

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

Issue	2006 Senate Bill (S.2611 as amended)	2007 Senate Bill (S.1639)	2013 Border Security, Economic Opportunity, and Immigration Modernization Act (S.744)
TITLE I. BORDER SECURITY			
Summary	<ul style="list-style-type: none"> ▪ Authorizes new border infrastructure (mainly fencing and surveillance) and personnel – most of which later passed as the Secure Fence Act of 2006. 	<ul style="list-style-type: none"> ▪ Establishes enforcement “triggers” which must be met prior to implementation of new immigration benefits. The triggers include demonstrated operational control of 100 percent of the Southwest border, installation of at least 370 miles of border fencing and 300 miles of vehicle barriers, creation of a fraud-proof employment verification system, and having 20,000 Border Patrol agents on the job. ▪ Similar to 2006 bill, but more modest expansion of border enforcement (reflecting Secure Fence Act), 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 two border security triggers that must be met to allow for start of legalization process: <ul style="list-style-type: none"> o Both border strategies must be submitted to Congress and initiated before the Department of Homeland Security (DHS) can begin processing applications for Registered Provisional Immigrant (RPI) status. o Those with RPI status cannot be eligible to adjust to lawful permanent residence until the Homeland Security Secretary certifies 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 appointees to devise a secondary plan if border security goals have not been met. ▪ Provides for use of the National Guard at the 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.

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Border Security Metrics and Goals		<ul style="list-style-type: none"> ▪ Sets goal of “operational control” of 100 percent of the Southwest border. 	<ul style="list-style-type: none"> ▪ Establishes border security goal of achieving “effective control” in high-risk sectors (any sector with over 30,000 individuals apprehended), defined as: <ul style="list-style-type: none"> o An effectiveness rate of 90% (measured by adding apprehensions and turnbacks in a sector divided by total number of illegal entries). o Persistent surveillance. ▪ If “effective control” is not achieved in all high-risk sectors during any of the five fiscal years beginning with year of enactment, the Southern Border Security Commission, composed of 10 appointees, will be created. Its mandate is to issue a final report within 6 months with recommendations on the further steps necessary to achieve surveillance and effectiveness goals. \$2 billion will be authorized to implement its recommendations.
Border Security Plans		<ul style="list-style-type: none"> ▪ Requires DHS to develop a National Strategy for Border Security within 1 year of enactment. 	<ul style="list-style-type: none"> ▪ Requires the Homeland Security Secretary to submit 2 border security strategy plans within 6 months of bill enactment: <ul style="list-style-type: none"> o The Comprehensive Southern Border Security Strategy to achieve and maintain “effective control” in high-risk sectors, with \$3 billion for implementation. o The Southern Border Fencing Strategy to identify where fencing, infrastructure, and technology should be deployed, with \$1.5 billion for implementation.
Triggers		<ul style="list-style-type: none"> ▪ Established benchmarks to be met before legalization programs were initiated: <ul style="list-style-type: none"> o Operational control of 100% of the Southern border. o 18,000 Border Patrol agents as trigger for legalization. o Construction of infrastructure including 300 miles of vehicle barriers, 370 miles of fencing, 105 radar and camera towers, and 4 unmanned aerial vehicles (UAVs). o Detention of all removable apprehended border crossers, daily detention capacity of 31,500. o Workplace enforcement tools focused on identification. o Timely processing and adjudication of Z visa. 	<ul style="list-style-type: none"> ▪ Trigger #1: Processing¹ of applications for RPI status cannot begin until the Homeland Security Secretary has submitted to Congress and certified initiation of the border and fencing strategies. ▪ Trigger #2: DHS cannot grant lawful permanent residence (LPR status, aka receipt of a green card) to RPI individuals until the Homeland Security Secretary certifies that the border security plan is substantially operational, the fencing plan is substantially complete, a mandatory employment verification system has been implemented, and an electronic exit system at air and sea ports is operating.

¹ The legislative text of S. 744 indicates that *processing* of RPI applications cannot begin until trigger is met. That language differs slightly from the framework issued by the bipartisan Senate group and the bill summary, which indicate that DHS cannot *adjust* any individual to RPI status before the trigger is met.

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Staffing and Use of National Guard	<ul style="list-style-type: none"> ▪ Adds 2,500 Port of Entry (POE) inspectors + 12,000 Border Patrol agents. ▪ Permits governors to call up National Guard for border enforcement. ▪ Authorizes emergency National Guard deployment. 	<ul style="list-style-type: none"> ▪ Adds 14,000 Border Patrol agents + 500 Customs and Border Protection (CBP) inspectors + 200 Immigration and Customs Enforcement (ICE) investigators + 50 US Marshals. 	<ul style="list-style-type: none"> ▪ Provides for an increase of 3,500 CBP officers² by 2017. ▪ Authorizes National Guard deployment to assist with security; construct fencing; increase mobile surveillance systems; deploy UAVs and aircraft surveillance systems; deploy radio capabilities between CBP and state, local, and tribal agencies; construct check points; and provide assistance in rural high-traffic areas.
Infrastructure Improvements	<ul style="list-style-type: none"> ▪ Authorizes additional POEs. 		<ul style="list-style-type: none"> ▪ Provides for the construction of new Border Patrol stations; and for consideration of creating additional Border Patrol sectors. ▪ Provides for construction of additional “Forward Operating Bases” and upgrades to existing ones.
Fencing	<ul style="list-style-type: none"> ▪ 300 miles of fencing + 500 miles of vehicle barriers. ▪ Triple fencing near San Diego. 	<ul style="list-style-type: none"> ▪ 300 miles of vehicle barriers + 370 miles of fencing. ▪ Additional double and triple fencing near San Diego. 	<ul style="list-style-type: none"> ▪ Unspecified fencing as decided in the Southern Border Fencing Strategy.
Technology and Equipment Enhancements, and Emergency Communications	<ul style="list-style-type: none"> ▪ Expands aerial surveillance program; appropriates funding for UAVs. ▪ Expands cameras and “virtual” fence. 	<ul style="list-style-type: none"> ▪ Expands use of UAVs, cameras, and virtual fence. 	<ul style="list-style-type: none"> ▪ Mandates the operation of UAVs along the Southern border 24 hours per day, 7 days per week. ▪ Provides for deployment of additional mobile, video, portable surveillance systems, and UAVs in order to achieve 24-hour surveillance. ▪ Provides for the deployment of fixed-wing aircraft and helicopters along border and strengthens helicopter fleet. ▪ Increases patrols on horseback. ▪ Authorizes procurement of new systems to facilitate communication between federal, state, and local law enforcement agencies working in border region. ▪ Establishes 2-year grant program to improve emergency communication capabilities for individuals and business owners in remote border regions.
Federal Lands Provisions		<ul style="list-style-type: none"> ▪ Increases CBP presence and technology on federal lands. ▪ Requires analysis of damage to protected lands. 	<ul style="list-style-type: none"> ▪ Permits DHS to patrol and install equipment on federal lands (owned by Agriculture and Interior departments) in Arizona. ▪ Requires the Homeland Security Secretary to report on environmental impact on federal lands.

² The actual legislative text of S.744 requires the addition of 3,500 new Customs and Border Protection officers, while bill summaries specify that the 3,500 officers will specifically be Customs officers stationed at ports of entry.

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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. ▪ New provisions for transfer of custody. ▪ Expansion of Justice Prisoner and Alien Transfer System. ▪ Reimbursement for local enforcement under §287(g). 	<ul style="list-style-type: none"> ▪ Increase prosecutions for unlawful border crossing to 210 per day in Tucson sector; authorizes extra funding for the Tucson US Attorney, Court Clerk, Public Defender, and US Marshals offices; reimburses state, local, and tribal agencies for detention costs related to border crossing prosecutions. ▪ Adds magistrate judges to assist with increased caseload. ▪ Through new Southwest Border Region Prosecution Initiative, reimburses state and local governments for prosecution and pre-trial detention costs of cases that are federally initiated but declined by US Attorneys. ▪ Reauthorizes the State Criminal Alien Assistance Program (SCAAP) to reimburse state and local law enforcement for the cost of detaining unauthorized criminal noncitizens. ▪ Provides more funding for Operation Stonegarden, a federal grant program to enhance cooperation and coordination with state and local law enforcement agencies along the Southwest border.
Interagency Collaboration			<ul style="list-style-type: none"> ▪ Establishes collaboration between Defense Department (DOD) and DHS to identify tools to detect border tunnels and use of ultra-light aircraft, enhance aerial surveillance, and other border security missions.
Training		<ul style="list-style-type: none"> ▪ Requires review of the basic training provided to Border Patrol officials. 	<ul style="list-style-type: none"> ▪ Establishes new training for border enforcement officials, including use of force and environmental impacts. ▪ Requires Border Community Liaison Officers in CBP to receive training to foster sustained relationship and consultation with border communities.
Use of Force			<ul style="list-style-type: none"> ▪ Within 6 months, DHS and Justice Department Civil Rights Division must issue policies governing the use of force by personnel: personnel must report all use of force, complaints procedure must be established, guidelines for discipline, and review process for all use of force.
Immigration Ombudsman			<ul style="list-style-type: none"> ▪ The CIS Ombudsman becomes the DHS immigration Ombudsman and covers USCIS, CBP, and ICE.

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Oversight		<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 the Homeland Security Border Oversight Task Force, a group of 26 appointed members to review and recommend immigration and border enforcement strategies; can hold hearings, request data, issuing a final report within 2 years of first meeting. Requires DHS to report to Congress on the effectiveness rate for each Border Patrol sector, the number of miles along the Southern border under persistent surveillance, wait times, resources, and staffing at POEs. Requires offices of technology in DoD and DHS to report to Congress on success of interagency collaboration.
TITLE II. REFORMS TO IMMIGRANT VISA PROGRAMS AND IMMIGRANT INTEGRATION PROVISIONS			
Title II Summary	<ul style="list-style-type: none"> Creates two legalization programs for those present > 5 years or > 2 years as of 1/7/2004, providing a 218D conditional nonimmigrant worker status valid for 6 years. Immediate conditional status followed by earned legalization. Touchback requirement for > 2-year group. Penalties and fees total about \$3,000 - \$7,000 per family. Learn English; pay back taxes prior to adjustment to LPR status. Includes DREAM Act legalization. Establishes pilot blue card program for agricultural workers, with possible adjustment to LPR status. Expands family- and employment-based visas for backlog reduction and in the future. Reduces diversity visa program. Exempts certain relatives from numeric caps. Establishes State Impact Assistance grant program (funded by legalization fees) to fund health and education services by states and localities. Eases naturalization requirements for LPRs with English fluency. 	<ul style="list-style-type: none"> Creates legalization program for qualified unauthorized immigrants present 1/1/2007, providing a Z visa valid for 4 years and renewable indefinitely if eligible. Triggers would have to be met before noncitizens in probationary status could apply for a Z visa. Immediate conditional status followed by earned legalization; but no definite path to LPR status (must qualify through points system). Touchback requirement. Penalties and fees total about \$10,000 per family, including a \$500 state impact assistance fee. Learn English; pay back taxes prior to adjustment to LPR status. Includes DREAM Act legalization. Establishes a Z-A nonimmigrant visa for agricultural workers, with possible adjustment to LPR status. Expands family- and employment-based visas for backlog reduction and in the future, with creation of merit-based point system. Eliminates diversity visa program. Exempts certain relatives from numeric caps by eliminating most preference categories. Establishes State Impact Assistance grant program (funded by legalization fees) to fund health and education services by states and localities. Eases naturalization requirements for older (75+) immigrants. Creates Office of Citizenship and Integration, and authorizes \$100 million for it. 	<ul style="list-style-type: none"> Creates registered provisional immigrant status (RPI) for qualified unauthorized immigrants present 12/31/2011, with visa valid for 6 years and renewable. Border security triggers must be met before noncitizens can apply; must do so within 1-year period, though Homeland Security Secretary can extend for up to 18 months more. Most individuals granted RPI status will have to wait 10 years to apply for LPR status; eligible to naturalize after 3 years. (Faster track for DREAM Act beneficiaries and agricultural workers.) No touchback requirement. Total size of penalties and fees uncertain, since application fees not defined. Demonstrates English skills and knowledge of US history/civics or pursuing course of study to learn English and US history/civics prior to adjustment to LPR status; satisfaction of any tax liability. Includes DREAM Act legalization. Establishes blue card visa for agricultural workers, with possibility to adjust to LPR status. Expands family- and employment-based visas for backlog reduction and in the future; creates a new merit-based visa with two tracks: one based on points system, the other for backlog reduction and RPI visa holders. Eliminates diversity visa program. Exempts certain relatives of citizens and LPRs from numeric caps. Establishes Office of Citizenship and New Americans to address integration policy and program needs and promote citizenship efforts. Authorizes funds to assist immigration benefit applicants and state and local integration programs. Reduces barriers to naturalization.

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<i>Registration and Adjustment of Status for Unauthorized Immigrants</i>			
Application Period		<ul style="list-style-type: none"> ▪ Six months after date of bill enactment, with a one-year application period that can be extended by 12 months. 	<ul style="list-style-type: none"> ▪ Once trigger requirements met, immigrants must apply for RPI status within a one-year period; Homeland Security Secretary may extend for up to 18 months.
General Requirements	<ul style="list-style-type: none"> ▪ Continuous presence for 5 years (for earned legalization) or 2 years (for Deferred Mandatory Departure, or DMD). ▪ Evidence of employment for 3 of 5 years (for earned legalization) or continuously since 2004 (DMD). ▪ 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. 	<ul style="list-style-type: none"> ▪ Continuous presence since year of enactment. ▪ Evidence of employment for 3 of 5 previous years. ▪ Homeland Security Secretary may waive standard grounds for exclusion on basis of undue hardship to noncitizen or immediate family. 	<ul style="list-style-type: none"> ▪ Physically present in the United States on/before 12/31/2011. ▪ Continuous physical presence in US from 12/31/2011 until date granted RPI status. Brief, casual, and innocent absences allowed. Status revoked if absence from US is more than 180 days. ▪ Relatively clean criminal record—ineligible if convicted of: <ul style="list-style-type: none"> o Felony (under state/local law). o Aggravated felony (under Immigration and Nationality Act). o 3 or more misdemeanors, other than minor traffic offenses. o Offense under foreign law (other than a purely political offense). o Unlawful voting. ▪ Dependent spouses/children qualify if they meet the criminal record qualifications and were present in US on/before 12/30/2012. ▪ Applicant has satisfied “any applicable federal tax liability.” ▪ Applicant clears national security and law enforcement reviews. ▪ Applicant is not inadmissible under an applicable ground of inadmissibility that cannot be waived.³
Terms of Conditional Status	<ul style="list-style-type: none"> ▪ Immediate conditional status followed by earned legalization; > 2-year group must re-enter on new visa. 	<ul style="list-style-type: none"> ▪ Immediate conditional status followed by earned legalization; but no definite path to LPR status (must qualify through points system). 	<ul style="list-style-type: none"> ▪ RPI status is granted for 6 years; can be renewed. ▪ Extension may be granted if: <ul style="list-style-type: none"> o Noncitizen remains eligible. o Noncitizen establishes that he/she was regularly employed (unemployment ok for periods lasting no more than 60 days) and is not likely to become a public charge or that he/she has income or resources above 100 percent of federal poverty level. Exceptions for noncitizens 60 or older, under 21, those enrolled in higher ed or certain education, literacy, or career training programs, and those who are primary caretakers of children, on medical leave, or disabled. Waiver also permitted for any individual who demonstrates extreme hardship to himself or to a spouse, parent, or child who is a US citizen or LPR. ▪ No federal tax liability.

³ **Grounds of Exclusion that do not apply:** public charge; labor certification; documentary requirements (e.g. valid visa); unlawful presence. **Grounds for exclusion that do not apply unless based on act of entering the United States after the date of the bill’s enactment:** present without admission or parole, misrepresentation, stowaways, subject to a final order for forging, counterfeiting documents, violation of student visa provisions. **Grounds for exclusion that do not apply unless the relevant conduct began on/ after the date that the noncitizen files an application for RPI Status:** failure to attend removal proceeding; previously ordered removed. **Grounds for exclusion, waiver permitted:** For all grounds of inadmissibility other than those listed below, waiver permitted for humanitarian purposes, to ensure family unity, or if such a waiver is otherwise in the public interest. **Grounds for exclusion, waiver not permitted:** 2 or more criminal offenses for which the aggregate sentence of confinement is 5 years; controlled-substance traffickers; procurement of prostitution; noncitizens who asserted immunity in criminal prosecutions; foreign government officers; traffickers; money launderers; practicing polygamists; international child abduction; unlawful voters; former citizens who renounced citizenship to avoid tax fraud; fraud or misrepresentation in the RPI process; grounds of inadmissibility related to terrorism.

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Treatment for Individuals Apprehended, in Removal Proceedings, Ordered Removed, or Outside the Country	<ul style="list-style-type: none"> ▪ Noncitizens in removal proceedings or apprehended by DHS may apply. ▪ Noncitizens ordered removed solely on grounds of illegal entry to US, overstaying a visa, or unlawful presence eligible to apply. ▪ Noncitizens ordered removed on other grounds, or who re-entered US illegally after having been ordered removed, or who failed to comply with an order of voluntary departure are ineligible. DHS may waive these grounds for humanitarian purposes, to assure family unity, and when otherwise in the public interest. 	<ul style="list-style-type: none"> ▪ Noncitizens in removal proceedings or apprehended by DHS may apply. ▪ Noncitizens ordered removed, or who are removed and returned illegally to US are not eligible. ▪ Homeland Security Secretary may waive these grounds in cases where noncitizen demonstrates departure would cause extreme hardship to a US citizen or LPR spouse or child. 	<ul style="list-style-type: none"> ▪ Individuals apprehended by DHS after date of enactment who appear prima facie eligible may apply; DHS may not remove such persons until final determination made. ▪ Those in removal proceedings who are prima facie eligible may apply; if accepted by DHS, their removal proceedings shall be terminated. ▪ Individuals ordered removed but still in US may apply and if granted status, motion to reopen removal proceedings shall be granted. ▪ Individuals who departed from US while subject to an order of exclusion, deportation, or removal, or pursuant to an order of voluntary departure and who are outside US or who returned illegally after December 31, 2011 generally not eligible to apply. However: Waiver authorized for some spouses, children, parents of US citizens, and LPRs and DREAM ACT-eligible individuals.
Fees and Fines	<ul style="list-style-type: none"> ▪ Earned Legalization: about \$1,200. ▪ DMD: \$2,300 - \$5,300. 	<ul style="list-style-type: none"> ▪ About \$5,000. 	<ul style="list-style-type: none"> ▪ Processing fee for noncitizens 16 and older to be determined by Homeland Security Secretary. ▪ \$1,000 penalty for noncitizens 21 and older. <ul style="list-style-type: none"> o Does not apply to DREAMers. o \$500 paid up front; remaining \$500 may be paid later under plan to be articulated by DHS.
Eligibility for Public Benefits			<ul style="list-style-type: none"> ▪ Not eligible.
Extension of Conditional Status	<ul style="list-style-type: none"> ▪ Only to accommodate processing of application for adjustment of status. 	<ul style="list-style-type: none"> ▪ Eligible Z visa holders can renew beyond initial 4-year term if they: <ul style="list-style-type: none"> o Meet work and good moral character requirement. o Pay an extension fee capped at no more than \$1,500 per beneficiary. o Demonstrate attempt to learn English and civics. 	<ul style="list-style-type: none"> ▪ RPI extension may be granted if: <ul style="list-style-type: none"> o Noncitizen remains eligible. o Noncitizen was regularly employed (cannot be unemployed for > 60 days) and is not likely to become a public charge or has income above 100% of federal poverty level. Exceptions given for those over 60, under 21, enrolled in higher education or certain education, literacy, or career training programs, and those who are the primary caretakers of children, on medical leave, or disabled. o Waiver permitted for extreme hardship to RPI holder, spouse, parent, or child who is a US citizen LPR. o No federal tax liability.

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<i>Adjustment of Status to Lawful Permanent Residence for Immigrants in Conditional Legal Status</i>			
Application Period	<ul style="list-style-type: none"> ▪ No adjustment until Homeland Security Secretary determines current backlogs cleared. 	<ul style="list-style-type: none"> ▪ Adjustment of status during 5-year period after pre-2005 backlogs cleared. 	<ul style="list-style-type: none"> ▪ No adjustment from RPI to LPR status until certain border and interior immigration enforcement triggers have been met and legal immigration backlogs have been cleared.
General Qualifications	<ul style="list-style-type: none"> ▪ Touchback requirement and limits on adjustment for > 2-year group. ▪ Pay back taxes; no receipt of Earned Income Tax Credit (EITC) or other credit. ▪ Earned legalization: Continuous employment for 6 years; waivers permitted. ▪ DMD: Continuous employment until adjustment; waivers permitted. ▪ Naturalization test; exceptions for disability or over 65. ▪ Learn English. ▪ Undergo medical exam. 	<ul style="list-style-type: none"> ▪ Touchback requirement. ▪ Pay back taxes; no EITC or other credit. ▪ Continuous employment required; limited waivers permitted. ▪ Naturalization test; exceptions for disability or over 65. 	<ul style="list-style-type: none"> ▪ Granted RPI status and remains eligible. ▪ No absences from US for more than 180 days in any calendar year during time in RPI status. ▪ Satisfaction of any federal tax liability. ▪ Demonstrates English skills and knowledge of US history/civics sufficient to meet language requirement for naturalization, or pursuing course of study to learn English and US history/civics. Exceptions for individuals with disabilities and those ages 70 and older. ▪ Registers for the Selective Service (if eligible). ▪ Completion of national security/law enforcement background check.
Fees and Fines	<ul style="list-style-type: none"> ▪ \$2,000. 	<ul style="list-style-type: none"> ▪ \$5,500. 	<ul style="list-style-type: none"> ▪ Processing fee for adjudication costs to be set by Homeland Security Secretary. ▪ \$1,000 penalty for applicants 21 or older as of 4/17/2013 (date of bill introduction), with exception for certain individuals brought to US as children.
Limitation on Methods for Adjustment to LPR Status	<ul style="list-style-type: none"> ▪ Non-quotas visas available. 	<ul style="list-style-type: none"> ▪ May only adjust on basis of additional petition or through points system. 	<ul style="list-style-type: none"> ▪ Must adjust under the new “merit-based Track 2” visa system.
Limitations on Disclosures of Application Information	<ul style="list-style-type: none"> ▪ Confidentiality except in cases of criminal/security investigation. 	<ul style="list-style-type: none"> ▪ Confidentiality except if criminal/security investigation or if inadmissible for one of the non-waiver reasons above or fraudulent application. 	<ul style="list-style-type: none"> ▪ Confidentiality of information included in applications for RPI or LPR status. May be disclosed to law enforcement, intelligence, national security components of DHS, or grand jury in connection with a criminal investigation not related to the applicant’s immigration status or a national security investigation. ▪ Employment information shall not be used to prosecute employers for hiring unauthorized immigrants.
Time Required to Naturalize After Gain LPR Status	<ul style="list-style-type: none"> ▪ Standard 5 years for most, 3 if married to US citizen. 	<ul style="list-style-type: none"> ▪ Standard 5 years for most, 3 if married to US citizen. 	<ul style="list-style-type: none"> ▪ Individuals granted LPR status after 10 years in RPI status eligible to naturalize after 3 years.

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Adjustment to Lawful Permanent Residence for DREAM Act-Eligible Immigrants			
General Qualifications	<ul style="list-style-type: none"> ▪ To adjust to conditional permanent residence, under the DREAM Act provisions, a nonimmigrant must: ▪ Have entered US prior to age 16. ▪ Been present at least 5 years prior to bill enactment. ▪ Have good moral character. ▪ At the time of application has: <ul style="list-style-type: none"> o Been admitted to institution of higher learning. o Earned a US high school diploma or GED. o From the age of 16 onward never been under final order of exclusion or removal. 	<ul style="list-style-type: none"> ▪ For a Z visa holder to adjust to LPR status three years after bill enactment, under the DREAM Act provisions, he or she must: <ul style="list-style-type: none"> o Have maintained continuous physical presence in US since 1/1/2007. o Been under age of 30 as of date of bill enactment. o Have entered US prior to age 16. o Have obtained US high school diploma or GED. o Not been absent from US for more than 365 total days during conditional residence. o Acquired postsecondary degree, completed 2 years of US bachelor's or higher degree, or served at least 2 years in US military. 	<ul style="list-style-type: none"> ▪ For an RPI to adjust to LPR status under the DREAM Act, he or she must: <ul style="list-style-type: none"> o Have held RPI status for 5 or more years. o Have arrived in US at age 15 or younger. o Possess a US high school diploma or GED certificate. o Meet one of the following educational or military requirements: Possess postsecondary degree, have finished "in good standing" a minimum of 2 years of US bachelor's or higher degree, or have served 4 or more years in uniformed service, with honorable discharge for those discharged. Hardship exemption available for certain individuals. o Demonstrate English-language understanding and basic knowledge of US history and civics (exception for individuals who cannot meet this requirement due to certain disabilities or impairments). o Provide "biometric and biographic data" and pass background checks. ▪ "Streamlined procedures" may be adopted for the adjustment of Deferred Action for Childhood Arrivals (DACA) recipients.
Fees and Fines	<ul style="list-style-type: none"> ▪ No additional fees. 	<ul style="list-style-type: none"> ▪ Exempt from fine. 	<ul style="list-style-type: none"> ▪ Exempt from fine.
Back of the Line		<ul style="list-style-type: none"> ▪ Exempt from numerical limits. 	<ul style="list-style-type: none"> ▪ Exempt from numerical limits on immigrant visas.
Naturalization			<ul style="list-style-type: none"> ▪ Not permitted to apply for citizenship while in RPI status, but time spent in RPI status counts as time spent in LPR status for the purpose of naturalization.
Other			<ul style="list-style-type: none"> ▪ Restores to states the option to determine residency for higher education benefits purposes by repealing Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.
Conditional and Lawful Permanent Residence Status for Agricultural Workers			
Agriculture Worker Program Summary	<ul style="list-style-type: none"> ▪ Establishes a pilot blue card program for agricultural workers, capping such blue cards at no more than 1.5 million over five years. 	<ul style="list-style-type: none"> ▪ Establishes a Z-A nonimmigrant visa for agricultural workers, capped at no more than 1.5 million visas. 	<ul style="list-style-type: none"> ▪ Exempt from numerical cap on immigrant visas.
Application Period for Conditional Status	<ul style="list-style-type: none"> ▪ During 18-month period beginning 7 months after bill enactment. 	<ul style="list-style-type: none"> ▪ During 18-month period beginning 7 months after bill enactment. 	<ul style="list-style-type: none"> ▪ 1 year, with option for Homeland Security Secretary to extend for 18 months.

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General Requirements	<ul style="list-style-type: none"> ▪ To be granted blue card status, an individual must have: <ul style="list-style-type: none"> o Worked in agriculture for at least 150 days or 863 hours, whichever is less, during the 24-month period ending 12/31/2005. o Not been disqualified based on criminal record or other reasons. 	<ul style="list-style-type: none"> ▪ To gain a Z-A visa, an individual must: <ul style="list-style-type: none"> o Have worked in agriculture for at least 150 days or 863 hours during 24-month period ending 12/31/2006. o Be free of felony and certain misdemeanor convictions. 	<ul style="list-style-type: none"> ▪ To be granted blue card status, which is temporary, an individual must: <ul style="list-style-type: none"> o Have worked in US agriculture for not fewer than 575 hours or 100 work days during the 2-year period ending on 12/31/ 2012 or be the spouse or child of such an individual. o Have a relatively clean criminal record (grounds for ineligibility are the same as those for RPI status). o Provide “biometric and biographic data” and pass background checks. ▪ Grounds for exclusion and waivers are same as for RPI status. ▪ Blue card can be revoked if the holder: <ul style="list-style-type: none"> o “[K]nowingly used blue card for unlawful or fraudulent purpose. o Is absent from US for > 180 days in a year.
Length of Term	N/A	N/A	<ul style="list-style-type: none"> ▪ Blue card status shall no longer be available after the 8th anniversary of publication of the regulations.
Fees and Fines	<ul style="list-style-type: none"> ▪ Application fee + \$100 fine to apply. 	<ul style="list-style-type: none"> ▪ Application fees to cover adjudication costs + \$100 fine. 	<ul style="list-style-type: none"> ▪ Persons ages 16 and older filing initial and renewal applications must pay a fee, determined by the Homeland Security Secretary, to cover application processing. ▪ Penalty of \$100 for applicants age 21 and older.
Benefits of Status	<ul style="list-style-type: none"> ▪ Work authorization. ▪ Travel authorization. ▪ Adjustment to LPR status for self, spouse, and minor children. ▪ Work permit for spouse. 	<ul style="list-style-type: none"> ▪ Work authorization. ▪ Travel authorization. ▪ Adjustment to LPR status for self, spouse, and minor children. 	<ul style="list-style-type: none"> ▪ Work authorization. ▪ Travel authorization, with certain guidelines. ▪ Cannot be removed unless blue card status is revoked. ▪ May adjust to RPI status at discretion of Homeland Security Secretary if individual is unable to complete agricultural work required for adjustment program.
Application Period for LPR Status	<ul style="list-style-type: none"> ▪ Must apply to adjust status within 7 years of getting a blue card. 	<ul style="list-style-type: none"> ▪ Must apply within 8 years after bill enactment, or renew Z visa status. 	<ul style="list-style-type: none"> ▪ 5 years or more after bill enactment required before blue card holders can adjust to LPR status. ▪ Applications for adjustment to LPR status must be filed prior to expiration of blue card status.
General Qualifications	<ul style="list-style-type: none"> ▪ To adjust to LPR status, a blue card holder must: <ul style="list-style-type: none"> o Perform agricultural work for > 100 work days per year or 575 hours for each year in 5-year period beginning on date of bill enactment OR have worked 150 days or 863 hours per year for 3 years during first 5 years after bill enactment. o Pay income taxes due prior to adjustment of status. 	<ul style="list-style-type: none"> ▪ To adjust to LPR status, a Z-A visa holder must: <ul style="list-style-type: none"> o Perform agricultural work for > 100 work days per year during 5-year period beginning on date of bill enactment OR have worked > 150 days per year during first 3 years after bill enactment. o Pay income taxes due prior to adjustment of status. 	<ul style="list-style-type: none"> ▪ To adjust from a blue card to LPR status, an individual must: <ul style="list-style-type: none"> o Meet one of the following work requirements (in “extraordinary circumstances” Homeland Security Secretary can credit a maximum of 12 additional months of work): <ol style="list-style-type: none"> 1. Have worked at least 100 days in agriculture per year at least 5 years during 8 years following enactment OR 2. Have worked at least 150 days in agriculture per year at least 3 years during 5 years following enactment. o Satisfy any federal tax liability. ▪ Dependents (spouse or child) are to apply and be included in the principal application for adjustment.

Issue	2006 Senate Bill (S.2611 as amended)	2007 Senate Bill (S.1639)	2013 Border Security, Economic Opportunity, and Immigration Modernization Act (S.744)
Fees and Fines	<ul style="list-style-type: none"> ▪ \$400 fine. 	<ul style="list-style-type: none"> ▪ \$400 fine. 	<ul style="list-style-type: none"> ▪ Processing fee to cover application adjudication cost. ▪ Penalty of \$400.
<i>Future Immigration Flows</i>			
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 visas). ▪ 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 visas). ▪ New low-skilled temporary visa (200,000). ▪ Expands H-2B program (renamed Y-2). ▪ Expands high-skilled visas. 	<ul style="list-style-type: none"> ▪ Creates new merit-based visa with two tracks (Track 1 based on points, Track 2 for backlog reduction and individuals lawfully residing in the United States for 10 years or more). ▪ Eliminates diversity visa program and 4th preference family visa category. ▪ Spouses and minor children of LPRs reclassified as immediate relatives. ▪ Noncitizens of extraordinary ability, outstanding professors and researchers, multinational executives and noncitizens with PhDs no longer subject to cap in employment-based category. ▪ V visa expanded for beneficiaries with pending visa petitions.
Backlog	<ul style="list-style-type: none"> ▪ Would clear backlogs by permitting 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"> ▪ Two-track system for allocating new merit-based permanent visas (also reduces backlog and provides an avenue through which RPIs may apply for lawful permanent residence). <p>Track 1:</p> <ul style="list-style-type: none"> o Subject to cap of b/w 120,000-250,000 per year, visas allocated based on points system. o Points allocated based on education, job skills, employment in certain fields, and family ties. o Individuals with pending or approved petitions in other immigration categories may not apply. <p>Track 2:</p> <ul style="list-style-type: none"> o Beginning 10/1/2014, visas allocated to noncitizens with approved employment- and family- based petitions pending for at least 5 years. o Between 2015-2021, visas allocated to noncitizens with employment- petitions and family-based petitions filed prior to bill enactment. o "Long-term alien workers" not admitted pursuant to W visa, and who have been lawfully present in US > for 10 years may apply. o RPI holders may apply in this category but only after they have held RPI status for 10 years.
Diversity Visa Program	<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 program. 	<ul style="list-style-type: none"> ▪ Repeals diversity visa program. ▪ Applicants notified by Secretary of State of selection for visa in FY 2013 and FY 2014 still eligible for permanent residence.
Spouses and Minor (under 21) Children of LPRs	<ul style="list-style-type: none"> ▪ Spouses and children of LPRs treated as non-quota immediate relatives. 	<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"> ▪ Reclassified as immediate relatives, not subject to cap.

Issue	2006 Senate Bill (S.2611 as amended)	2007 Senate Bill (S.1639)	2013 Border Security, Economic Opportunity, and Immigration Modernization Act (S.744)
Other Preference Categories (Family)		<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"> Raises per-country limit for family-based immigrants from 7% to 15%. Replaces current preference category scheme with the following categories: <ul style="list-style-type: none"> Unmarried sons and daughters (over 21) of US citizens (35% of total). Married sons and daughters (over 21, under age 31 at time of filing) of US citizens (25% of total). Unmarried sons and daughters of LPRs (40% of total).
Employment-Based Immigrants Not Subject to Caps			<ul style="list-style-type: none"> Derivative beneficiaries (spouses and children) of employment-based immigrants. Noncitizens of extraordinary ability in sciences, arts, education, business, or athletics. Outstanding professors and researchers. Multinational executives and managers. Noncitizens who have earned a doctorate degree. Certain noncitizen physicians.
Other Preference Categories (Employment)	<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"> Eliminates per-country limits. Professionals with advanced degrees (40% of employment-based total) 40% cap will not apply to professionals with Master’s degree or higher in STEM field from US institution + offer of job in US in field related to the degree within 5 years of graduation. Skilled workers, professionals, and other workers (40% of employment-based total). Cap on “other workers” sub-category repealed. Special Immigrants (10% of employment-based total). Immigrant investors (10% of employment-based total).
V Visa			<ul style="list-style-type: none"> Beneficiaries of family-based petitions can apply for V visa granting admission to US + work authorization. Holders not eligible for public benefits.
Enhanced Discretion for Immigration Judges/DHS			<ul style="list-style-type: none"> Immigration judges may exercise discretion not to remove a noncitizen if they determine that removal is against the public interest or would result in hardship to the individual’s US citizen or LPR parent, spouse, or child. Homeland Security Secretary may exercise discretion to waive various grounds of inadmissibility where determination made that refusal of admission is against the public interest or would result in hardship to the applicant’s US citizen or LPR parent, spouse, or child.

Issue	2006 Senate Bill (S.2611 as amended)	2007 Senate Bill (S.1639)	2013 Border Security, Economic Opportunity, and Immigration Modernization Act (S.744)
<i>Immigrant Integration</i>			
Immigrant Integration Summary	<ul style="list-style-type: none"> ▪ Establishes State Impact Assistance grant program (funded by legalization fees) to fund health and education services by states and localities. ▪ Establishes US Citizenship Foundation. ▪ Eases naturalization requirements for LPRs with English fluency, calls for new hotline for military members. 	<ul style="list-style-type: none"> ▪ Establishes State Impact Assistance grant program (funded by legalization fees) to fund health and education services by states and localities. ▪ Eases naturalization requirements for older (75+) immigrants. ▪ Creates Office of Citizenship and Integration, and authorizes \$100 million for it. ▪ Provides for grants to states/localities that create New Americans Integration Councils. 	<ul style="list-style-type: none"> ▪ Establishes Office of Citizenship and New Americans to address integration policy and program needs and promote citizenship efforts. ▪ Establishes federal interagency Task Force on New Americans headed by Homeland Security Secretary. ▪ Creates US Citizenship Foundation. ▪ Authorizes funds to assist immigration benefit applicants + state and local integration programs. ▪ Reduces barriers to naturalization.
Integration Policy and Program Coordination	<ul style="list-style-type: none"> ▪ Provides funding to support state court interpreter programs that assist individuals who are limited English proficient. 	<ul style="list-style-type: none"> ▪ Renames USCIS Office of Citizenship the Office of Citizenship and Integration and expands its duties; authorizes \$100 million to carry out office's duties. 	<ul style="list-style-type: none"> ▪ Establishes Office of Citizenship and New Americans (OCNA) within USCIS to promote citizenship training and coordinate integration efforts across federal government + with state and local entities. The new office will: <ul style="list-style-type: none"> o Establish integration goals; provide advice on linguistic, economic, and civic integration of immigrants and their children, and on integration considerations for federal budgets. o Evaluate the scale, quality, and effectiveness of federal integration efforts; identify integration implications of proposed immigration policies; and provide recommendations for addressing them. ▪ \$10 million authorized for first 5 years of OCNA and sums as necessary to sustain in subsequent years. ▪ Establishes Task Force on New Americans (TFNA) chaired by Homeland Security Secretary to identify, foster, and better coordinate federal integration program and policy. <ul style="list-style-type: none"> o Agency liaisons shall ensure: the quality and timeliness of their agency's creation of integration goals and indicators; implementation of a biannual consultation process with state and local counterparts; and data collection and reporting on agency efforts to achieve goals and indicators o TFNA will provide recommendations on effects of pending legislation and policy and on policies + programs w/ distinct impact on integration success; it will also assist in developing legislative or policy proposals of special importance to new immigrants and receiving communities.
Public Private Partnership to Support Citizenship	<ul style="list-style-type: none"> ▪ Establishes United States Citizenship Foundation to solicit, accept and make gifts to support citizenship programs. 		<ul style="list-style-type: none"> ▪ Creates a United States Citizenship Foundation to solicit, accept, and grant funds to citizenship promotion.

Issue	2006 Senate Bill (S.2611 as amended)	2007 Senate Bill (S.1639)	2013 Border Security, Economic Opportunity, and Immigration Modernization Act (S.744)
Grant Programs	<ul style="list-style-type: none"> ▪ Authorizes grant program to provide grants of up to \$500 to assist LPRs apply for citizenship by funding books, tuition, and fees for English and civics classes. ▪ Creates American Citizenship Grant Program to assist funding efforts by entities to promote integration. ▪ Authorizes Attorney General to award grants to qualified nonprofit agencies that provide legal services and assistance for individuals applying for legal status ▪ Authorizes creation of State Impact Assistance Grants to provide states with funding for health and educational services of immigrants . 	<ul style="list-style-type: none"> ▪ Provides grants to states/municipalities for effective integration programs for immigrants through creation of New Americans Integration Councils. ▪ Councils to be staffed by representatives from government, business, faith-based communities, civic and philanthropic organizations, and nonprofits with experience working with immigrant communities. ▪ Authorizes creation of State Impact Assistance Grants to provide states with funding for health and educational services of immigrants. ▪ Provides grants to nonprofits that provide immigration-related legal services for children. 	<ul style="list-style-type: none"> ▪ Authorizes \$100 million over 5 years and sums as necessary in subsequent years for application assistance, state and local integration programs, and federal strategy for improved naturalization ceremony awareness. ▪ Creates Initial Entry, Adjustment, and Citizenship Assistance Grants (IEACA). ▪ Grants support application assistance and English/civics education for RPI status and further steps to citizenship. ▪ Pilot program to promote state and local immigrant integration. ▪ Creates competitive grant program for state and local governments to carry out integration programs or establish local Councils to do so.
Naturalization Process	<ul style="list-style-type: none"> ▪ Changes wording of naturalization oath; calls for citizenship test re-design. ▪ Enables LPRs who demonstrate English fluency to apply for citizenship after 4 years. ▪ Waives fingerprinting requirements for some military members + creates toll-free hotline for military members seeking naturalization. 	<ul style="list-style-type: none"> ▪ Calls for incorporation of questions about oath of naturalization into naturalization test. ▪ -Eases requirements for LPRs over 75. 	<ul style="list-style-type: none"> ▪ Reduces barriers to naturalization by expanding exemptions for older applicants and preserving nonelectronic application filing options.
Promoting Naturalization	<ul style="list-style-type: none"> ▪ Strategy to enhance public awareness of naturalization ceremonies. 	<ul style="list-style-type: none"> ▪ Secretary of Education to develop online program that teaches English at various levels of proficiency to speakers of the top 5 foreign languages spoken within US. 	<ul style="list-style-type: none"> ▪ In addition to other OCNA efforts, create strategy to enhance public awareness of naturalization ceremonies.
TITLE III. INTERIOR ENFORCEMENT			
Summary	<ul style="list-style-type: none"> ▪ Requires mandatory participation in electronic employment verification system (EEVS) (new hires only) within 18 months. ▪ Combats ID fraud by limiting eligible documents, expands information sharing with Social Security Administration (SSA). ▪ New protections to prevent employer abuse and erroneous nonconfirmations. ▪ New biometric entry-exit requirements. 	<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. ▪ New biometric entry-exit requirements. 	<ul style="list-style-type: none"> ▪ Requires mandatory use of EEVS, phased in over 4 years. ▪ Expansion of EEVS photo-sharing tool to include state driver's licenses. Authorizes \$250 million for initiative. ▪ Creation of new system that enables individuals to "lock" their social security numbers and check their own EEVS history. ▪ Expansion of US Citizenship and Immigration Services (USCIS) investigatory authority to check whether social security numbers are being improperly used multiple times. ▪ Mandates completion of entry-exit system, with exit component in place at air and sea ports by end of 2015; with \$500 million authorized to reimburse carriers.

Issue	2006 Senate Bill (S.2611 as amended)	2007 Senate Bill (S.1639)	2013 Border Security, Economic Opportunity, and Immigration Modernization Act (S.744)
<i>Employment Verification, Identity Documentation, Hiring Unauthorized Workers</i>			
Employment Verification and Use of 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). ▪ Reverification of all workers within 3 years. ▪ Use of electronic employment verification system and secure documents as trigger for legalization. 	<ul style="list-style-type: none"> ▪ All employers required to use EEVS to confirm that new employees are authorized to work (in addition to complying with physical document verification requirements). <ul style="list-style-type: none"> o All agencies and departments within the executive, legislative, and judicial branches shall participate in EEVS within 90 days of bill enactment. o Employers with > 5,000 employees shall participate within 2 years of the issuance of implementing regulations. o Employers with > 500 employees shall participate within 3 years. o All employers shall participate within 4 years. o Employers owned by or entities of governments of a federally recognized Indian tribe not required to participate until 5 years after issuance of regulations. ▪ Employers shall use EEVS “photo tool” to verify that the picture on a document presented by an employee matches the picture in the EEVS system. <ul style="list-style-type: none"> o For individuals presenting documents that cannot be verified through the photo tool, Homeland Security Secretary to develop additional security measures to verify identity. ▪ Homeland Security Secretary to allow employers and employees otherwise unable to access EEVS to use electronic and telephonic formats (including video conferencing and scanning technology) at federal government facilities.
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. 	<ul style="list-style-type: none"> ▪ Preempts state and local laws (other than those related to business licensing) relating to hiring, continued employment, or status verification for employment eligibility of unauthorized workers.
Worker Protections	<ul style="list-style-type: none"> ▪ No adverse action from EEVS 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. 	<ul style="list-style-type: none"> ▪ Homeland Security Secretary to develop process that enables individuals to access their own EEVS histories and determine the identities of all persons that have queried their information through EEVS, dates of the queries, and DHS response. ▪ Homeland Security Secretary to develop procedures to directly notify an individual of a confirmation, nonconfirmation, or further action notice in EEVS. ▪ Homeland Security Secretary shall establish a secure self-verification procedure to permit an individual who seeks to verify his/her own employment to contact the appropriate agency and, in a timely manner, correct or update information in the system.

Issue	2006 Senate Bill (S.2611 as amended)	2007 Senate Bill (S.1639)	2013 Border Security, Economic Opportunity, and Immigration Modernization Act (S.744)
Acceptable Identity and Work Authorization Documents	<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"> ▪ Identity and work authorization: US passports, passport cards, LPR cards, EAD cards, foreign passports (with attached documentation specifying authorized period of stay in US) and enhanced driver's licenses. ▪ Identity only: driver's licenses and voter registration cards, and in certain cases other forms of ID. ▪ Employment authorization: social security cards and other documentation determined by Homeland Security Secretary.
Review of Nonconfirmations	<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"> ▪ An individual with a non-confirmation may, within 10 business days, file an administrative appeal with either Social Security Administration (SSA) or DHS. ▪ An individual who receives a final determination may, within 30 days, file a complaint with an administrative law judge (ALJ). ▪ Review of ALJ decision possible in US Circuit Court of Appeals.
Protection Against Identity Fraud and 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. 	<ul style="list-style-type: none"> ▪ Homeland Security Secretary shall provide a reliable, secure method for an individual to "lock" or limit the use of his or her social security number in EEVS. ▪ Homeland Security Secretary and Social Security Commissioner to establish a procedure for identifying and handling a situation in which a social security number has been identified to be subject to unusual multiple use.
Incorporation of State Driver's License Information into EEVS	N/A	N/A	<ul style="list-style-type: none"> ▪ Grant program to be developed by Homeland Security Secretary to assist states in providing access to state driver's license information; \$250,000,000 authorized to meet this requirement.
Penalties for Hiring Unauthorized Workers	<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. 	<ul style="list-style-type: none"> ▪ Civil penalties: \$3,500 - \$7,500 per worker. <ul style="list-style-type: none"> o Second violation: \$5,000 - \$15,000 per worker. o Third violation: \$10,000 - \$25,000 per worker. ▪ Pattern and practice: Up to \$10,000 per worker and/or not more than 2 years in prison. ▪ Employers who knowingly hire 10 or more unauthorized workers while violating certain provisions of the Occupational Safety and Health Act and Fair Labor Standards Act subject to fines or imprisonment for not more than 10 years.

Issue	2006 Senate Bill (S.2611 as amended)	2007 Senate Bill (S.1639)	2013 Border Security, Economic Opportunity, and Immigration Modernization Act (S.744)
Fraud-Resistant Social Security Cards and Enhanced Penalties for Social Security Fraud			<ul style="list-style-type: none"> ▪ Within 180 days of bill enactment, Social Security Commissioner shall begin work to administer and issue fraud-resistant, tamper-resistant, wear-resistant, and identity theft resistant social security cards. ▪ 5 years post-enactment, only such cards will be issued. ▪ Increased penalties for knowingly and fraudulently using a false social security number or another person’s social security number—penalty of up to 5 years in prison.
Worksite Enforcement Personnel and Protections			
Personnel and Enhancements	<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. 	<ul style="list-style-type: none"> ▪ 5,000 new employees to USCIS and ICE over 5 years to administer and monitor EEVS. ▪ Requires interoperability between USCIS, ICE, and DOJ on EEVS compliance matters.
Worksite Enforcement Protections			<ul style="list-style-type: none"> ▪ Cases of noncitizens apprehended as result of a workplace claim reviewed before removal.
Profiling			<ul style="list-style-type: none"> ▪ Clarifies profiling rules and requires DHS to collect and analyze data on individualized immigration enforcement actions taken by DHS officers to improve profiling regulations.
Implementation of Exit Component of Entry-Exit System			
Exit System	<ul style="list-style-type: none"> ▪ New biometric entry-exit requirements. 	<ul style="list-style-type: none"> ▪ New biometric entry-exit requirements; expanded interoperability among biometric databases. 	<ul style="list-style-type: none"> ▪ Mandates DHS to establish a mandatory exit data system by December 31, 2015 that requires airline and vessel carriers to collect information from departing foreign passengers’ machine-readable visas, passports, and other travel and entry documents and transmit it to DHS in a secure and timely manner. Authorizes \$500 million to reimburse carriers. ▪ Requires DHS to integrate all databases that process and contain data on noncitizens maintained by USCIS, CBP, ICE, Executive Office of Immigration Review (EOIR), and the Bureau of Consular Affairs to be used for visa issuance, admissions, and removal decisions.
Detention, Removal, Immigration Courts, Humanitarian Issues			
Criminal 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. 	<ul style="list-style-type: none"> ▪ New criminal penalties for trafficking in passports and passport materials, trafficking in immigration documents and immigration document materials, knowingly providing fraudulent immigration services, organized and abusive human smuggling activities, and destroying, altering, or damaging any fence, barrier, sensor, camera, or other physical or electronic device used for border control. ▪ Increased penalties for illegal entry, illegal re-entry following a criminal conviction, false statement in an application for a passport.

Issue	2006 Senate Bill (S.2611 as amended)	2007 Senate Bill (S.1639)	2013 Border Security, Economic Opportunity, and Immigration Modernization Act (S.744)
Grounds of Inadmissibility/ Deportability			<ul style="list-style-type: none"> ▪ New grounds of inadmissibility/deportability for convictions related to criminal gang activity, participation in criminal street gangs, habitual drunk driving, trafficking in immigration documents or passports, domestic violence, stalking, child abuse, and violations of protection orders.
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. ▪ 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. ▪ 20,000 more detention beds. ▪ Strengthens removal procedures; expands detention during removal proceedings but with limits after 90 days. ▪ Expands parole authority. 	<ul style="list-style-type: none"> ▪ DHS to contract with nongovernmental community-based organizations to conduct screening of detainees, provide alternative-to-detention services, and operate community-based supervision programs. ▪ Alternatives-to-detention determination shall be individually based. ▪ Annual inspections for all detention facilities + routine oversight inspections. ▪ Homeland Security Secretary shall impose “meaningful financial penalties” upon detention facilities that fail to comply with applicable detention standards. ▪ With the exception of criminal aliens and those detained on terrorism grounds, noncitizens may be detained only if DHS demonstrates that alternatives to detention will not reasonably assure the appearance of the noncitizen and the safety of others. ▪ Immigration judges may only enter stipulated orders of removal after finding at an in-person hearing that the stipulation was voluntary, knowing, and intelligent.
Immigration Detainees’ Access to Information / Right to Counsel			<ul style="list-style-type: none"> ▪ Enables the Attorney General to appoint or provide counsel at government expense to noncitizens in immigration proceedings in certain cases, including unaccompanied minors and those with a serious mental disability. ▪ Establishes Office of Legal Access Programs within EOIR to make immigration proceedings more efficient and cost- effective. ▪ Ensures legal orientation programs are available to all detained noncitizens within 5 days of arrival into custody.
Immigration Courts			<ul style="list-style-type: none"> ▪ Requires DOJ to add 75 immigration judges per year, FY 2014-16; increases EOIR support staff and Board of Immigration Appeals (BIA) attorneys. ▪ Improves training for immigration judges, BIA members, and EOIR staff. ▪ Requires EOIR to improve interpreter selection and evaluation.

Issue	2006 Senate Bill (S.2611 as amended)	2007 Senate Bill (S.1639)	2013 Border Security, Economic Opportunity, and Immigration Modernization Act (S.744)
Asylum, Refugees, and Stateless persons	<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. 		<ul style="list-style-type: none"> Removes time limit of 1-year time after arrival to apply for asylum, allows certain asylum applicants denied on basis of deadline to file motions to reopen. Allows USCIS Asylum Officers to grant asylum to qualified individuals originally referred for expedited removal. Allows the President to designate for refugee status certain groups of noncitizens identified as targets of persecution on account of race, religion, nationality, membership of a social group, or political opinion. Admits children of noncitizens who qualify for admission as a refugee's dependent. Offers certain immigration benefits to stateless persons.
U Visa	N/A	N/A	<ul style="list-style-type: none"> Expands U visa eligibility to include victims of serious labor law violations and certain other crimes, and to eligible noncitizens who would experience extreme hardship if removed. Raises U visa cap from 10,000 to 18,000; not more than 3,000 can be for victims of labor law violations.
Prevention of Abuse and Trafficking			<ul style="list-style-type: none"> Improves protections for contracted foreign workers. Increases monitoring of labor contractors. Prohibits discrimination by employers or foreign labor contractors.

TITLE IV. REFORMS TO NONIMMIGRANT VISA PROGRAMS

Summary	<ul style="list-style-type: none"> New low-skilled conditional visa (H-2C). Commission to make nonbinding recommendations on number of H-2C visas. Expansion of H-1B limits. Modest restrictions on L visas. New electronic job registry. Some revisions to H-2A program. Task force to study low-skilled visa limits. 	<ul style="list-style-type: none"> New low-skilled temporary visa (200,000). Expansion of H-1B limits + new programs to reduce fraud, favor US workers, and restrict H-1B-dependent firms. Commission to study nonimmigrant visa limits. Expands H-2B program (renamed Y-2). Modest restrictions on L visas + new complaint and enforcement procedures. New electronic job registry. Some revisions to H-2A program. Commission to study visa programs and limits. 	<ul style="list-style-type: none"> Establishes W nonimmigrant visa for lower-skilled jobs, allowing multi-year employment with option to apply for permanent residence (see Visa Reforms section for more detail). Expands temporary worker provisions to replace H-2A temporary agricultural program, permitting multi-year employment, portability for some workers, and option to apply for permanent residence. 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. Establishes independent statistical agency/bureau to make recommendations to policymakers on numerical limits and all other aspects of employment-based visa system. Creates entrepreneur visa. Creates non-work authorized retiree visa.
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Issue	2006 Senate Bill (S.2611 as amended)	2007 Senate Bill (S.1639)	2013 Border Security, Economic Opportunity, and Immigration Modernization Act (S.744)
<i>Agricultural Nonimmigrant Visa Changes</i>			
Low-Skilled Nonagricultural Workers	<ul style="list-style-type: none"> ▪ H-2C conditional visas: <ul style="list-style-type: none"> o 200,000 visas. o No visas if unemployment > 9%. o 3-year visa; may be renewed once; dual intent permitted + self-petition after 4 years. o Visa portability. ▪ Establishes electronic job registry; jobs must be listed prior to H-2C recruitment. 	<ul style="list-style-type: none"> ▪ Y-1 nonimmigrant visas: <ul style="list-style-type: none"> o 200,000 visas. o No visas if unemployment > 7%. o 2-year visa; may be renewed twice with one year intervening; no dual intent. ▪ Y-2 nonimmigrant visas: <ul style="list-style-type: none"> o 100,000 visas with market escalator. o 10-month visa; renewable after 2 months; no dual intent. o Establishes electronic job registry; jobs must be listed prior to Y-1 or Y-2 recruitment. 	<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"> o 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 more visas for shortage occupations and workers with high wages; prioritizes applications in shortage occupations and for small businesses. o Allows 60-day job-search period for workers to move between registered employers/positions. o Makes dependents of W visa holders eligible for work authorization. o Prohibits W approvals where local unemployment > 8.5% unless position is on shortage list or higher-wage occupation. o Fees for processing and additional fees (up to \$3,500 per position) for heavy visa users; at least 70% of workers in medium/large businesses must be US workers. o Debars employers who commit certain labor violations for up to 3 years, or permanently for trafficking-related violations.
Agricultural Worker Program	<ul style="list-style-type: none"> ▪ Amends various regulations in H-2A program, and permits year-round employment in dairy industry. 	<ul style="list-style-type: none"> ▪ Amends various regulations in H-2A program, and permits year-round employment in dairy industry. 	<ul style="list-style-type: none"> ▪ H-2A program replaced with 2 agricultural visas for “contract” and “at-will” employment; visas are for 3 years with one 3-year renewal; visas capped at 112,333 but can be adjusted at discretion of Agriculture Secretary. ▪ At-will workers can move between employers registered for the program; contract workers can do so on completion of contract; unemployment of up to 60 days permitted. ▪ Wages specified in law and adjusted in line with inflation/other considerations. ▪ Electronic database to monitor presence and employment of workers.

Issue	2006 Senate Bill (S.2611 as amended)	2007 Senate Bill (S.1639)	2013 Border Security, Economic Opportunity, and Immigration Modernization Act (S.744)
Nonagricultural Nonimmigrant Visa Changes			
H1-B Visa	<ul style="list-style-type: none"> ▪ Increases cap to 115,000 with market-based escalator. ▪ New quota exemptions. 	<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Increases cap to 110,000 with formula-based adjustments over time up to maximum 180,000, plus 25,000 for US master's graduates. ▪ Substantially increases wage requirements (with larger increases for H-1B dependent employers), 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. Foreign workers with green-card petitions pending not counted toward total. ▪ Provides work authorization for spouses from some sending countries. ▪ New online job posting requirement before hiring H-1B worker. ▪ Provides 60-day period for workers to change jobs.
H-2B Visa		<ul style="list-style-type: none"> ▪ Replaced by Y-2 visa; see above. 	<ul style="list-style-type: none"> ▪ Employer requirements to pay travel costs, not displace US workers, and pay \$500 fee for labor certification. ▪ Exempts 2013 H-2B workers returning through 2018 from numerical limits.
L Visa	<ul style="list-style-type: none"> ▪ Authorizes extension of L visa if certification/application pending. ▪ Restrictions on new offices. 	<ul style="list-style-type: none"> ▪ Restrictions on new offices. ▪ New complaint procedures and enforcement mechanisms. 	<ul style="list-style-type: none"> ▪ Increases in fees and prohibitions on hiring high share of workforce, on L visa, as described in H-1B section. ▪ Restrictions on new offices. ▪ Increases fraud-detection measures, audits, penalties, and whistleblower protections.
Changes to Visa System			
Adjusting Future Immigration Flows	<ul style="list-style-type: none"> ▪ Establishes a temporary guestworker visa program task force to make recommendations regarding the number of H-2C visas. 	<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Establishes independent statistical agency/bureau to make recommendations to policymakers on numerical limits for new W visa, analyze shortage occupations, and make recommendations on all aspects of employment-based system. ▪ Introduces statistical formulae to adjust H-1B visas and W visa numbers annually.
Startup Visa Program	N/A	N/A	<ul style="list-style-type: none"> ▪ Creates temporary visa for entrepreneurs with venture backing of \$100,000 or whose business has created 3+ jobs; 3-year visa renewable for another 3 years. ▪ Allows adjustment to permanent status if business creates 5+ jobs and meets revenue-raising requirements, with slightly lower requirements for STEM degree holders.

Issue	2006 Senate Bill (S.2611 as amended)	2007 Senate Bill (S.1639)	2013 Border Security, Economic Opportunity, and Immigration Modernization Act (S.744)
Other Temporary Visa Reforms			<ul style="list-style-type: none"> ▪ Authorizes foreign students to apply directly for green cards. ▪ Introduces retiree visa for those who purchase \$500,000 or more of residential property in US; no work authorization or access to benefits. ▪ Adds Irish nationals to E-3 specialty occupation visa; creates similar visa for nationals of countries concluding free trade agreements with US. ▪ Renews H-1C nurse visa with numerical limit of 300. ▪ Permits certain business visitors to receive honoraria and incidental expenses for certain very short-term services.