

## The Immigration Reform Bill of May 2007

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There is always much excitement in the national news media, among Immigrant advocacy groups, and the general public when there is an announcement of a new Immigration “bill” created or “compromise” met by the U.S. Congress. While there is always reason to be excited for the 12 million or more Illegal immigrants in the United States who may have a chance of legalizing their status, it is critical for this population and for the public to understand what a “bill” is and how it may affect the people residing within these borders. A basic civics lesson is necessary.

A bill is not the law. A bill is merely a proposal or a draft. All laws start out as “bills” or “proposals” submitted in a small congressional committee by one or more members of Congress. There may be bills proposed in either house of Congress: the House or the Senate. The bill undergoes a process of review and revision to satisfy a majority of the members of the Congress. The end result “law” is often very different from the bill as it was initially proposed because of the revisions that are made over time. The revision process involves negotiations between members of Congress. Each side tries to advocate their position, but more often appease the other, or compromise their position to get an agreement. The bill does not become a law until it has been signed by the President of the United States after BOTH houses of Congress have reviewed, made changes and have voted on the bill. Only a majority vote in Congress moves the bill to the President’s office for his signature.

What does this mean? Any “bill” such as the Immigration Reform Bill publicized on May 17, 2007, in February 2007, or on any other date, will merely be a “draft”, “proposal” or “recommendation” on which both houses of Congress and the President MUST agree. Furthermore, the implementation process sometimes takes several years as government bureaucracy requires the formulation of a plan of action to carry out the provisions of the law. In the case of Immigration, the enforcement provisions require several departments or agencies to provide the man power to construct physical borders such as fences, in addition to, hiring and training the actual border patrol agents manning the fences at the border. For the Immigration benefits section (i.e. issuance of visas or Green Cards), the process involves creation of forms, determining the proper fee, how and where to send the forms and, the hiring and training of personnel to review and adjudicate the millions of applications that will be submitted. But before any new cases would be adjudicated, a reduction of the current caseload which is backlogged for years must occur. Thus, “reform” is a process that involves many components and can take several years to complete.

What does mean for the recent “immigration reform bill” announced on or about Thursday, May 17, 2007? It means that a group of Congressmen in the United States senate proposed a method of reform that must now go the floor of both houses of Congress for revision and a vote before it is submitted to the President who must also agree by signing. Until these events occur, it is a mere proposal or draft. Thus, while there is a buzz about the Immigration “reform”, there is no reason yet for unbridled excitement.

The current Immigration Reform Bill incorporates several past proposals known as the STRIVE and DREAM ACT. It shifts the focus of Immigration from one of family ties to an employment and US economic needs based system. Essentially, the current bill proposes to eliminate certain family based immigration provisions to allow skilled or professional workers the opportunity to legalize status. The proposal is to totally **eliminate** the sponsorship categories of adult children over the age of 21 for both US citizens and Lawful Permanent Residents (LPR), in addition to eliminate the category for brothers and sisters of US citizens. There would also be a limit to the number of parents of US citizens that could immigrate to the United States. So, in order to create a space for those 12 million + illegal immigrants, it appears that the elimination of certain immigrant visa categories would be necessary.

The option for the vast majority of illegals would be vested in a one visa category that requires them to have a certain education level, profession, or skills of benefit to the US economy. The Z visa, which is a work visa valid in four (4) year increments, would allow the holders to apply for a Green Card after waiting up to 13 years and paying a fine of about \$5000. The other visa categories created in the current proposal seem to create a guest worker provision that either eliminates the current H2A agricultural worker visa and H2B unskilled laborer visa and/or amends by expanding the number of visas issued from 5,000 to about 400,000. This new visa category is the Y visa and is subdivided in Y2A for Agriculture and Y2B for unskilled laborers. The Y visa would be valid in two year increments for up to six years total. The disadvantage would be that the Y visa holders could not easily apply for Lawful Permanent Residency Status and a majority would have to leave the US after completing their six year term unless they qualified for legalization under another visa category. Also, employers would have a strict reporting requirement for Y and Z workers while still further provisions of the proposal increase the penalties generally for Immigration and document fraud.

Therefore, it is good that the need for Immigration reform has sparked much debate in the public as well as within Congress because the system as is is flawed. What that reform looks like is more a product of political forces and economic factors converging rather than public outcries. It is difficult to please all sides of the debate, however, public opinion does matter and is sometimes the catalyst for the development of proposals, it drives negotiations, facilitates compromise and ultimately brings resolution. Thus, those who can vote, should, and can make their opinions known prior to elections and during the Congressional revision process by contacting their local US congressional representative by letter, fax or phone.