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Proposed Immigration Reform Would Change U.S. Visa System

Only those who entered before January 1, 2007 would be eligible for Z visa

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Washington – If enacted, a proposed plan for immigration reform would create a new merit-based immigration system and provide a path to citizenship for those who have entered the United States illegally.

President Bush and top administration officials provided an overview of the complex proposal after the May 17 announcement of an agreement reached between the administration and a bipartisan group of U.S. senators. (See [related article](#).)

Certain familiar features of the U.S. immigration system would vanish under the proposal, including the Diversity Lottery Program and U.S. permanent resident cards for siblings and adult children of U.S. citizens and holders of what is known as a “green card.” New features would include a parents’ visitor visa enabling parents to visit children in the United States regularly and for extended periods; a Z visa or four-year, renewable work visa for those present within the United States illegally before January 1, 2007; and a temporary worker program.

A NEW MERIT-BASED IMMIGRATION SYSTEM

Under the current U.S. immigration system, two-thirds of all green cards are granted to relatives of U.S. citizens. The proposed new system, according to Secretary of Homeland Security Michael Chertoff, calls for most green cards to be based on a merit system that counts heavily education, employment skills and experience in the United States. “Family [ties] will come in as a tie-breaker,” Chertoff said in a White House briefing May 17.

Those who applied for green cards on the basis of family ties as of March 2005, however, would be processed within eight years under the old rules. “If you waited [in] line, we’re not going to change the rules of the game on you; we’re going to let you get in under the rules of the game as they then existed,” said Chertoff, adding that dealing with the so-called family backlog was a matter of “basic fairness.”

PROVISIONS FOR THOSE WHO ENTERED UNITED STATES ILLEGALLY

Chertoff explained how the plan would work for those undocumented workers who have not committed crimes.

Those who entered illegally would be able to get a probationary visa to continue to work while a background check is completed. Once certain border-security requirements are met, a Z visa would be issued for four years allowing the holder to work in the United States and to make visits to his or her home country. Those applying for a Z visa would pay a \$1,000 fine, pass a background check, remain employed, maintain a clean criminal record and receive a counterfeit-proof biometric identification card.

If the holder of the Z visa met all its conditions, which include paying taxes, the visa could be renewed for another four years. After the second renewal – that is, after eight years – Chertoff said the U.S. government would ensure that there would be enough green cards available “so that anybody who has paid the fines that are required, satisfactorily completed two terms as a Z visa worker, gone back home and filed an application - we’ll be able to accommodate those people who qualify,



getting green cards within the following five years." A Z visa holder applying for a green card would be required to pay an additional \$4,000 fine, to complete certain English language requirements, to return to his or her home country to await processing while the current backlog clears and to demonstrate merit under the merit-based system, according to a White House fact sheet on the proposal. (See [fact sheet](#).)



There would be a cutoff date for Z visas for people who are undocumented. "The only people who will be eligible to get a Z visa as a person who is here illegally is someone who arrived in this country prior to January 1 of 2007," Chertoff said, adding that applicants would have to prove they were present in the United States prior to the cutoff date.

The proposal would create a temporary worker program to fill jobs Americans are not taking, setting a cap initially at 400,000. Workers in the program would be limited to three two-year terms, with at least a year spent outside the United States between each term. Temporary workers would be allowed to bring immediate family members only if they have the financial ability to support them and only if they are covered by health insurance, according to the White House fact sheet.

NEXT STEPS

The bipartisan agreement has not yet been introduced in Congress as proposed legislation. Once it is, details could change as the bill works its way through House and Senate committees or when it is brought to the floor of the House and Senate for debate. If the House and the Senate pass different versions of the bill, the two would have to be reconciled and passed again by both chambers before the final version is sent to the president for his signature.

If the legislation that becomes law retains the provisions of the current proposal, then certain parts will be contingent on other parts. The proposal contains border-security enforcement triggers: that is, 595 kilometers of fence would have to be completed on the U.S. border with Mexico, 18,000 more border patrol agents would have to be recruited and trained, an electronic verification system would have to be operational so that employers more easily could verify who is a U.S. citizen – all these and other conditions would have to be met before certain other aspects of the plan could be implemented.

Commerce Secretary Carlos M. Gutierrez, who briefed reporters with Chertoff, also issued a statement indicating that the proposal might change as it makes its way through the legislative process.

"The consensus, the center of this debate, is where the solutions will be found. We must compromise to get a final product that everyone can support. But, the point is that this is an historic bipartisan compromise agreement upon which further progress will be made."

For additional details, see a [transcript](#) of remarks by Chertoff, Gutierrez and White House official Joel Kaplan.

The president's most recent statements on the subject, including the [full text](#) of the president's statement on the Senate agreement, are available in [Comprehensive Immigration Reform](#) on the White House Web site.

The [full text](#) of a statement by Gutierrez is available on the Commerce Department Web site.

For more information on U.S. policies, see [Visas and Immigration](#).

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