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## **Summary: Comprehensive Immigration Reform Act of 2006 S.2611**

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## **Comprehensive Immigration Reform Act of 2006 S.2611**

**Passed: May 25, 2006**

**Must now be reconciled with House Bill 4437**

### **Executive Summary**

**Title I – Border Enforcement.** Increases border patrol officers, port of entry inspectors, customs officers, and investigators for human trafficking. Adds technologies to control borders. Addresses fingerprint database and biometric immigration documents. Does not criminalize humanitarian assistance. Authorizes statistics and report on deaths at U.S.-Mexico border. Authorizes competitive grants to eligible law enforcement agencies within 100 miles of the border. **Nothing in this subtitle shall be construed to authorize state or local law enforcement agencies to exercise federal immigration law enforcement authority.** Pages 9-96.

**Title II – Interior Enforcement State Criminal Alien Assistance Program (SCAAP) and new fund.** (1) **SCAAP:** DHS shall compensate states or localities for the incarceration of unauthorized immigrants, based on the average incarceration cost in the state, or take them into federal custody. Authorization: such sums as necessary FY2007; \$750 million FY2008, \$850 million FY2009; and \$950 million FY2010-2012. (Sec. 218, p. 151.) **New fund:** Requires the Department of Homeland Security (DHS) to **reimburse states** and localities for processing undocumented criminal aliens, including indigent defenses; criminal prosecutions; autopsies; translators and interpreters; and court costs. Authorizes \$400 million annually (FY2007-FY2012). Also provides approximately 66% of states with 55 full-time active duty agents to carry out immigration and naturalization adjudication functions. Sec. 219 requires DHS to provide state and local law enforcement authorities with **transportation** and officers to take illegal aliens into custody for processing at a detention center. Sec. 226 permanently authorizes the J-1 visa waiver program for **medical professionals**. Pages 96-219.

**Title III – Unlawful Employment of Aliens:** Makes it unlawful to employ an unauthorized alien and adds civil and criminal penalties. Adds verification requirements for employment and identity through a new Electronic Employment Verification System. Increases worksite enforcement agents. Pages 219-287.

**Title IV – Nonimmigrant and Immigrant Visa Reform.** Creates a **new nonimmigrant H-2C visa** for up to 6 years for nonimmigrant temporary workers outside the U.S. Requires participating countries to enter bilateral agreements to accept those deported; cooperate in reducing trafficking; and provide the United States with passport

information and criminal records of aliens entering or present in the U.S. Creates **State Impact Assistance** Account with fees from family supplemental visas and extensions collected for H-2C nonimmigrants (Sec. 403, p. 264). Creates a new F-4 student visa for advanced degree candidates in math, engineering, technology or physical sciences. Increases application fee from \$1,000 to \$2,000. Students may remain to work in the U.S. for one year and may adjust to legal status. Pages 287-365.

**Title V – Backlog Reduction.** Removes immediate relatives from the 480,000 visa cap for permanent family based immigrants. Increases permanent employment visa cap from 140,000 to 450,000/year FY2007-2016. Reserves visas for immigrants who were physically present before January 7, 2004, for each of the years from 2007-2017. Exempts those in labor shortage occupations (**nurses and physical therapists**) from employment-based green card numerical caps until September 30, 2017. Pages 365-451.

## **Title VI – Work Authorization and Legalization of Undocumented Individuals**

### **Subtitle A - Earned Legalization and Mandatory Departure and Reentry**

**Legalization (5 years residence).** Creates earned legalization for unauthorized immigrants physically present in the United States on or before April 5, 2001; with **5 years** continuous residence, 3 years employment during the 5 year period ending on April 5, 2006 and at least 6 years of employment after the date of enactment of the Immigration Accountability Act of 2006. Applicants must pay all federal taxes owed for employment, submit fingerprints and undergo security checks, and demonstrate English and civics proficiency. Applicants are ineligible for **federal means-tested public benefits**. Employers shall not be subject to civil and criminal tax liability relating to the employment of these applicants. **Fines.** Applicants shall pay a fine commensurate to other applications for adjustment of status; and a \$2,000 fine for those over 18. **Use of Funds:** DHS shall use these funds for border security and processing applications at DHS and State.

**Mandatory Departure and Reentry (2-5 years residence).** DHS shall grant Deferred Mandatory Departure for unauthorized immigrants resident in the U.S. and employed before January 7, 2004. These applicants have up to 3 years to depart the U.S. and seek readmission.

**Subtitle B – AgJOBS.** Provides “blue card” temporary visa status for agricultural workers who have already been working at least 150 days in the twenty-four month period ending December 31, 2005.

**Subtitle C – DREAM Act.** Provides states with the option to determine residency for purposes of higher education benefits (previous drafts of the bill would have stripped this option from states; however, the final version restored this determination to the state level). Provides a path to citizenship for unauthorized minors with five years continuous residence and who entered the U.S. before age 16; who have demonstrated good moral character; have been admitted to a U.S. college or has earned a high school diploma or

GED in the United States. For permanent residence, applicants must complete at least 2 years of college or military service.

**Subtitle D – Programs to Assist Nonimmigrant Workers. Public Education and Community Training.** Creates a DOJ grant program to qualified nonprofit community organizations for education and training. DHS **Office of Citizenship** shall establish a grant program which will award up to \$500 (per individual) to assist legal residents in their pursuit of meeting the requirements of citizenship. Pages 451-660.

**Title VII – Miscellaneous.** Includes **citizenship** assistance for military and for families of 9/11 victims. Authorizes DHS **State Court Interpreter Grant Program** to assist LEP individuals with court proceedings. Establishes the Initial Entry, Adjustment and Citizenship Assistance competitive grant to support community based organizations in assisting individuals in adjustment of status and citizenship applications. Pages 660-757.

**Title VIII - Intercountry Adoption Reform.** Affords foreign born adopted children of US citizens the same procedural treatment as biological children born abroad to US citizens. Extends citizenship to foreign born children adopted by US citizens, and creates a new nonimmigrant “W” Visa for an adoptable child who is coming into the US for adoption by a US citizen. Pages 757-795.



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## **Comprehensive Immigration Reform Act of 2006 S.2611/S.2612**

**Passed: May 25, 2006  
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### **Title I – Border Enforcement**

#### **Subtitle A – Assets for Controlling United States Borders**

##### **Sec. 101: Enforcement Personnel**

Increases the number of port of entry inspectors by 2,500 over 5 year period (fiscal years 2007-2011). Increases, by no less than 200 (in fiscal years 2007-2011), the number of personnel assigned to investigate alien smuggling. Increases border patrol officers by 14,000 over 6 years (20% of net increase will be assigned to the US-Canada border); authorizes funds.

This section also 1) increases by 50 per year for 5 years the number of full-time active duty Deputy US Marshals investigating criminal immigration matters and 2) requires the Customs and Border Protection (CPB) and the Department of Defense (DOD) to establish a program that recruits former military personnel for work at CBP.

##### **Sec. 102: Technological Assets**

Adds technologies to control borders (unmanned aerial vehicles, cameras, poles, sensors, etc.) and authorizes the construction of border fences. Any use of DOD surveillance equipment requires a risk assessment report on the potential adverse impacts on the US citizenry.

##### **Sec. 103: Infrastructure**

Authorizes the construction of all-weather roads and the acquisition of additional vehicle barriers in an effort to gain operational control of border.

##### **Sec. 104: Border Patrol Checkpoints**

Authorizes the construction and maintenance of temporary and/or permanent checkpoints on roadways near the borders.

##### **Sec 105: Ports of Entry**

Authorizes the construction of additional ports of entry along borders and make necessary improvements to existing ports.

**Sec. 106: Construction of Strategic Border Fencing and Vehicle Barriers**

Authorizes construction of new border fences (double and triple layered) and the replacement of all aged, deteriorating, or damaged fencing at places on the border, including 370 miles of fencing in the Tuscan/Yuma AZ and San Diego sectors as well as an additional 500 miles of vehicle barriers in areas that are used for illegal crossings.

**Subtitle B – Border Security Plans, Strategies, and Reports**

**Sec. 111: Surveillance Plan**

Requires the Secretary of Homeland Security to develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of US. Requires the Department of Homeland Security (DHS) to conduct an assessment of the impact of new border security measures on civil liberties and property rights.

**Sec. 112: National Strategy for Border Security**

Requires the Secretary of Homeland Security and other government officials to develop a National Strategy for Border Security that describes actions to be taken to gain operational control of all borders.

**Sec. 113: Reports on Improving the Exchange of Information on North American Security**

Requires the Secretaries of State and Homeland Security, along with other government officials, to submit to Congress a report on improving the security of North America.

**Sec. 114: Improving the Security of Mexico’s Southern Border**

Focuses on Guatemala and Belize: maintaining security of their respective borders, determining what financial and technical support they need from Mexico, US and Canada.

**Sec. 115: Combating Human Smuggling**

Requires the Secretary of Homeland Security to work with federal, state and local governments to improve coordination efforts to combat human smuggling and ensure adequate personnel training.

**Sec. 116: Deaths at United States-Mexico Border**

Requires the collection of statistics, including the cause and total number of deaths at the US-Mexico border.

**Sec. 117: Cooperation with the Government of Mexico**

Requires the State Department and federal, state and local law enforcement agencies to cooperate with the Mexican government to improve border security, reduce human trafficking, reduce drug trafficking and smuggling, reduce gang membership in the US and Mexico, reduce violence against women in the US and Mexico and reduce other forms of violence and criminal activity. Federal, State, and local representatives in the

United States shall consult with the Mexican government on building fences and border security structures.

### **Subtitle C – Other Border Security Initiatives**

#### **Sec. 121: Biometric Data Enhancements**

Requires enhanced connectivity between two fingerprint databases (IDENT and IAFIS). The SHS, in consultation with the Attorney General, must integrate the above databases by October 1, 2007.

#### **Sec. 122: Secure Communications**

Requires the DHS to develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure communication between border patrol personnel, residents in remote areas, and border security agencies on the federal, state local and tribal levels.

#### **Sec. 123: Border Patrol Training Capacity Review**

Requires that the training provided is as efficient and cost-effective as possible.

#### **Sec. 124: US-VISIT System**

Requires the DHS to submit to Congress a schedule for equipping all land border ports of entry with the U.S.-Visitor and Immigrant Status Indicator Technology (US-VISIT) system.

#### **Sec. 125: Document Fraud Detection**

Provides all Customs and Border Protection officers with training in detecting fraudulent travel documents. (It is unclear whether this section covers state and local “border protection officers”).

#### **Sec. 126: Improved Document Integrity**

Requires immigration documents issued by DHS to be machine-readable, tamper-resistant with a biometric identifier by 10/26/07.

#### **Sec. 128: Biometric Entry-Exit System**

Authorizes DHS to collect biometric data from any immigrant seeking to enter, exit, transit through or parole into the U.S. Creates a new ground of inadmissibility for withholders of biometric information as well as new penalties for evading inspection. Prevents the criminalization of humanitarian assistance.

#### **Sec. 129: Border Study**

Requires the Secretary of Homeland Security, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency to conduct a comprehensive study of the construction of a system of physical barriers along the southern international land and maritime border of the United States. The study

shall encompass 14 individual assessments ranging from the necessity and feasibility of constructing such a system to the impacts such a system will have on the environment and international trade, commerce and tourism.

**Sec. 130: Secure Border Initiative Financial Accountability**

Requires the Inspector General of the Department of Homeland Security to review each contract having a value of more than \$20 million, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority and women owned business, and time lines.

**Foreign owned US ports:**

Requires the Committee on Foreign Investment in the United States to submit a report to Congress 30 days after learning of a contract to manage a US port by a foreign company. The report must detail the proposal and the security issues associated with it.

**Sec. 131: Mandatory Detention for Aliens Apprehended at or Between Ports of Entry.**

Requires border personnel to detain an alien (other than a national of Mexico) who is attempting to illegally enter the US until that alien is removed or a final decision granting admission has been determined. (Some suggest that this requirement is in the interest of national security.)

**Sec. 133: Temporary National Guard Support for securing the southern land border of the United States**

Limits service to no more than 21 days annually. The actions of Guard Troops are limited to ground reconnaissance activities; airborne reconnaissance activities; logistical support; provision of translation services and training; administrative support services; technical training services; emergency medical assistance and services; communications services; rescue of aliens in peril; construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States; and ground and air transportation.

**Sec. 134: Report on Incentives to Encourage Certain Members and Former Members of the Armed Forces to Serve in the Bureau of Customs and Border Protection**

Requires a report to Congress by DHS and DOD on the feasibility of offering incentives (including monetary) to former military personnel to serve in CBP.

**Manager's Amendment: Driver's License As Entry Document**

Manager's Amendment requires that DOD and DHS enter an agreement with at least one state that would establish a program where the state would include an individual's citizenship status on one's driver's license (has to meet the REAL-ID Act requirements). States will not be forced to include citizenship status on driver's licenses, but if they do, those documents will be able to be used as an entry document at ports of entry to the US in participating states.

**Sec. 135: Western Hemisphere Travel Initiative (WHTI)**

Requires that US, Canadian, and Mexican citizens to have passports to travel back and forth across US international borders beginning January 1, 2008. The date will now be postponed until June 1, 2009 or three months after the Secretary of State and Secretary of Homeland Security make the required certification (whichever date is the latest). Section 135 also allows US citizens to obtain a new “Passport Card” (with a \$24-\$34 fee), which will be created to facilitate travel of US citizens to Canada, Mexico and countries in the Caribbean and Bermuda.

Requires DHS to extend expedited traveler programs to all ports of entry and mandates that DHS encourage all US citizens to participate in such pre-enrollment programs. The names of expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks to permit border control officers to focus more attention on unknown travelers, potential criminals, and terrorists.

**Sec.135(f): Process for Individuals Lacking Appropriate Documents**

Requires the DHS to establish a program to allow US citizens without a passport to cross into Canada or Mexico and return within 72 hours, on a limited basis with no additional fee. DHS will also establish a grace period to allow US and Canadian citizens to travel without a passport when they lack awareness of the passport requirement and can otherwise demonstrate their citizenship. DHS must also set up a procedure to allow children to enter without passports from Canada and Mexico by land when they are traveling under the supervision of adults and have parental consent.

**Subtitle D – Border Tunnel Prevention Act**

**Sec. 142: Construction of Border Tunnel or Passage**

Increases criminal penalties for crimes associated with the use of tunnels. If an individual constructs or finances the construction of a border tunnel, he/she can be fined and may face up to 20 years in prison. If one recklessly disregards construction of border tunnel on one’s property, one may face fines and up to 10 years in prison. If one is caught smuggling goods/people through a tunnel, he/she may face twice the maximum prison sentence that would have otherwise been applicable if the unlawful activity had not included the use of a tunnel.

**Subtitle E – Border Law Enforcement Relief Act**

**Sec. 153: Border Relief Grant Program**

Authorizes the Secretary to award competitive grants (FY2007 through 2011) to eligible law enforcement agencies to address criminal activity that occurs in the jurisdiction of the agency due to its proximity (<100 miles) to the border, and/or the impact of any lack of security along the US border.

**Sec. 154. Enforcement of Federal Immigration Law.**

Declares that nothing in this subtitle shall be construed to authorize state or local law enforcement agencies to exercise federal immigration law enforcement authority.

**Subtitle F – Rapid Response Measures**

**Sec. 161: Deployment of Border Patrol Agents**

Authorizes border state governors to declare states of emergency in order to request up to 1,000 additional border patrol agents.

**Title II – Interior Enforcement**

Addresses deportation and denial of asylum to terrorist aliens. Increases criminal penalties related to removal, alien smuggling and gang violence; provides penalties for passport, visa and marriage fraud; protects refugees and asylum applicants.

**Sec. 205: Increased Criminal Penalties Related to Gang Violence, Removal, and Alien Smuggling**

Criminalizes providing material assistance to illegal aliens. Individuals or organizations not previously convicted of a violation of this section who are providing humanitarian assistance are exempt.

The penalty for certain employers who illegally hire unauthorized workers has been set at a maximum of 10 years imprisonment.

**Sec. 210: Incarceration of Criminal Aliens**

Authorizes DHS to extend the Institutional Removal Program to all states. The Institutional Removal Program identifies removable criminal aliens in Federal and State correctional facilities; ensures that such aliens are not released into the community; and removes such aliens from the United States after the completion of their sentences.

**Sec. 216: Field Agent Allocation and Background Checks**

Directs DHS to allocate at least 40 ICE agents and 15 CBP agents to each state. The Secretary may waive the application of the above for any State with a population of less than 2 million. (This translates into approximately 16 or 32% of all states.) According to the 2000 Census, those states that risk losing funding under this provision include Alaska, Delaware, Hawaii, Idaho, Maine, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Vermont, West Virginia, and Wyoming. This section also authorizes \$3,125,000 per year for five years to improve the speed and accuracy of FBI immigration-related background and security checks.

**Sec. 218: State Criminal Alien Assistance Program**

Requires (1) DHS to reimburse states and localities for costs of detaining and processing undocumented criminal aliens, including indigent defense; criminal prosecution; autopsies; translators and interpreters; and court costs. Authorizes \$400 million FY2007-2012. (2) DHS shall compensate states or localities, based on the average incarceration cost in the state, or take the unauthorized alien into federal custody. Authorization: such sums as necessary FY2007; \$750 million FY2008, \$850 million FY2009; and \$950 million FY2010-2012.

**Sec. 219: Transportation and Processing of Illegal Aliens Apprehended By State and Local Law Enforcement Officers**

Requires DHS to provide state and local law enforcement authorities with sufficient transportation and officers to take illegal aliens into custody for processing at a detention center.

**Sec. 221: Alternatives to Detention**

Requires a study of the 1) effectiveness of alternatives to detention, 2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding program nationwide, and 3) the alternatives to detention.

**Sec. 224: State and Local Enforcement of Federal Immigration Laws**

Requires DHS to reimburse States for the costs of training under MOUs (Sec. 287(g)). Reimburses States for the cost of any equipment required to facilitate training; authorizes such sums as may be necessary. P. 162.

**Sec. 226: Medical Services in Underserved Areas**

Permanently authorizes the J-1 visa waiver program for medical professionals. The program was scheduled to sunset on June 1, 2006.

**Sec. 229: Law Enforcement Authority of States and Political Subdivisions and Transfer to Federal Custody**

Affirms that law enforcement personnel of the State have the inherent authority to assist in the enforcement of criminal immigration laws. DHS, upon request from a state, shall take into custody unlawfully present immigrants. DHS shall designate a central detention facility in each state. DHS shall reimburse states for detention, transportation and uncompensated emergency health care costs.

**Sec. 231: Listing of Immigration Violators in the National Crime Information Center Database**

Lists immigrant violators in the National Crime Information Center, a national criminal database accessed by state and local police.

**Sec. 232: Cooperative Enforcement Programs**

Requires that DHS enter into a cooperative enforcement agreement (known as the Memorandum of Understanding) with at least one law enforcement agency in each state to train law enforcement officers in the detection and apprehension of individuals

engaged in transporting, harboring, sheltering, or encouraging aliens to remain unlawfully in the United States.

**Sec. 233: Increase of Federal Detention Space and the Utilization of Facilities Identified for Closures as a Result of the Defense Base Closure Realignment Act of 1990**

Requires the Secretary to construct or acquire at least 20 new detention facilities in the US that have the capacity to detain a combined total of at least 20,000 individuals at any time for aliens detained pending removal or a decision regarding removal. May consider using former military installations closed under the Defense Base Closure and Realignment Act of 1990.

**Sec. 235: Expansion of Justice Prisoner and Alien Transfer System (JPATS)**

Expands the JPATS program by increasing the use of buses and air hubs in three geographic regions, allowing a set number of seats for affected aliens in each metropolitan area, and allowing metro areas to trade seats depending on their individual needs.

**Title III – Unlawful Employment of Aliens**

**Sec. 301: Unlawful Employment of Aliens**

Makes it unlawful for employers to hire, recruit, or refer for a fee an unauthorized alien. Makes it unlawful for employers to continue to employ an alien while knowing or having reason to know that the alien is or has become unauthorized for employment. Employers using contract labor will be considered to have hired the alien for employment.

**Sec. 301(c): Employer Obligations**

Details employer obligations. An employer hiring, recruiting or referring for a fee an individual for employment must verify that the individual is eligible for employment. These steps include verification of documents to establish both employment eligibility and identification and verification through the Electronic Employment Verification System.

**Verification of Documents:**

- 1) To establish eligibility and identity: U.S. Passport; permanent resident card; or other documents designated by DHS
- 2) To establish employment eligibility: Social Security card; or other documents designated by DHS
- 3) To establish identity: a driver's license or identity card that is REAL ID compliant; a driver's license or identity card that is not REAL ID compliant, if it is not required by DHS to comply, contains photograph or other information including the name, date of birth, gender and address; IDs issued by a federal agency including the military, an agency or entity of a State, or a Native American tribal document, provided it includes photo or name/DOB/gender/ eye

color and address, and contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use.

### **Electronic Employment Verification System (EEVS)**

DHS and Social Security will implement a system for employers to verify identity and work authorization. Individuals will be able to check their status in the electronic verification system in order to ensure the information is correct or has been properly updated.

180 days after enactment, DHS shall require the participation in EEVS by employers that are part of the critical infrastructure of the US or directly related to national security or homeland security for current and new employees. All employers must comply within 18 months of DHS receiving funding to implement the program. DHS may not waive this requirement for any employer.

Civil penalties for hiring or continuing to employ unauthorized aliens: \$500 - \$4,000 per unauthorized alien; up to \$20,000 for repeat violations (a repeat violation is defined as a violation that occurred 1-2 years before the current violation). Penalties for violating recordkeeping or verification: \$200-\$2000 for each violation up to \$6,000 for repeat violations. DHS may not use its discretion to reduce penalties.

Criminal penalties for pattern or practice: up to \$20,000 for each unauthorized alien and up to 6 months imprisonment. Repeat violators can be barred from federal contracts or grants for 5 years.

The employer compliance provisions do not preempt state and local laws requiring employers to provide shelters or designated areas for day laborers at or near their place of business.

### **Sec. 302: Employer Compliance Fund**

Aims to enhance and enforce employer compliance. Civil penalties collected by the Secretary for violations of the above will offset total receipts.

### **Sec. 303: Additional Worksite Enforcement and Fraud Detection Agents**

Authorizes increase of personnel. Subject to available appropriations, DHS shall annually increase for 5 years the number of investigators by 2,200 annually. The Secretary must ensure that existing enforcement personnel do not spend less than 25% of all the hours expended enforcing immigration and customs laws.

## **Title IV – Nonimmigrant and Immigrant Visa Reform**

### **Subtitle A – Temporary Guest Workers**

#### **Sec. 401: Immigration Impact Study**

Requires the Bureau of the Census, in conjunction with 12 federal agencies, to conduct a study that will assess the impact of the proposed immigration legislation “on the infrastructure and quality of life in the United States.” – (NCSL Note: This study will estimate the total illegal and legal immigrant populations in the US and will include the impacts of immigration on various items, such as particular geographic regions of the US, the environment, employment and wage rates, transportation infrastructure, education, housing arena, health care, and the criminal justice system.)

Any regulation that would increase the number of aliens eligible for legal status may not take effect before 90 days after a report on the proposed change is submitted to Congress.

### **Sec. 402 & 403: Nonimmigrant Temporary Workers**

Defines nonimmigrant temporary worker. Creates **new H-2C visa** for nonimmigrant temporary workers outside the U.S. and immigrants with legal status in the US (for agricultural and nonagricultural work). The visa is valid for 3 years with one renewal of up to 3 years; no adjustment of status is permitted. The spouse and children may accompany the temporary worker. The worker must have a job offer; pay a \$500 visa fee; undergo a medical examination (at the immigrant’s own expense); submit to background checks on health, criminal history and connections to terrorism. The Visa will become available 18 months after \$400 million is appropriated to implement the electronic verification system described in Title 3.

H-2C status will be lost if the worker is unemployed for 60 consecutive days. The worker will be required to leave the US. An unemployment period of more than 60 days will be excused if the unemployment was caused by 1) a period of mental disability of the alien or direct family members, 2) a period of vacation, medical leave, maternity leave or similar leave that is authorized by law or the employer’s policy, and 3) circumstances beyond the control of the alien.

Creates **State Impact Assistance** Account with fees from family supplemental visas and extensions collected for H-2C nonimmigrants under Sections 218A and 218B. (Sec. 403, p. 264)

### **Sec. 404: Employer Obligations**

Requires employers to comply with all applicable federal, state and local laws. Employers must attest that the temporary worker will not displace a U.S. worker; will be paid prevailing wages; and if the worker is not covered by **state workers compensation**, the employer shall provide insurance covering injury or disease. Workers must have a labor certification in order to benefit from H-2C provisions and employers must pay the filing fee associated with a worker gaining H-2C status.

Employers must also attest (it is unclear whether the attestation is verbal or in writing) that the H-2C will not adversely impact wages and working conditions for US workers.

### **Sec. 405: Alien Employment Management System**

Requires the establishment of a system that will provide employers with opportunities to recruit US workers before hiring a H-2C nonimmigrant. It will also collect an array of information from employers regarding their hiring practices and the occupation, industry and length of time the employer needs certain employees.

**Sec. 407: Recruitment of United States Workers**

Requires the Secretary of Labor to implement an electronic job registry and nationwide system of public labor exchange services for U.S. workers.

Limitations on H-2C workers: Up to 200,000 H-2C visas will be available per year.

**Two Paths to Permanent Residency:**

1) Employer Sponsored: At any time an employer may file an immigrant visa petition on behalf of an H-2C worker and the individual's family.

2) Self-Petitioning: Based on a floor amendment, an H-2C worker may petition for permanent residency if:

1. the alien has been employed in H-2C status for at least 4 years
2. an employer attests that a job will be made available to the alien
3. the Secretary of Labor certifies that there are not sufficient US workers who are able, willing, qualified, and available to fill the position.

**Sec. 408: Temporary Guest Worker Visa Program Task Force**

Establishes a Temporary Guest Worker Visa Program Task Force to study the impact of the admission of temporary guest workers on the wages, working conditions, and employment of US workers, and it will make recommendations to the Secretary regarding the need for an annual numerical limitation on the number of aliens admitted.

**Sec. 409: Requirements for Participating Countries**

Requires participating countries to enter bilateral agreements to accept those deported; cooperate in reducing trafficking; provide the U.S. with passport information and criminal records of aliens entering or present in the U.S.; provide education to avoid worker exploitation; and evaluate housing incentives for returning workers.

The Development, Relief, and Education for Alien Minors Act (DREAM) is amended to Title VI of this act. This provision in Title IV grants recipients conditional permanent residence status U.S. for a period of six years. An applicant is considered to be in conditional status while the application is pending.

**Sec. 410: S Visas**

Expands the S visa category, making it available to those providing information on a criminal enterprise undertaken by a foreign government, its agents, representatives or officials as well as to individuals with information on the development of weapons of mass destruction of foreign governments. The limit on S visas is raised from 200 to 1,000.

### **Sec. 411: L Visa Limitations**

States that L visa (Intracompany Transferees) recipients who are coming to the U.S. to “open, or be employed in, a new facility” may be approved for a visa, not to exceed a period of 12 months. Visa will be granted only if the employer of such facility has evidence of a sufficient business plan, and the physical and financial capacity to continue to conduct business. If proven, extensions may be granted. During the first nine months of visa period, spouses or dependents of said employee will not be allowed to work in the U.S.; Requires the Department of Homeland Security and the state to work together to verify information presented on L visa application.

### **Subtitle B – Immigration Injunction Reform:**

## **Title V – Backlog Reduction**

### **Sec. 501: Elimination of Existing Backlogs**

Removes immediate relatives from the 480,000 visa cap for permanent family based immigrants. Spouses and children would not be counted against the numerical cap.

Increases permanent employment visa cap from 140,000 to 450,000/year FY2007-2016 and adjusts it downward to 290,000 after FY2016; allows carryover of visas to next fiscal year. After 2016, the numbers will drop to 290,000 per year. An annual cap is set at 650,000. Changes preference allocations for worker visas to allow additional visas for unskilled workers. Changes per country limit from 7 percent to 10 percent. Changes allocation of family based visas. Reserves visas for immigrants who were physically present before January 7, 2004, for each of the years from 2007-2017.

### **Sec. 504: Relief for Minor Children and Widows**

A widow or widower of US citizens married less than two years at the time of the citizen’s death may seek permanent residency if the spouse can show by a preponderance of the evidence that the marriage was entered into in good faith and not solely for the purpose of obtaining an immigration benefit.

### **Sec. 505: Shortage Occupations**

Exempts those in labor shortage occupations (**nurses and physical therapists**) from employment-based green card numerical caps until September 30, 2017. The Secretary of Labor determines occupations that are suffering from labor shortages. Spouses and children are included in the cap exemption. Requires the Secretary of Health and Human Services to work with the National Academy of Sciences Institute of Medicine to address the nursing shortage no later than seven years from when a report discussing the source of newly licensed nurses is published.

### **Sec. 506: Relief for Widows and Orphans**

Codifies the Widows and Orphans Act; Allows certain children and women outside the U.S. who are at risk of harm and who are referred by U.S. officials, international officials and certain non-governmental organizations to qualify as special immigrants.

**Sec. 507: Student Visas**

Creates a new F-4 student visa for advanced degree candidates in math, engineering, technology or physical sciences. Increases application fee from \$1,000 to \$2,000. Students may remain to work in the U.S. for one year and may adjust to legal status.

**Sec. 508: Visas for Individuals with Advanced Degrees**

Exempts individuals with advanced degrees in science, technology, engineering or math with 3 years related work in the U.S. from the numerical cap on permanent employment based visas and from the H-1B visa cap. Increases H-1B visas to 115,000.

The Diversity Visa Program (The Green Card Lottery): 2/3 of all lottery slots will be reserved for individuals with advanced university degrees (masters degrees and higher).

**Sec. 510: Expedited Adjudication of Employer Petitions for Aliens of Extraordinary Artistic Ability**

Requires expedited processing for O and P artist visas.

**Sec. 511: Powerline Workers**

Allows Canadian powerline workers to enter under NAFTA's B-1 activities program.

**Subtitle B – SKIL ACT (Securing Knowledge, Innovation and Leadership Act)**

**Sec. 522: H-1B Visa Holders**

Expands the cap exemption for nonprofit research entities to also include all nonprofit organizations. The cap exemption for governmental organizations has been clarified to include "Federal, State or local" governmental research organizations.

There is a 20,000 limit cap exemption for graduates of institution of higher education from foreign countries. All graduates of US master+ programs will be exempt from the H-1B cap without a 20,000 limit. Physicians awarded with a medical specialty certification based on post-doctoral training and experience in the US are now exempt from caps.

**Sec. 523: Market Based Visa Limits (Raises in the H-1B Overall Cap)**

Raises the overall cap to 115,000 per year. In the event that the cap is hit in a given fiscal year, the cap of the subsequent year will be raised by 20%.

**Sec. 524: United States Educated Immigrants (Cap Exemptions)**

Exempts the following aliens from green card caps: Aliens who have earned a Masters+ degree from accredited US institutions, aliens who are awarded medical specialty certifications, aliens in Schedule A occupations, aliens who have earned a Masters+ degree in science, technology, engineering or math and have been working in a related field in the US in a non-immigrant status during the 3 year period preceding their application for an immigrant visa under Section 203(b), national interest waiver

recipients, and the spouses or minor children of anyone admitted as an employment based immigrant under Sec. 203b.

The Department of Labor is authorized to write special rules for members of the professions possessing masters+ degrees from US universities or who have medical specialty certification based on US training.

**Sec. 527: Retaining Workers Subject to Green Card Backlog**

Authorizes a \$500 fee to be paid by an adjustment applicant in order to file an employment based adjustment case when no visa number is available.

**Sec. 528: Streamlining the Adjudication Process for Established Employers (Pre-certification)**

Allows employers to be able to get pre-certified in order to speed up processing times.

**Sec. 530: Eliminating Procedural Delays in the Certification Process**

Authorizes a number of key changes in the labor certification process:

1. DOL will now be required to make prevailing wage determinations and will not be permitted to pass that obligation to a state workforce agency, as is the current practice. The DOL will have 20 days to provide such a determination. If DOL fails to respond in 20 days, the wage proposed by the employer shall satisfy prevailing wage requirements.
2. The DOL must consider an employer provided wage survey unless it can show why the wage component of the Occupational Employment Statistics Survey is more accurate for that occupation in the labor market area.
3. DOL must maintain a website that contains filing instructions for a job order in each state, and the site must provide links to the web sites of each state workforce agency.
4. The DOL must set up a process by which employers may make technical corrections to applications in order to avoid requiring employers to conduct additional recruitment to correct an initial technical error. A technical error has been defined to include anything that would not have a material effect on the validity of the employer's recruitment of able, willing and qualified US workers.
5. Appeals and motions to reopen labor certification cases must be decided within 60 days after filing.
6. Within 180 days of the enactment of this bill, the DOL shall process and issue decisions on all applications filed prior to March 28, 2005, which is the date that the new PERM system went into effect. All other provisions relating to labor certifications take effect 90 days after this law passes regardless of whether DOL has enacted regulations.

**Sec. 532: Visa Revalidation**

Allows those in US with nonimmigrant visas to renew those visas by mail from within the US. This popular program that was available prior to September 11, 2001.

## **Subtitle C – Preservation of Immigration Benefits for Hurricane Katrina Benefits**

### **Sec. 543: Special Immigration Status**

Allows individuals to qualify for a designation of special immigration status if they were beneficiaries of an immigrant visa petition, a K non-immigrant visa petition, or a labor certification that was filed on or before August 26, 2005, and the petition was terminated solely due to the death or disability of the alien as a direct result of Hurricane Katrina or Rita or a loss of a job as a direct result of one of the hurricanes.

Spouses, children, grandparents and legal guardians are included in this provision including following to join applicants for those entering before August 26, 2007. For those following to join, the death of the original applicant will be disregarded.

### **Sec. 552: Identification Documents**

Allows DHS to issue temporary identification documents to individuals affected by a specified hurricane disaster. These documents may not constitute proof of citizenship or immigration status and will be accepted until August 26, 2006.

## **Title VI – Work Authorization and Legalization of Undocumented Individuals**

### **Subtitle A - Access to Earned Adjustment and Mandatory Departure and Reentry**

#### **Sec. 601 – Sec. 610: Access to Earned Adjustment and Mandatory Departure and Re-entry (The Immigrant Accountability Act of 2006)**

Requires DHS to adjust an individual who meets the following requirements:

1. **Application and Fees:** Application has been filed, a fine of \$2,000 has been paid (this fine doesn't apply to minors) and all normal adjustment application fees established by DHS have been paid.
2. **Residency Test:** The alien was physically but not legally present in the US on or before April 5, 2001. The alien did not depart from the US during the 5+ year period except for brief, casual and innocent departures.

**Legalization (5 years residence).** Creates earned legalization for unauthorized immigrants physically present in the United States on or before April 5, 2001; with **5 years** continuous residence, 3 years employment during the 5 year period ending on April 5, 2006 and at least 6 years of employment after the date of enactment of the Immigration Accountability Act of 2006. Employment requirements will be reduced for those with physical or mental disability or as a result of pregnancy; and for those under 20 years old; and for those with postsecondary study. The manager's amendment also added an exception for applicants over the age of 65 on the date of the enactment of the new law.

**Evidence of employment:** As evidence of employment, an alien must submit at least two documents/records maintained by social security; employers; IRS; union or day labor centers; any other government agency. Immigrants unable to submit these documents shall submit at least 3 other types of reliable documents for each period of employment, including remittance records, bank records, business records, or sworn affidavits from non-relatives who have direct knowledge of the alien's work, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information.

Applicants must pay all **federal taxes** (manager's amendment removed state tax provisions; however the language was broadened to require payment of all federal taxes and not just taxes owed during the employment period required under the legalization program); must submit fingerprints and undergo security and law enforcement clearances and be admissible under immigration law (e.g., meet requirements under the Section 212 paragraphs relating to health, criminal, security, polygamists and child abductors); register for military service; demonstrate basic citizenship skills (meet English and civics requirement or pursuing course of study recognized by DHS). Waivers for public charge if there is a history of employment; waivers for humanitarian purposes, to ensure family unity, or otherwise in the public interest.

Spouses and children of applicants may adjust status; as well as victims of domestic violence whose marriage ended within the last 5 years. These applicants will not count against numerical limitations. Penalties are added for false statements in applications.

DHS must provide a counterfeit-resistible document that meets requirements for travel including sec. 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. (p. 360)

Immigrants who gain legal status are ineligible for **federal means-tested public benefits** unless they meet the criteria of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. (p. 364-365)

**Employer protections.** Employers shall not be subject to civil and criminal tax liability relating to the employment of these applicants or the provision of employment records or other evidence of employment pursuant to an application for adjusted status.

**Fines.** Applicants shall pay a fine commensurate with levels charged by DHS for other applications for adjustment of status; and a **\$2,00 fine** for those over 18. The principle applicant must also pay a **\$750 state impact fee** (spouses and children pay \$100 per individual). Application fees will fully fund the earned legalization program.

**Total fee for principal applicant: \$2,750.**

**Use of Funds:** DHS shall deposit these payments into the Immigration Examinations Fee Account and shall be available, without fiscal year limitation for:

- A) 80% shall be available to DHS for border security purposes
- B) 10% shall be available to DHS for implementing and processing applications

- C) 10% shall be available to DHS and the Department of State to cover administrative and other expenses for reviewing applications of immediate relatives.

**Mandatory Departure and Reentry (2-5 years residence).**

DHS shall grant Deferred Mandatory Departure of up to 3 years to illegal immigrants to allow them time to depart the U.S. and seek admission as a nonimmigrant or immigrant alien: these applicants must have had a continuous unauthorized presence since January 7, 2004; employed before January 7, 2004 whether full time, part time, seasonally or self-employed; and continuously employed since that date.

Spouses and children of the may adjust as derivatives but must be admissible and undergo background and security checks.

Immigrants who file an application for legalization must be granted permission to work and travel pending the final adjudication of their applications.

**Evidence of employment:** records maintained by Social Security, IRS or other federal, state or local government agency; employer; labor union, day labor center or organization that assists workers with employment. Immigrants unable to submit these documents shall submit at least 2 other types of reliable documents for each period of employment, including bank records, business records, sworn affidavits from non-relatives who have direct knowledge of the immigrant's work; or remittance records.

Immigrants are **ineligible** for Deferred Mandatory Departure if they have been ordered excluded, deported, removed or to depart voluntarily from the United States; or fail to comply with any request for information by DHS.

**Requirements:** applicants must undergo a medical examination at their own expense; submit biometric data for security and law enforcement background checks; submit an acknowledgement in writing and under oath that the immigrant is unlawfully present and subject to removal or deportation; understands the terms of the Deferred Mandatory Departure; provides any social security account number or card; any false or fraudulent documents. Adds criminal penalties for false statements.

DHS must begin accepting applications within 3 months after the application form is made available; applicants must submit an initial application within 6 months after the form is made available.

Immigrants granted Deferred Mandatory Departure shall **depart** the U.S. before expiration of that status; shall **register** with DHS at the time of departure.; and surrender evidence of the status. These immigrants may **apply for admission** to the U.S. while in the US or outside the US but may not be granted admission until the immigrant has departed the U.S. They may exit and immediately reenter at any land port of entry with

US-VISIT exit and entry system. Numerical limitations under section 214 shall not apply. DHS may waive the departure requirement if the applicant is granted an immigrant or nonimmigrant visa and can demonstrate the departure would create a substantial hardship.

**Failure to Depart.** Those who fail to depart are ineligible for any immigration relief or benefit for 10 years (exempting refugees and asylees.) Fines: none if the immigrant departs within 1 year of receiving Deferred Mandatory Departure; \$2,000 if the immigrant does not depart within 2 years; and \$3,000 if the immigrant does not depart within 3 years.

Evidence of Deferred Mandatory Departure Status shall be machine-readable and tamper-resistant, allow for biometric authentication; and comply with IIRAIRA Section 403. The document may serve as travel, entry and work authorization and accepted by employers as evidence of employment authorization and identity.

**Fees and use of Funds.** Application fee is \$1,000 for the immigrant and an additional \$500 for the spouse or child, in addition to other fees authorized by law. Fees shall be available to DHS for activities to identify, locate or move illegal immigrants. P. 388-389

Application fees will fully fund this program.

In addition, each principal applicant must pay a **state assistance impact fee** of \$750. Spouses and children will be subject to a state assistance impact fee of \$100 per individual.

**Total fee for principal applicant: \$1,750**

Authorizes “such sums as may be necessary” for facilities, personnel, including consular officers, training, technology, and processing.

### **2 Years and Under Group**

Those who do not fall into either of the above categories must leave the US and reenter on H-2C status and will have to pursue a green card using traditional green card strategies.

### **Subtitle B – Agricultural Job Opportunities, Benefits and Security (AgJOBS)**

The Agricultural Job Opportunities, Benefits and Security Act (AgJobs) provides “blue card” temporary visa status for agricultural workers who have already been working at least 863 hours or 150 days, whichever is less, in the twenty-four month period ending December 31, 2005. These workers must apply within 2 years of enactment. Employers must provide an annual written record of employment to the immigrant and to the

Secretary; this provision sunsets in 6 years. Failure to provide records of employment or false statements will subject the employer to a civil penalty of \$1,000 per violation. Up to 1.5 million blue cards may be issued in a five year period beginning on the date of enactment of the bill.

Blue cards must contain an encrypted, machine-readable, electronic identification strip; biometric identifiers including fingerprints and a digital photograph; and physical security features to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

**Fines.** Immigrants granted blue cards shall pay a \$100 fine.

**Benefit Eligibility.** Blue card holders are not eligible for any assistance or benefit in PRWORA of 1996 for 5 years after status is granted.

**Adjustment to Permanent Residence.** Once blue card status is attained, to apply for permanent residence status (the green card), a worker must work at least 100 days per year for a five year period, or 150 days per year for a three year period; pay a \$400 fine; and pay any unpaid federal income tax owed for employment. Up to 1 year credit may be granted for pregnancy, injury, disease, severe weather conditions preventing work, or special needs of a minor child. Applicants have 7 years to apply for a green card. Spouses and minor children adjust to lawful status; and spouses may apply for work permits. Criminal penalties for false statements. Green card caps do not apply to these applicants.

Criminals and those who fail to meet the requirements of the program are subject to removal.

Blue card applications may be filed with the Secretary if the applicant is represented by an attorney or nonprofit religious, charitable, social service or similar organization; or with a qualified designated entity (e.g., qualified farm labor organizations and associations of employers; or other persons determined as qualified by the Secretary. P. 414

**Application Fees.** Fees shall be placed in an “Agricultural Worker Immigration Status Adjustment Account” in the general fund of the Treasury. Use of Funds: available to the Secretary until expended for processing applications. P. 422

Waivers for public charge are available for humanitarian purposes, to ensure family unity, or otherwise in the public interest.

Dissemination of information on adjustment program. The Secretary in cooperation with qualified designated entities shall broadly disseminate information on the benefits received as well as the requirements to be satisfied in order to obtain such benefits. P. 427

Authorizes \$40 million for each of fiscal years 2007-2010.

### **Reform of H-2A Worker Program**

Reduces employment period to 10 months; changes the labor certification process to a filing process. Applications by employers for H-2A visas would have to be adjudicated by USCIS in 7 days. Offers housing and transportation allowance to workers.

### **Subtitle C – DREAM Act: The Development, Relief, and Education for Alien Minors Act**

#### **Sec. 621-631: DREAM Act**

Provides states with the option to determine residency for purposes of higher education benefits (previous drafts of the bill would have stripped this option from states; however, the final version restored this determination to the state level). This provision repeals Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. It provides a legal path to citizenship for unauthorized minors with five years continuous residence upon enactment; who entered the U.S. before age 16; who have demonstrated good moral character; who are not inadmissible or deportable; who have been admitted to an institution of higher education in the United States or have earned a high school diploma or GED in the United States. It includes a waiver for humanitarian purposes or family unity or when it is otherwise in the public interest. Numerical caps do not apply. Applicants obtain conditional permanent resident status for 6 years; and can apply for lawful resident status if they maintain residence, complete at least 2 years of a higher education degree or 2 years of military service. The DREAM Act includes penalties for false statements. Higher education assistance is limited to student loans, federal work-study programs, and services under Title IV, subject to the requirements for such services. GAO shall submit a report in 7 years on the number of immigrants affected. (p. 503-520)

#### **Sec. 632: GAO Report**

Requires the Comptroller General of the US to submit a report to the Committees on the Judiciary of both the House and Senate 7 years subsequent to the passage of this Act. The document will report the number of aliens who were eligible for, the number who applied, and the number who were granted cancellation of removal and adjustment of status under Section 624(a). The report will also provide the number of aliens whose conditional permanent resident status was removed under Sec. 625.

### **Subtitle D – Programs to Assist Nonimmigrant Workers.**

#### **Sec. 642: Grants to Support Public Education and Community Training**

Authorizes the Assistant Attorney General for the Office of Justice Programs to award grants to qualified nonprofit community organizations for education, training, technical assistance, government liaison and related costs to provide services related to this act; and to educate, train and support nonprofits, immigrant communities and other interested parties. Nonprofits can provide education to immigrant communities regarding legal

representation if they meet the established requirements for obtaining recognition and accreditation to represent immigrants. Authorizes such sums as may be necessary FY 2007-2009.

**Sec. 643: Strengthening American Citizenship.**

**English Fluency:** Requires the DHS Office of Citizenship to establish a grant program of \$500 to assist legal residents of the U.S. to meet the requirements of citizenship. Grants shall be paid directly to an accredited institution of higher education or other qualified educational institution for tuition, fees, and books, and other educational resources required by a course on the English language in which the legal resident is enrolled. A lawful permanent resident of the United States who demonstrates English fluency, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State, will satisfy the residency requirement upon the completion of 4 years of continuous legal residency in the United States.

**American Citizenship Grant Program:** Requires the Secretary of Homeland Security to establish a competitive grant program to support efforts by entities, including veterans and patriotic organizations certified by the Office of Citizenship to promote the patriotic integration of prospective citizens by providing civics, history and ESL with an emphasis on attachment to principles of the Constitution, heroes of American history and the meaning of the Oath of Allegiance.

**Office of Citizenship Funding Restriction:** Not less than 1.5% of the funds available to the Bureau of Citizenship and Immigration Services from fees shall be dedicated to the functions of the Office of Citizenship.

**New National Medal for Outstanding Contributions of Naturalized Citizens:** The President may award up to ten annually. The awarded individual must have been naturalized within the previous 10 years.

**Sec. 644: Supplemental Immigration Fee**

Mandates a fee of \$500 for all persons applying for benefits under Title VI. The fee is to be used to underwrite enforcement initiatives.

**Sec. 645: Addressing Poverty in Mexico**

Establishes a new grant program that will be designed to fight poverty in Mexico.

**Title VII – Miscellaneous**

**Subtitle A: Immigration Litigation Reduction**

**Sec. 701: Additional Immigration Personnel**

Homeland Security: Requires increases in trial attorneys (>100 annually FY2007-FY2011)

Department of Justice: Requires increases litigation attorneys (>50), US Attorneys (>50 annually FY2007-FY2011), immigration judges (>20), support personnel for judges (>80), the number of staff attorneys (>10) for the Board of Immigration Appeal, and the number of support staff (>10) for the staff attorneys.

Administrative Office of the United States Courts: Requires an increase in the number of attorneys (>50 annually FY2007-FY2011) in the Federal Defenders Program.

All subject to appropriations. Provides for reform of the Board of Immigration Appeals.

**Sec 705: Legal Orientation Program**

Requires the continuation and nationwide expansion of a legal orientation program that provides basic information about immigration court procedures for immigration detainees.

**Subtitle B: Citizenship Assistance for Members of the Armed Services**

**Sec. 712: Waiver of Requirement for Fingerprints for Members of the Armed Services**

**Sec. 713: Provision of Information on Naturalization to Members of the Armed Services**

Requires every non-citizen serving in the Armed Forces to receive written materials describing the naturalization process. This provision also calls for the establishment of a toll free hot-line available to members of the Armed Forces and their families.

**Sec. 714: Provision of Information on Naturalization to the Public**

Requires all information associated with naturalization to be updated, including application forms, websites, and instructional written materials.

**Subtitle C: State Court Interpreter Grant Program**

**Sec. 723: State Court Interpreter Program**

Base Allotment: Authorizes the Department of Justice to issue grants of at least \$100,000 to state courts to develop and implement programs to assist LEP individuals with court proceedings.

\$5 million is allocated annually to establish and support a court interpreter technical assistance program to assist State courts receiving grants under this subtitle.

Discretionary Allotment: \$5,000,000 must be allocated annually to the highest state court (for example, a State Supreme Court) of states that have extraordinary needs that must be addressed in order to develop, implement, or expand a State court interpreter program.

## **Subtitle D: Border Infrastructure and Technology Modernization**

### **Sec. 731 – Sec. 737**

Provides for technology improvements along the northern and southern borders.

### **Sec. 733: Port of Entry Infrastructure Assessment Study**

#### **Sec. 734: National Land Border Security Plan**

Requires a vulnerability assessment of each port (“ports” and “ports of entry” are poorly defined in this bill) on the northern and southern borders. The Secretary may establish 1 or more “Port Security Coordinators” at each port of entry on northern and southern borders. This individual will assist in conducting the vulnerability assessment and will provide other assistance.

## **Subtitle E: Family Humanitarian Relief**

### **Sec. 741 – Sec. 746**

Provides for certain naturalization and adjustment of status benefits for families of victims of 9/11.

## **Subtitle F: Other Matters**

Includes a provision that establishes the Initial Entry, Adjustment and Citizenship Assistance Grant (IEACA) to enable community based organizations in assisting individuals in adjustment of status and citizenship applications. The IEACA Grant program will be administered by the Bureau of Citizenship and Immigration Services and grants will be distributed on a competitive basis.

### **Sec. 751: Noncitizen Membership in the Armed Forces**

Requires that non-citizens “not be denied the opportunity” to apply for membership in the US Armed Forces. Individuals will be eligible for US citizenship after performing at least 2 years of honorable and satisfactory service on active duty. Once eligible, non-citizens will be granted citizenship within 90 days of filing their application. The normal naturalization requirements are waived except that the individual must demonstrate to his/her military chain of command proficiency in the English language, good moral character and knowledge of the US government and history.

### **Sec. 752: Nonimmigrant Alien Status for Certain Athletes**

### **Sec. 753: Extension of Returning Worker Exemption**

Extends the H-2B provisions from the REAL ID Act allowing returning H-2B visas to not count against the annual H-2B cap (extended from FY2006 to FY2009).

**Sec. 758: Grant Program to Assist Eligible Applicants**

Provides funding to community-based organizations to develop and implement programs to assist eligible applicants for the conditional nonimmigrant worker and adjustment of status program. 50% of the funds are reserved for programs in the ten states with the highest percentage of foreign born residents (**According to data secured by the US Census: California, New York, New Jersey, Florida, Hawaii, Nevada, Texas, Arizona, Illinois, and Massachusetts**), and 20% are reserved for all the other states. 2% of the fees for the H-2C and conditional nonimmigrant visas will be reserved to fund this program.

**Sec. 766: Travel Document Plan (TDP)**

Extends the TDP deadline contained in the Intelligence Reform and Terrorist Prevention Act of 2004 from January 1, 2008 to January 1, 2009.

**Sec. 767: English is the “National” Language of The United States**

Requires the government of the United States to preserve and enhance the role of English as the national language of the US. Unless otherwise authorized or provided by law, no person has a right, entitlement, or claim to have the US Government or any of its officials or representatives act, communicate, perform or provide services, or provide services, or provide materials in any other language other than English. If exceptions are made, that does not create a legal entitlement to additional services in that language or any other language other than English.

**Sec. 771: Exclusion of Illegal Immigrants from Congressional Reapportionment Tabulations**

Prohibits undocumented immigrants in calculations of populations used for the apportionment of Representatives in Congress.

**Sec. 772: The Office of Internal Corruption Investigation**

Establishes the Office of Internal Corruption Investigation within the Department of Homeland Security. The Office will investigate criminal and non-criminal allegations of misconduct, corruption and fraud involving any employee or contract worker of United States Citizenship and Immigration Services that are not subject to investigation by the Inspector General.

**Sec. 773: Adjustment of Status for Persecuted Religious Minorities**

Authorizes religious minorities with applications of asylum pending on May 1, 2003 to apply for adjustment status, pay a fee and adjust.

**Sec. 776: Global Healthcare Cooperation**

Requires the Secretary of Homeland Security to allow an eligible alien (and the spouse or child) to reside in a home country during the period that the eligible alien is working as a physician or other healthcare worker in the home country. During such period the eligible alien and such spouse or child shall be considered –

1. to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

2. to meet the continuous residency requirements under section 316(b).

**Sec. 777: Health Care Worker Attestation**

Requires health care workers seeking to enter the US to submit an attestation that no money is owed to the alien's country of origin or country of last residence. A waiver is permitted under certain circumstances.

**Sec. 778: The Statue of Liberty Reopened**

Requires that the Statue of Liberty to be reopened to the public, including the crown and the stairs, within 60 days of the passage of this bill.

**Sec. 779: National Security Determination**

Authorizes the President to delay the implementation of the provisions in Titles IV and VI in the interests of national security.

**Title VIII – Intercountry Adoption Reform**

**The Intercountry Reform Act of 2006 (ICARE Act)**

**Sec. 802: Foreign Born Adopted Children of US Citizens**

Requires foreign born adopted children of US citizens to be afforded the same procedural treatment as biological children born abroad to US citizens.

**Subtitle A – Administration of Intercountry Adoptions**

**Sec 811: Establishes within State Department an Office of Intercountry Adoptions**

**Sec. 821: Citizenship to Foreign Born Adopted Children**

Declares that a foreign born child automatically becomes a US citizen upon adoption by at least one US citizen who has resided in the United States for at least 5 years after the age of 14. The adoption must be full and final and the child must be under the age of 16.

**Subtitle B – Reform of United States Laws Governing Intercountry Adoptions**

**Sec. 823: New Nonimmigrant “W” Visa**

Establishes a new nonimmigrant “W” Visa for an adoptable child who is coming into the US for adoption by a US citizen.

Prepared by:

Craig de Mariana Aleman

NCSL Immigrant Policy Project

June 20, 2006

## SB 2611 Voting Record: Grouped By Home State

<b>Alabama:</b>	Sessions (R-AL), <b>Nay</b>	Shelby (R-AL), <b>Nay</b>
<b>Alaska:</b>	Murkowski (R-AK), <b>Yea</b>	Stevens (R-AK), <b>Yea</b>
<b>Arizona:</b>	Kyl (R-AZ), <b>Nay</b>	McCain (R-AZ), <b>Yea</b>
<b>Arkansas:</b>	Lincoln (D-AR), <b>Yea</b>	Pryor (D-AR), <b>Yea</b>
<b>California:</b>	Boxer (D-CA), <b>Yea</b>	Feinstein (D-CA), <b>Yea</b>
<b>Colorado:</b>	Allard (R-CO), <b>Nay</b>	Salazar (D-CO), <b>Not Voting</b>
<b>Connecticut:</b>	Dodd (D-CT), <b>Yea</b>	Lieberman (D-CT), <b>Yea</b>
<b>Delaware:</b>	Biden (D-DE), <b>Yea</b>	Carper (D-DE), <b>Yea</b>
<b>Florida:</b>	Martinez (R-FL), <b>Yea</b>	Nelson (D-FL), <b>Yea</b>
<b>Georgia:</b>	Chambliss (R-GA), <b>Nay</b>	Isakson (R-GA), <b>Nay</b>
<b>Hawaii:</b>	Akaka (D-HI), <b>Yea</b>	Inouye (D-HI), <b>Yea</b>
<b>Idaho:</b>	Craig (R-ID), <b>Yea</b>	Crapo (R-ID), <b>Nay</b>
<b>Illinois:</b>	Durbin (D-IL), <b>Yea</b>	Obama (D-IL), <b>Yea</b>
<b>Indiana:</b>	Bayh (D-IN), <b>Yea</b>	Lugar (R-IN), <b>Yea</b>
<b>Iowa:</b>	Grassley (R-IA), <b>Nay</b>	Harkin (D-IA), <b>Yea</b>
<b>Kansas:</b>	Brownback (R-KS), <b>Yea</b>	Roberts (R-KS), <b>Nay</b>
<b>Kentucky:</b>	Bunning (R-KY), <b>Nay</b>	McConnell (R-KY), <b>Yea</b>
<b>Louisiana:</b>	Landrieu (D-LA), <b>Yea</b>	Vitter (R-LA), <b>Nay</b>
<b>Maine:</b>	Collins (R-ME), <b>Yea</b>	Snowe (R-ME), <b>Yea</b>
<b>Maryland:</b>	Mikulski (D-MD), <b>Yea</b>	Sarbanes (D-MD), <b>Yea</b>
<b>Massachusetts:</b>	Kennedy (D-MA), <b>Yea</b>	Kerry (D-MA), <b>Yea</b>
<b>Michigan:</b>	Levin (D-MI), <b>Yea</b>	Stabenow (D-MI), <b>Nay</b>
<b>Minnesota:</b>	Coleman (R-MN), <b>Yea</b>	Dayton (D-MN), <b>Yea</b>
<b>Mississippi:</b>	Cochran (R-MS), <b>Nay</b>	Lott (R-MS), <b>Nay</b>
<b>Missouri:</b>	Bond (R-MO), <b>Nay</b>	Talent (R-MO), <b>Nay</b>
<b>Montana:</b>	Baucus (D-MT), <b>Yea</b>	Burns (R-MT), <b>Nay</b>
<b>Nebraska:</b>	Hagel (R-NE), <b>Yea</b>	Nelson (D-NE), <b>Nay</b>
<b>Nevada:</b>	Ensign (R-NV), <b>Nay</b>	Reid (D-NV), <b>Yea</b>
<b>New Hampshire:</b>	Gregg (R-NH), <b>Yea</b>	Sununu (R-NH), <b>Nay</b>
<b>New Jersey:</b>	Lautenberg (D-NJ), <b>Yea</b>	Menendez (D-NJ), <b>Yea</b>
<b>New Mexico:</b>	Bingaman (D-NM), <b>Yea</b>	Domenici (R-NM), <b>Yea</b>
<b>New York:</b>	Clinton (D-NY), <b>Yea</b>	Schumer (D-NY), <b>Yea</b>
<b>North Carolina:</b>	Burr (R-NC), <b>Nay</b>	Dole (R-NC), <b>Nay</b>
<b>North Dakota:</b>	Conrad (D-ND), <b>Yea</b>	Dorgan (D-ND), <b>Nay</b>
<b>Ohio:</b>	DeWine (R-OH), <b>Yea</b>	Voinovich (R-OH), <b>Yea</b>
<b>Oklahoma:</b>	Coburn (R-OK), <b>Nay</b>	Inhofe (R-OK), <b>Nay</b>
<b>Oregon:</b>	Smith (R-OR), <b>Yea</b>	Wyden (D-OR), <b>Yea</b>
<b>Pennsylvania:</b>	Santorum (R-PA), <b>Nay</b>	Specter (R-PA), <b>Yea</b>
<b>Rhode Island:</b>	Chafee (R-RI), <b>Yea</b>	Reed (D-RI), <b>Yea</b>
<b>South Carolina:</b>	DeMint (R-SC), <b>Nay</b>	Graham (R-SC), <b>Yea</b>
<b>South Dakota:</b>	Johnson (D-SD), <b>Yea</b>	Thune (R-SD), <b>Nay</b>
<b>Tennessee:</b>	Alexander (R-TN), <b>Nay</b>	Frist (R-TN), <b>Yea</b>
<b>Texas:</b>	Cornyn (R-TX), <b>Nay</b>	Hutchison (R-TX), <b>Nay</b>
<b>Utah:</b>	Bennett (R-UT), <b>Yea</b>	Hatch (R-UT), <b>Nay</b>
<b>Vermont:</b>	Jeffords (I-VT), <b>Yea</b>	Leahy (D-VT), <b>Yea</b>
<b>Virginia:</b>	Allen (R-VA), <b>Nay</b>	Warner (R-VA), <b>Yea</b>
<b>Washington:</b>	Cantwell (D-WA), <b>Yea</b>	Murray (D-WA), <b>Yea</b>
<b>West Virginia:</b>	Byrd (D-WV), <b>Nay</b>	Rockefeller (D-WV), <b>Not Voting</b>
<b>Wisconsin:</b>	Feingold (D-WI), <b>Yea</b>	Kohl (D-WI), <b>Yea</b>
<b>Wyoming:</b>	Enzi (R-WY), <b>Nay</b>	Thomas (R-WY), <b>Nay</b>