<ul style="list-style-type: none"> - Administration review of final nonconfirmation (15 days). - DHS may stay nonconfirmation pending review. - Judicial review (30 days) following dismissal after nonconfirmation. - No compensation in case of government error. 	<ul style="list-style-type: none"> - Due process requirements are established so that legal workers are not prevented from working due to errors in the system or because of employer negligence or misconduct.
<p>Personnel</p>	<ul style="list-style-type: none"> - 11,000 new ICE agents, 25% devoted to worksite enforcement. 	<ul style="list-style-type: none"> - 4,500 DHS agents dedicated primarily to worksite enforcement. 	<p>N/A</p>
<p>Identity and eligibility documents</p>	<ul style="list-style-type: none"> - Passport or REAL ID license for US citizens. - Green card for legal permanent residents (LPRs). - Employment authorization document (EAD) for other noncitizens. 	<ul style="list-style-type: none"> - Passport, green card, or other DHS document. - REAL ID plus Social Security card. - DHS Secretary may require workers to obtain new Social Security card. - SSA must issue hardened SSA cards within 2 years. 	<ul style="list-style-type: none"> - Every noncitizen will be required to show a “biometric work authorization card” or “biometric green card.” <ul style="list-style-type: none"> • The photographs on these documents will be stored in E-Verify, and employers will have to certify that the photo on the document presented by the employee matches the photo in the system. - US citizens may submit one of two documents: <ul style="list-style-type: none"> • A passport, with passport photos stored in E-Verify and employers having to certify that the passport photo presented matches the photo in the system. • A driver’s license — so long as the citizen’s state has agreed to submit photos to E-Verify. (The bill provides for \$250 million to establish a grant program to reimburse states for costs.) - For those individuals whose identities may not be verified using the photo tool, the Homeland Security Secretary shall develop “specific and effective additional security measures” that shall (1) be kept up to date w/ technological advances; and (2) provide a means of identity authentication – using information maintained by DHS and the Social Security Administration – that may include review of identity documents or background screening verification.

Penalties for employing unauthorized immigrant	<ul style="list-style-type: none"> - Civil penalties: \$500 - \$20,000. - Record-keeping: \$200 - \$6,000. - Pattern and practice: \$20,000 and/or 3-year prison sentence. - Loss of government contracts. 	<ul style="list-style-type: none"> - Civil penalties: \$500 - \$75,000. - Record-keeping: \$1,000 - \$15,000. - Pattern and practice: \$75,000 and/or 6-month prison sentence. - Loss of government contracts. - DHS may file liens to collect. 	N/A
Privacy protections	<ul style="list-style-type: none"> - Prohibits collection (misdemeanor) and use (felony) of data for other purposes. - Requires procedure for SSN blocking. 	<ul style="list-style-type: none"> - Prohibits use of data for other purposes. - Civil penalties up to \$50,000 for unauthorized use or disclosure. 	- USCIS will create a system that allows employees to “lock” their Social Security number in the E-Verify system so that it cannot be used by another individual.
Self-verification	<ul style="list-style-type: none"> - Workers may check and correct system records. 	N/A	- USCIS will develop a system that will allow employees to check their own E-Verify history, and thereby know if their social security numbers are being improperly used.
Enhanced verification	N/A	<ul style="list-style-type: none"> - Voluntary program to allow employers to collect and verify workers’ fingerprint data for identity authentication. 	N/A
Accuracy standards	<ul style="list-style-type: none"> - Annual Government Accountability Office (GAO) report on accuracy, integrity, and impact of system; certification of accuracy rates prior to elimination of default confirmation. 	N/A	N/A
Information sharing	<ul style="list-style-type: none"> - SSA provides DHS with information about likely cases of identity fraud, subject to 6103 tax code privacy protections. Information sharing sunsets after 3 years. 	<ul style="list-style-type: none"> - SSA provides DHS with all records, not subject to 6103 protections. No penalties for unauthorized disclosures. 	- USCIS can run scans to determine if a Social Security number is being used too many times within a short time period or if it is being improperly used in multiple geographic locations. If fraud is detected, USCIS can either launch an investigation or temporarily lock the Social Security number. If no fraud is found, the number will be unlocked. If it is found, the perpetrator can be caught.
Preemption	<ul style="list-style-type: none"> - Existing preemption of state/local employment verification laws. 	<ul style="list-style-type: none"> - Existing preemption of state/local employment verification laws. 	N/A
Labor protections	N/A	N/A	N/A
SSA no-match	N/A	<ul style="list-style-type: none"> - DHS and SSA authorized to develop regulations requiring response to SSA no-match letter. 	N/A

Visa Reforms			
Summary	<ul style="list-style-type: none"> - Short-term visa surge for backlog reduction. - Expansion of family- and employment-based visas. - Exempts citizens' families from quotas. - New low-skilled green card (87,000). - New low-skilled conditional visa (200,000). - Expands high-skilled visas. 	<ul style="list-style-type: none"> - Short-term visa surge for backlog reduction. - Expands employment-based visas. - Eliminates most existing family- and employment-based categories; creates merit-based point system. - New low-skilled green card (10,000). - New low-skilled temporary visa (200,000). - Expands H-2B program (renamed Y-2). - Expands high-skilled visas. 	<ul style="list-style-type: none"> - Reduces existing family- and employment-based backlogs of more than 4.4 million beneficiaries in line awaiting green cards. - Streamlines numerical limit preference categories for family- and employment-based immigration. - Eliminates diversity visa program. - Creates new startup visa for entrepreneurs. - Creates new merit-based visa program that will award points to individuals based on education, employment, length of U.S. residence, and other considerations. <ul style="list-style-type: none"> • Under one component of the program, 120,000 visas available each year based on merit (number would increase by 5% if demand exceeds supply in any year where unemployment is under 8.5%). Maximum cap is 250,000 visas. • Under a second component of the program, visas would be available for long-term foreign workers who have been lawfully present in the United States for not less than 10 years, including RPIs. There would be no numeric cap.
Reduction of existing backlogs	<ul style="list-style-type: none"> - Permits recapture of unused family and employment-based visas from 2001-2005. - Sets 450,000 employment-based visa quota for 10 years. - Raises per-country limits. 	<ul style="list-style-type: none"> - Sets 440,000 family-based visa quota until backlogs eliminated. - Sets 90,000 employment-based visa quota until backlogs ended. - Raises per-country limits. 	<ul style="list-style-type: none"> - For those with visas pending as of bill enactment date, allocates visas over FY 2015-2021 as follows: <ul style="list-style-type: none"> • One-seventh (over each of the 7 years) of the employment-based visas pending. • For pending family-based visas, the Homeland Security Secretary shall follow a specific formula for visa allocation. - No immigrants in RPI status may apply for green cards until all people waiting for family- and employment-based green cards as the date of enactment have been dealt with.
Future flow - family	<ul style="list-style-type: none"> - Spouses and children of LPRs treated as non-quota immediate relatives. - Changes preference categories. 	<ul style="list-style-type: none"> - Eliminates existing family preference categories except for spouses and children of LPRs. (87,000 visas) and parents of adult US citizens (40,000 visas). 	<ul style="list-style-type: none"> - New system will contain just 2 family preference categories: <ul style="list-style-type: none"> • Unmarried adult children of US citizens and LPRs. • Married adult children of US citizens who file before age 31. - Elimination of cap for spouses and minor unmarried children of LPRs. - Elimination of the 4th preference category (siblings of US citizens) 18 months after date of enactment. - Expansion of the V visa category to provide temporary legal status to some noncitizens with pending green card petitions.

<p>Future flow – employment-based green cards</p>	<ul style="list-style-type: none"> - 290,000 visas. - New low-skilled EB visa. - Exemptions for shortage occupations. - Exemptions for STEM degrees. 	<ul style="list-style-type: none"> - 380,000 visas. - Eliminates existing system; establishes merit-based point system favoring highly skilled + 10,000 visas to legalize immigrants. 	<ul style="list-style-type: none"> - Elimination of green card cap for derivative beneficiaries (spouses/minor children) of employment-based immigrants. - No caps for foreign nationals of extraordinary ability, outstanding professors and researchers, multinational executives and managers; doctoral degree holders in any field; and certain physicians. - 40% of worldwide employment visas allocated to: <ul style="list-style-type: none"> • Members of professions holding advanced degrees or equivalent whose services are sought in sciences, arts, professions, or business. • Noncitizens who have a US master’s degree or higher in a STEM field and employment offer in a related field + qualifying degree was earned in 5 years immediately before petition filed. - 40% of worldwide level of employment visas reserved for skilled workers and other professionals. - 10% for special immigrants (Afghan translators, religious workers, etc.). - 10% for employment creation (EB-5). - Creation of startup visa for foreign entrepreneurs who seek to immigration to U.S. to start own companies.
<p>Future flow – employment-based nonimmigrants and conditional immigrants</p>	<ul style="list-style-type: none"> - H-2C conditional visas: <ul style="list-style-type: none"> • 200,000 visas. • No visas if unemployment > 9%. • 3-year visa; may be renewed once; dual intent permitted + self-petition after 4 years. • Visa portability. 	<ul style="list-style-type: none"> - Y-1 nonimmigrant visas: <ul style="list-style-type: none"> • 200,000 visas. • No visas if unemployment > 7%. • 2-year visa; may be renewed twice with one year intervening; no dual intent. - Y-2 nonimmigrant visas: <ul style="list-style-type: none"> • 100,000 visas with market escalator. • 10-month visa; renewable after 2 months intervening; no dual intent. 	<ul style="list-style-type: none"> -W visa for jobs requiring less than bachelor’s degree with initial duration of 3 years, renewable, with option to apply for permanent residence through merit-based system. Other W visa criteria: <ul style="list-style-type: none"> • Caps visas at 20,000 in first year, increasing to up to 200,000 visas over time based on statistical formula and bureau recommendations, with possibility of additional visas for shortage occupations and workers with high wages; prioritizes applications in shortage occupations and for small businesses. • Allows 60-day job-search period for workers to move between registered employers/positions. • Makes dependents of W visa holders eligible for work authorization. • Prohibits W approvals where local unemployment > 8.5% unless position is on shortage list or higher-wage occupation. • Debars employers who commit certain labor violations for up to 3 years, or permanently for trafficking-related violations.
<p>Future flow – other</p>	<ul style="list-style-type: none"> - Reduces diversity visa to 18,333; allocates 36,667 to noncitizens with advanced degrees. 	<ul style="list-style-type: none"> - Eliminates diversity visa. 	<ul style="list-style-type: none"> - Elimination of the diversity visa program and its 55,000 visas after FY 2014.
<p>Other relief</p>	<ul style="list-style-type: none"> - Relief for widows and orphans. - Extension of Haitian Refugee Immigration Fairness Act (HRIFA) benefits. - Relief for victims of Hurricane Katrina. 	<p>N/A</p>	<p>N/A</p>

Adjustment of status for provisional immigrants	N/A	N/A	<ul style="list-style-type: none"> - After 10 years, immigrants in RPI status may adjust to LPR status through the merit-based system IF they: <ul style="list-style-type: none"> • Maintained continuous physical presence. • Paid all taxes owed during the RPI period. • Worked in the United States “regularly.” • Demonstrated knowledge of civics and English. • Paid a \$1,000 penalty. AND <ul style="list-style-type: none"> • All people currently waiting for family and employment green cards as of bill enactment had their priority date become current.
Adjustment of status for DREAMers and agricultural program beneficiaries	N/A	N/A	<ul style="list-style-type: none"> - Individuals granted status through the DREAM Act or the Agricultural Program can get green cards in 5 years, with DREAMers eligible for citizenship immediately after gaining a green card.

Earned Legalization of Unauthorized Immigrants

<p>Summary</p>	<ul style="list-style-type: none"> - Two legalization programs for those present > 5 years or > 2 years. - Immediate conditional status followed by earned legalization; > 2-year group must re-enter on new visa. - Retrospective and prospective proof of employment required. - Touch-back requirement and limits on adjustment for > 2-year group. - Penalties and fees total about \$3,000 - \$7,000. - Restrictions on grounds for exclusion; waivers available. - Learn English; pay back taxes prior to adjustment to LPR status. 	<ul style="list-style-type: none"> - One legalization program; presence since Jan. 1, 2007. - Immediate conditional status followed by earned legalization; but no definite path to LPR status (must qualify through points system). - Retrospective and prospective proof of employment required. - Touch-back requirement for all. - Penalties and fees total about \$10,000. - Tighter restrictions on grounds for exclusion; fewer waivers available; mandatory USCIS interview. - Learn English; pay back taxes prior to adjustment to LPR status. 	<ul style="list-style-type: none"> - Cutoff for eligibility for legalization program requires continuous presence since Dec. 31, 2011. - RPI status good for six-year term, renewable if no “deportable” acts committed. - Deported individuals can apply for provisional status from outside US if their spouses or children are US citizens or LPRs. - Provisional status for minimum 10 years for RPIs, 5 years for DREAM-eligible and agricultural workers. - Provisional status must be renewed after 6 years. - No definite path to LPR status (must qualify for new merit-based visa) unless DREAM-eligible or agricultural worker. - No touchback requirement. - Prospective employment only. - Restrictions on grounds for exclusion; details on waivers not yet available. - Learn English and civics, pay taxes prior to adjustment to LPR status. - Backlog in family and employment visas must be cleared before RPIs can adjust to LPR status, except DREAM-eligible and agricultural workers. - Border enforcement requirements must be met before adjustment to LPR status (see first section for more on triggers). - Certain deportees can apply to re-enter US with RPI status if: <ul style="list-style-type: none"> • Were in US before December 31, 2011. • Deported for non-criminal reasons. • Spouse or parent of US citizen or LPR, or DREAM-eligible. - Individuals in RPI status not eligible for “means-tested public benefits” (welfare, food stamps, Medicaid).
-----------------------	--	---	--

Requirements for Provisional Immigrant Status			
General qualification for registration	- Continuous presence for 5 years (earned legalization, or EL) or 2 years (Deferred Mandatory Departure, or DMD). - Evidence of employment for 3 of 5 years (EL) or continuously since 2004 (DMD).	- Continuous presence since year of enactment. - Evidence of employment for 3 of 5 previous years.	- Continuous presence since December 31, 2011.
Grounds for exclusion – waiver permitted	- Most grounds for exclusion do not apply, do not apply if solely related to immigration offenses, or may be waived if removal would result in undue hardship to family member.	- DHS Secretary may waive standard grounds for exclusion on basis of undue hardship to noncitizen or immediate family.	TBD
Grounds for exclusion – no waiver permitted	- Security, criminal, health, polygamy, child abductors.	- Security, criminal, health, polygamy, child abductors. Also: Unlawful voters, hate crimes, serious crime outside the US, 1 felony or 3 misdemeanors, aggravated felony, illegal entry after January 2007.	- Convicted of an aggravated felony. - Convicted of a felony. - Convicted of 3 or more misdemeanors. - Convicted of an offense under foreign law. - Unlawfully voted. - Inadmissible for criminal, national security, public health, or other morality grounds.
Security clearance	- Fingerprints and name check within 90 days.	-Fingerprints and name check within 24 hours. -Mandatory interview.	TBD
Fees and fines	- Earned Legalization: about \$1,200 (family of 2) . - DMD: \$2,300 - \$5,300 (family of 2) .	About \$5,000 (family of 2) .	- At registration : • \$500 at registration/waived for DREAM Act-eligible population. • Processing fees. • “Assessed taxes.” - At renewal: • \$500. • Processing fees.
Requirements for Adjustment to LPR Status			
Back taxes	- Pay back taxes; no receipt of Earned Income Tax Credit (EITC) or other credit.	- Pay back taxes; no EITC or other credit.	- Pay taxes during RPI period.
Additional fees and fines	- \$2,000 (family of 2) .	- \$5,500 (family of 2) .	- \$1,000 + processing fee. - \$400 + processing fee for agricultural workers.
Touch back	- Touch-back for DMD only; undue hardship waiver for noncitizen/family.	- Touch-back for everyone.	- None required.

Work requirements	- EL: Continuous employment for 6 years; waivers permitted. - DMD: Continuous employment until adjustment; waivers permitted.	- Continuous employment required; limited waivers permitted.	- “Continuous physical presence” and work in the US “regularly.”
English/civics requirements	- Naturalization test; exceptions for disability or over 65.	- Naturalization test; exceptions for disability or over 65.	- “Demonstrate knowledge of civics and English.”
Back of the line	- No adjustment until DHS Secretary determines current backlogs cleared.	- Adjustment of status during 5-year period after pre-2005 backlogs cleared.	- No adjustment until: <ul style="list-style-type: none"> • Backlog is cleared. • Individuals spend 10 years in RPI status.
Path to LPR	- Non-quotas visas available.	- May only adjust to LPR on basis of additional petition or through points system.	- RPIs must use “same merit-based system everyone else must use.”
Confidentiality	- Confidentiality except in cases of criminal/security investigation.	- Confidentiality of legalization applications except if criminal/security investigation or if inadmissible for one of the non-waiver reasons above or fraudulent application.	TBD
AGJOBS	Included as subtitle	Included as subtitle	- Must show “substantial prior commitment” to agricultural work in the US to get “Agricultural Card.” - 5 years with Agricultural Card before eligible to apply for LPR status; not required to wait until backlog is eliminated. Spouses and minor children receive derivative status.
DREAM Act	Included as subtitle	Included as subtitle	- To gain DREAM Act status: had to be present in US for 5 years, under the age of 16 when arrived, enrolled in higher education, or having a high school diploma at time of application. - Faster track to LPR status, with 5 years in RPI status; not required to wait until backlog is eliminated; eligible for citizenship immediately after adjustment to LPR status.

Strengthening the US Economy and Workforce

Summary	- Commission to make nonbinding recommendations on number of H-2C visas. - New electronic job registry. - Expansion of H-1B quotas. - Modest restrictions on L visas.	- Commission to study nonimmigrant visa limits. - New electronic job registry. - Expansion of H-1B quotas + new programs to reduce fraud, favor US workers, and restrict H-1B-dependent firms. - Modest restrictions on L visas + new complaint and enforcement procedures.	- Establishes W nonimmigrant visa for lower-skilled jobs, allowing multi-year employment with option to apply for permanent residence (see section on visa reforms for more details). - Establishes independent statistical agency/bureau to make recommendations to policymakers on numerical limits and all other aspects of employment-based visa system. - Increases H-1B visa limits, permits work authorization for certain spouses, and increases regulatory requirements for H-1B employers. - Introduces substantial new fees and restrictions on employers with large shares of temporary visaholders in workforce. - New online job registry for H-1B positions. - Expanded/modified temporary worker provisions to replace H-2A program.
----------------	--	--	---

Future changes to visa system	- Establishes a Temporary Guestworker Visa Program Task Force to make recommendations regarding the number of H-2C visas.	- Establishes a Standing Commission on Immigration and Labor Markets to study nonimmigrant programs and numerical limits. - Y-2 visa with market-based adjustment mechanism may increase to 200,000/year.	- Establishes independent statistical agency/bureau to make recommendations to policymakers on numerical limits for new low-skilled visa, analyze shortage occupations, and make recommendations on all aspects of employment-based system. - Introduces mechanisms to adjust H-1B and W visa numbers annually.
Programs for dislocated US workers	- Establishes electronic job registry; jobs must be listed prior to H-2C recruitment.	- Establishes electronic job registry; jobs must be listed prior to Y-1 or Y-2 recruitment.	- Establishes new online registry for H-1B positions; requires online job posting and other recruitment requirements for W-visa registered positions.
Protection for foreign workers	- Regulation of foreign labor contractors.	- Regulation of foreign labor contractors.	TBD
H1-B Visa	- Increases cap to 115,000 with market-based escalator. - New quota exemptions.	- Increases cap to 115,000 with market-based escalator. - Positive recruitment requirements. - No more than 50% of employees may be H-1B (firms of 50 or more). - New anti-fraud measures.	- Increases cap to 110,000 plus 25,000 for US master's graduates, with formula-based adjustments over time up to maximum 180,000. - Provides 60-day period for workers to change jobs. - Increases wage requirements, establishes requirements to recruit US workers, and increases fraud detection measures and penalties. - Increases fees for employers with large shares of H-1B and L-1 holders in workforce and prohibits hiring more than 50% on these visas from FY 2016 onwards. - Provides work authorization for spouses from some sending countries.
H-2B Visa	N/A	- Replaced by Y-2 visa; see above.	TBD
L Visa	- Authorizes extension of L visa if certification/application pending. - Restrictions on new offices.	- Restrictions on new offices. - New complaint procedures and enforcement mechanisms. - Whistleblower protections.	TBD
EB-5 Visa	N/A	N/A	TBD
Personnel	Authorizes 2,000 new DOL inspectors.	N/A	TBD
Integration of New Americans			
Summary	- Reforms to immigration court system. - Establishes State Impact Assistance grant program (funded by legalization fees) to fund health and education services by states and localities.	- Reforms to immigration court system. - Establishes State Impact Assistance grant program (funded by legalization fees) to fund health and education services by states and localities.	- The 2013 Senate framework is virtually silent on immigrant integration initiatives, other than making clear that immigrants in RPI status must have "demonstrated knowledge" of civics and English before being eligible to apply for LPR status.
Naturalization process	N/A	N/A	TBD
Promoting naturalization	N/A	N/A	TBD

Immigration courts	<ul style="list-style-type: none"> - Increases number immigration judges. - Restructures Bureau of Immigration Appeals (BIA). - Federal grants for court interpreters. 	<ul style="list-style-type: none"> - Increases number of Office of Immigration Litigation attorneys. - Increases immigration judges. - Expands BIA. 	TBD
Integration and naturalization grants	Establishes State Impact Assistance grant program (funded by legalization fees) to fund health and education services by states and localities.	Establishes State Impact Assistance grant program (funded by legalization fees) to fund health and education services by states and localities.	TBD