

The Senate Immigration Reform Bill (S. 744): What's Good, What's Bad

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Road to Citizenship	Access to the Safety Net & Educational Opportunities	Workers' Rights	Border	Access to Justice
WHAT'S GOOD IN S.744				
<ul style="list-style-type: none"> • Provides a road to citizenship for many of the 11 million without lawful status. • Provides an expedited road for DREAMers who entered the U.S. before 16, graduated from high school (or received a GED) in the U.S., and attended at least 2 years of college or served 4 years in the military. After 5 years in provisional status, DREAMers may apply for adjustment to lawful permanent resident (LPR) status and citizenship at the same time. • Provides an expedited road for agricultural workers to adjust to LPR status. • Removes the arbitrary visa caps on spouses and children of LPRs. • Allows some people who have been deported to apply for a waiver in order to be allowed to return to the U.S. • Creates W nonimmigrant visas for certain temporary workers during labor shortages and allows them also to apply for LPR status. Spouses can join the principal worker and receive work authorization. 	<ul style="list-style-type: none"> • Provides access to federal work-study and federal student loans for DREAMers and blue-card holders, although they remain ineligible for federal Pell grants until they adjust to lawful permanent resident (LPR) status. • Provides access to federal public housing assistance for "qualified" immigrant survivors of domestic violence. • Restores Medicaid eligibility to people who enter the U.S. under the Compact of Freely Associated States (COFA), people from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. 	<ul style="list-style-type: none"> • Provides due process and worker protections for U.S. citizens and work-authorized immigrants who are negatively affected by an error in the electronic employment eligibility verification system (EEVS). Also provides affirmative penalties for employers who misuse the EEVS. • Remedies the Supreme Court decision in <i>Hoffman Plastics v. NLRB</i> by specifying that neither back pay nor most other damages shall be denied to a person based on his or her immigration status. • Extends U-visa relief to immigrant workers who are retaliated against or who experience significant workplace abuse. • Allows W (worker) visa holders to find work with a registered employer other than the one who sponsored them, so that they are not completely dependent on the sponsoring employer to maintain their immigration status. 	<ul style="list-style-type: none"> • Implements use-of-force policies and trainings for the U.S. Border Patrol and requires that all use-of-force incidents be reviewed. • Includes complaint procedures for violations of civil and human rights. • Subjects U.S. Customs and Border Protection (CBP) and other federal law enforcement officials to racial-profiling prohibitions. • Requires the establishment of humane treatment standards for children in CBP custody. • Requires agents to receive expanded training from outside experts on civil rights, human rights, child welfare, and family law. • Provides that up to 1,000 distress beacons be deployed to enable migrants and others to access emergency personnel. 	<ul style="list-style-type: none"> • Creates a review system in which a person denied registered provisional immigrant (RPI) status or facing revocation of RPI status would have 90 days to appeal the ruling. There would be a stay of removal pending appeal. • Allows for judicial review of denied RPI applications or revocations of RPI status in federal district courts. • Provides for some limited detention reforms, including timely custody and bond determinations, due process on removal orders, increased inspection of detention facilities, and expanded use of alternatives to detention. • Provides access to appointed counsel in removal proceedings for unaccompanied children, people with mental disabilities, and other vulnerable people. • Eliminates the one-year deadline for filing an asylum application.

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WHAT'S BAD IN S. 744				
<ul style="list-style-type: none"> • The road to citizenship will be at least 13 years long for most people — 10 years of registered provisional immigrant (RPI) status and 3 years of LPR status. • Includes strict conditions for RPI status, including settlement of assessed federal tax liability, a record clean of certain criminal offenses, and arrival in the U.S. on or before Dec. 31, 2011. • To retain lawful status, people must prove they either have maintained regular employment (with no gap longer than 60 days), have an average income or resources at 100 percent of the federal poverty level or higher, or are enrolled in educational courses. • Fines/penalties include \$1,000 at RPI application and \$1,000 when applying for a lawful permanent resident (LPR) status. Application fees have not yet been set. • To be eligible for LPR status, people must take English-as-a-second-language courses, whose availability is limited. • Eliminates the ability of U.S. citizens to petition for their adult married children over age 31 and siblings. 	<ul style="list-style-type: none"> • People granted provisional status (RPI, blue card, and V visas) are denied access to federal means-tested benefits, including Medicaid and food assistance. These people are subject to a 5-year bar once they gain LPR status, so they are denied access to these programs for 15 years. • People in provisional status are barred from accessing subsidies that make private health insurance more affordable under the Affordable Care Act (ACA). • B (tourist and business) and F (student) nonimmigrant visa holders are categorically excluded from ACA programs. 	<ul style="list-style-type: none"> • Requires all employers to use the federal government's EEVS (E-Verify) to verify the employment eligibility of newly hired employees, a process that would be phased in based on employer size. This will cause U.S. citizens and employment-authorized immigrants to lose jobs, impose new costs on employers, and drive workers into the underground economy. Electronic employment eligibility verification does not prevent abusive employers from gaming the system and exploiting workers. • Creates new, stringent criminal penalties for acts such as misuse of a Social Security number or misuse of a passport. As a result, people who have misused a Social Security number or passport in order to work could be deported. • People granted RPI status and those who overstayed a nonimmigrant visa may not claim Social Security credit for any quarter of coverage earned between 2004 and 2014 for which they were not authorized to work. 	<ul style="list-style-type: none"> • Allocates an enormous, unnecessary amount of money — \$46 billion — for border enforcement while other federal agencies and services are having to deal with budget cuts. • The “border surge” militarizes the border, harms the environment, and threatens the health and safety of border residents. • Requires hiring at least 19,200 additional Border Patrol agents (almost double the current number) at a cost of \$30 billion. • Seeks to apprehend 9 out of every 10 immigrants who try to enter without inspection along the southern border. • Requires 700 miles total of fencing along the southern border. • Escalates the amount of technology, aircraft, and other equipment that will be deployed to monitor the entire southern border. • Requires that the National Guard be deployed to the southern border. • Authorizes CBP to search without a warrant 100 miles from the southern border, compared to 25 miles on the northern border. 	<ul style="list-style-type: none"> • Does not address state and local laws and policies that result in profiling, and does not discourage or preempt localities from enacting future laws. • Expands the overly broad immigration definition of “aggravated felony” to include convictions of 3 DUIs, including misdemeanors. People with aggravated felonies face almost automatic deportation. They may not apply for waivers of deportation or present positive factors such as rehabilitation, family ties, etc. • Makes immigrants, including lawful permanent residents, inadmissible and deportable for committing DUIs or domestic violence offenses, or for participating in gangs. These overly broad categories sweep up domestic violence survivors and people who have never been part of a gang and will result in more people being permanently exiled from the U.S. • Increases the criminal penalties for illegal entry and illegal reentry. • Does not change current rules that prohibit free legal-services providers who receive federal funding from assisting people with the RPI process.