

## Key Facts

# Immigration Reform Proposals

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The U.S. Senate and House of Representatives have passed competing immigration reform bills. The two sides are expected to meet in conference committee in an attempt to hammer out a compromise bill. The Senate bill's guest worker and "path to citizenship" programs are expected to be points of contention. The House bill includes no such provisions.

\* **The House:** The U.S. House of Representatives passed legislation last December that has drawn widespread protests from immigrants and immigrant rights advocates. It focuses on border security and enforcement. It makes undocumented presence in the country a felony and calls for construction of a fence along parts of the U.S. border with Mexico. It also would require employers to check the status of employees. It includes no temporary worker or guest worker program favored by Bush.

Highlights of the House bill:

- \* No provisions providing path to legal residency or citizenship for illegal immigrants. No new temporary guest worker program.
- \* Makes illegal presence in the country a felony and increases penalties for first-time illegal entry to the U.S.
- \* Makes it a felony to assist, encourage, direct or induce a person to enter or attempt to enter or remain in the United States illegally.
- \* Beginning in six years, all employers would have to use a database to verify Social Security numbers of all employees.
- \* Increases maximum fines for employers of illegal workers from current \$10,000 to \$40,000 per violation and establishes prison sentences of up to 30 years for repeat offenders.
- \* Requires mandatory detention for all non-Mexican illegal immigrants arrested at ports of entry or at land and sea borders.
- \* Establishes mandatory sentences for smuggling illegal immigrants and for re-entering the U.S. illegally after deportation.
- \* Makes a drunken driving conviction a deportable offense.
- \* Requires building two-layer fences along 700 miles of the 2,000-mile border between Mexico and the United States.

- [Roll call vote and bill analysis](#)

\* **The Senate:** On May 25 the Senate passed a bill with provisions that are supported by President Bush, most Democrats, and moderate Republicans.

The bill calls for a 370-mile fence along the Mexican border, 6,000 National Guard troops to support border agents, aerial surveillance, road construction to aid border patrols, and other border security measures. It would also establish a guest-worker program and a three-tiered "path to citizenship" plan for most of the estimated 11 million to 12 million illegal immigrants in the country.

Senate bill highlights:

\* Allows illegal immigrants who have been in the country five years or more to remain, continue working and eventually become legal permanent residents and citizens after paying at least \$3,250 in fines and fees and back taxes and learning English.

\* Requires illegal immigrants in the U.S. between two and five years to go to a point of entry at the border and file an application to return.

\* Requires those in the country less than two years to leave.

\* Orders deportation of illegal immigrants convicted of a felony or three misdemeanors no matter how long they have been in the U.S.

\* Creates a special guest worker program for an estimated 1.5 million immigrant farm workers, who could also earn legal permanent residency.

\* Provides 200,000 new temporary "guest worker" visas a year.

\* Caps employment-based green cards, conferring legal permanent residency, at 650,000 a year for the worker and family. Currently 140,000 are available for the worker and family members are not counted against the cap.

\* Authorizes 370 miles of new triple-layered fencing plus 500 miles of vehicle barriers along the U.S.-Mexico border.

\* Authorizes hiring an additional 1,000 Border Patrol agents this year, for a total additional 3,000 agents this year.

\* Adds 14,000 Border Patrol agents by 2011 to the current force of 11,300 agents.

\* Authorizes additional detention facilities for apprehended illegal immigrants.

\* Requires employers and subcontractors to use an electronic system within 18 months to verify new hires are legal. Increases maximum fines to employers for hiring illegal workers to \$20,000 for each worker and imposes jail time for repeat offenders.

\* Delays by 17 months, until June 1, 2009, a requirement that Americans re-entering the U.S. after cruises or short visits to Canada and Mexico show a passport or high-tech identification card.

\* Declares English the country's national language.

\* Increases the number of H1-B visas for skilled workers from 65,000 to 115,000 annually, beginning in 2007. Immigrants with certain advanced degrees would not be subject to the caps, which could rise by 20 percent depending on labor market demands.

\* Limits National Guard tours of duty on the U.S.-Mexico border to 21 days.

\* Allows additional countries to participate in the visa waiver program, which allows citizens of certain countries to visit the U.S. without a visa. The United States and more than two dozen countries now have reciprocal visa waiver agreements.

- [Roll call vote and bill analysis](#)

\* **The president:** President Bush's proposal for a temporary worker program has put him at odds with many in his own Republican Party. Bush insists it is a legal way to fill the jobs that Americans are unwilling to do, a position supported by business. Labor groups are wary of a guest worker program that does not provide a path to permanent residence saying it would create an underclass of workers. The president also proposed sending 6,000 National Guard troops to border states to aid in law enforcement.