



A Guide to
S. 744

*Understanding the 2013
Senate Immigration Bill*

July 2013

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UNDERSTANDING THE 2013 SENATE
IMMIGRATION BILL

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ABOUT THE IMMIGRATION POLICY CENTER

The Immigration Policy Center, established in 2003, is the policy arm of the American Immigration Council. IPC's mission is to shape a rational conversation on immigration and immigrant integration. Through its research and analysis, IPC provides policymakers, the media, and the general public with accurate information about the role of immigrants and immigration policy in U.S. society. IPC reports and materials are widely disseminated and relied upon by press and policymakers. IPC staff regularly serves as experts to leaders on Capitol Hill, opinion-makers, and the media. IPC is a non-partisan organization that neither supports nor opposes any political party or candidate for office. Visit our website at www.immigrationpolicy.org and our blog at www.immigrationimpact.com.

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What is the purpose of this guide?

The Immigration Policy Center has written this guide to provide policymakers, the media, and the public with an easy-to-understand guide to the main components of S. 744 and the purpose behind them.

The guide follows the structure of the bill, with a separate section addressing the cost-benefit analysis of S. 744, a resources page, and a glossary.

The Basics

What is S. 744?

The “Border Security, Economic Opportunity, and Immigration Modernization Act,” or [S. 744](#), is a broad-based proposal for reforming the U.S. immigration system written by a bipartisan group of eight Senators known as the “Gang of Eight.” Senators Charles Schumer (D-NY), John McCain (R-AZ), Richard Durbin (D-IL), Lindsey Graham (R-SC), Robert Menendez (D-NJ), Marco Rubio (R-FL), Michael Bennet (D-CO), and Jeff Flake (R-AZ) drafted S. 744 in the spring of 2013. The bill addresses all aspects of the immigration process from border and enforcement issues to legal immigration reforms. It makes changes to the family and employment-based visa categories for immigrants, provides critical due-process protections, increases the availability of nonimmigrant workers to supplement all sectors of the workforce, and provides legal status to 11 million undocumented immigrants within the United States. The Senators intended this legislation to address these issues “...by finally committing the resources needed to secure the border, modernize and streamline our current legal immigration system, while creating a tough but fair legalization program for individuals who are currently here.”¹

If enacted, S. 744 would require that a series of enforcement measures, or “triggers,” go into effect prior to completing the legalization process. For example, although undocumented immigrants will be allowed to register for the new Registered Provisional Immigrant (RPI) program almost immediately, before those in RPI status can apply to become lawful permanent residents the Department of Homeland Security (DHS) must certify that the Comprehensive Southern Border Security Strategy is deployed and operational, 700 miles of fencing is complete, 38,405 border patrol agents are deployed, and the E-Verify employment verification system is in place, among other requirements. The Development, Relief, and Education for Alien Minors Act (DREAM Act) and Agricultural Job Opportunities, Benefits, and Security Act (AgJobs) are both incorporated into the RPI program, but applicants who qualify under those provisions will be eligible to obtain legal permanent resident status more rapidly.

Other aspects of the bill, such as changes in family and employment-based immigration categories, would go into effect gradually, giving DHS the opportunity to reduce extensive backlogs that have built up due to a lack of available visa numbers. One of the key aspects of the bill, backed by both labor and business, is a new “W” worker program that could expand over time based on workforce needs. Although W visas are for a limited duration, workers in W status may eventually be eligible to apply for lawful permanent residence, marking the first time that such less-skilled nonimmigrant workers would be allowed to transition to permanent resident status without an employer’s sponsorship. S. 744 also expands permanent visas for many foreign graduates from U.S. universities in the sciences and related fields, increases over time the number of temporary high-skilled visas based on demand, and expands opportunities for entrepreneurs and investors to come to the U.S.

S. 744 also addresses long-overdue shortcomings of the immigration removal, detention, and court processes, including authorizing access to counsel for certain vulnerable populations, giving immigration judges more opportunity to make case-by-case determinations on removal decisions, and streamlining the asylum program. It also increases the penalties for certain criminal activities, making it more difficult or impossible to become a legal resident due to drunk-driving convictions, gang activity, domestic violence,

passport fraud, and identity theft. Finally, S. 744 encourages immigrant integration through more targeted programs and foundations to help legal immigrants become citizens.

What is the bill's procedural standing?

The bill was introduced in the Senate on April 16, 2013, by Senator Schumer of New York and was referred to the Committee on the Judiciary. A total of 301 amendments (including the manager's amendment) were proposed by committee members. A third of those were considered and 92 were incorporated into the bill by voice vote. On May 21st, S. 744 passed out of the Senate Judiciary Committee on a vote of 13-5. Debate on the Senate floor began on June 7, 2013. Senators filed more than 500 amendments, but very few actually were offered on the floor or voted upon due to filibusters. The primary exception, known as the "border surge" amendment, was introduced by Senators Bob Corker (R-TN) and John Hoeven (R-ND) and adopted by a vote of 67 to 27. S. 744 as amended passed the Senate on June 27, 2013 by a vote of 68-32.

What happens now that S. 744 has been passed by the Senate?

Now that the Senate has passed S. 744, it will be sent to the House of Representatives for consideration. In the case of S. 744, which contains proposals to raise revenue, the House is unlikely to simply take up the Senate bill, but could introduce essentially the same bill on the floor. Members of the House may introduce their own comprehensive package, which could be taken up; or the House may choose to consider a number of separate immigration bills that are packaged together for consideration. If the House passes a bill that differs from the Senate bill, the two bills will need to be reconciled. This may happen via a conference committee of appointed Senators and Members of the House of Representatives who would draft a compromise bill to reconcile the Senate and House versions.

How is the bill organized?

The bill is broken into five large sections, or titles, each of which has many subparts. You may hear references to Border Security (Title I), Immigrant Visas (Title II), Interior Enforcement (Title III), Reforms to Nonimmigrant Visa Programs (Title IV), and Jobs for Youth (Title V), or you may hear individual portions of the bill referenced, such as section 2741.

Title I, Border Security, includes requirements for various border plans, triggers, and the structure for DHS oversight (sections 1101 to 1121). Title II deals with the legalization of the current undocumented population, the regulation of future legal immigration flows, and the integration of newcomers (sections 2101 to 2553). Title III, Interior Enforcement addresses E-Verify, humanitarian reforms, and due process protections (sections 3101-3807). Title IV addresses existing visa programs for nonimmigrant workers and creates a new W visa for lesser-skilled workers, along with a government office to monitor the current employment numbers in the United States and adjust visa caps accordingly (sections 4101-4913). Title V establishes a fund designed to provide job opportunities for low-income youth (sections 5101 to 5105).

Title I: Border Security

Title one of the bill and its preamble address issues of border security, the oversight of the border, and the security goals (“triggers”) that must be achieved before other provisions of the bill are implemented. This part of the bill establishes that the security of the border is a primary concern as part of a comprehensive strategy to ensure a functioning, fair, and effective immigration policy.

Border Enforcement and Triggers

What resources are currently dedicated to border security?

In recent years, the resources dedicated to southern border security have increased dramatically. Since 1993, when the current strategy of concentrated border enforcement was first implemented, the annual budget of the U.S. Border Patrol has increased from \$363 million to more than \$3.5 billion.² S. 744, as modified by the Corker-Hoeven amendment (also known as the “border surge” amendment), would lead to an unprecedented level of spending on border security.

What additional resources does the bill dedicate to border security?

The bill makes enormous investments in border security, including the following: deploying at least 38,405 full-time Border Patrol agents along the southern border (including an additional 19,200 more than currently in place); mandating an electronic exit system at all air and sea ports of entry where Customs and Border Protection agents are deployed; constructing at least 700 miles of fencing, including double fencing; increasing mobile surveillance; deploying aircraft and radio communications; constructing additional Border Patrol stations and operating bases; hiring additional prosecutors, judges, and staff; providing additional training to border officers; and increasing prosecutions of illegal border crossings. The bill specifies mandatory area-specific technology and infrastructure that includes watch towers, camera systems, mobile surveillance systems, ground sensors, fiber-optic tank inspection scopes, portable contraband detectors, radiation isotope identification devices, mobile automated targeting systems, unmanned aircraft, radar systems, helicopters, and marine vessels, among other minimum requirements. The bill mandates 24-hour surveillance of the border region using mobile, video, and portable systems, as well as unmanned aircraft, and deploys 1,000 distress beacon stations in areas where migrant deaths occur. Interior enforcement against visa overstays is also increased. The Department of Homeland Security is required to initiate removal (deportation) proceedings, confirm that relief from removal is pending or granted, or otherwise close 90 percent of the cases of immigrants who have overstayed their visas by more than 180 days in the last 12 months. A pilot program is created to notify immigrants that their visas are about to expire.

What will these additional border security measures cost?

Spending on border security will reach record levels. The bill creates a fund with \$46.3 billion of initial funding to implement the Act. Additional funding will be provided by visa and other user fees, which may be increased as necessary. \$30 billion will be dedicated over a 10-year period to hiring and deploying at least 19,200 additional Border Patrol agents. \$8 billion will be dedicated to the Southern Border Fencing Strategy, of which \$7.5 billion will be for deployment and maintenance of fencing. \$750 million will be dedicated to E-Verify implementation and expansion. \$4.5 billion will be spent to carry out the Comprehensive Southern Border Security Strategy, and—if necessary—\$2 billion will be allocated to implement the recommendations of the Southern Border Security Commission.

What are the Southern Border Fencing Strategy, Comprehensive Southern Border Security Strategy, and Southern Border Security Commission?

The bill requires that the Secretary of Homeland Security submit within 180 days of enactment of the bill a Southern Border Fencing Strategy that will identify where 700 miles of fencing, double fencing, infrastructure, and technology should be deployed. The Secretary must also produce a Comprehensive Southern Border Security Strategy within 180 days that will establish “effective control” of the border, which is defined as persistent surveillance of 100 percent of the border and a 90 percent effectiveness rate in preventing illegal crossings. The bill mandates the creation of a bipartisan Southern Border Security Commission that will be responsible for making recommendations and spending additional funds in order to achieve border-security goals if the Secretary of Homeland Security cannot certify “effective control” of all border sectors for at least 1 fiscal year within 5 years of enactment.

What goals must be reached before undocumented immigrants can gain legal resident status?

One of the primary purposes of the bill is to provide a path to Lawful Permanent Residence (a “green card”) for the existing undocumented population via the new Registered Provisional Immigrant (RPI) program. Before Registered Provisional Immigrants can apply for Lawful Permanent Resident status, several security goals, or “triggers,” must be met: the Southern Border Security Strategy must be deployed and operational, the Southern Border Fencing Strategy must be implemented and 700 miles of fencing completed, a mandatory employment verification system for all employers must be implemented, an electronic exit system must be implemented at all air and sea ports where Customs and Border Protection officers are present, and at least 38,405 full-time Border Patrol agents must be deployed along the southern border.

What oversight and protections will be implemented?

An independent Department of Homeland Security Border Oversight Task Force, with 29 members appointed by the President, including 12 members from the northern border region and 17 from the southern border region, will be established to make recommendations on border-enforcement policies, the impact of these policies on border communities, the protection of due-process rights and civil rights of border residents and migrants, and the training of border personnel, among other duties. The Secretary of Homeland Security will be required to report to Congress regarding the effectiveness of border security, the effectiveness of surveillance, wait times for border crossings, and border staffing. In addition, the U.S. Citizenship and Immigration Services (USCIS) Ombudsman’s authority will be expanded to cover all DHS immigration agencies, including U.S. Customs and Border Protection.

Related Resources

- [The Fallacy of "Enforcement First": Immigration Enforcement Without Immigration Reform Has Been Failing for Decades](#)
- [Lost in the Shadow of the Fence: The Important Economic Relationship of Mexico and the United States](#)
- [A Decade of Rising Immigration Enforcement](#)

Title II: Immigrant Visas

This title addresses permanent legal status in the United States. It creates a Registered Provisional Immigrant program for undocumented immigrants and incorporates versions of the DREAM Act and AgJOBS, for undocumented young people brought to the U.S. as children and for agricultural workers, respectively. It provides sufficient visas to erase the current backlog of family and employment-based visa applicants in the next 7 years, eliminates or changes some family-based immigration programs, and creates a new merit system that is based on points accrued through education, employment, and family ties.

Subtitles A and B: The earned legalization programs

These subtitles create paths that allow undocumented immigrants currently in the United States to show they are eligible to legalize their immigration status and eventually obtain U.S. citizenship.

The Registered Provisional Immigrant program

Who is eligible and what are the requirements?

The bill will allow undocumented immigrants to apply for Registered Provisional Immigrant (RPI) status if they have been in the U.S. since December 31, 2011, have not been convicted of a felony or three or more misdemeanors, pay their assessed taxes, pass background checks, and pay application fees and a \$1,000 penalty (which may be paid in installments), among other requirements. Applicants must also be admissible under current law, which excludes individuals who have committed certain offenses, participated in terrorist acts, or belong to other excluded categories. Spouses and children of RPIs would also be eligible. RPIs will not be eligible for federal means-tested public benefits such as Medicaid, food stamps, and benefits under the Affordable Care Act, and in general will not receive social security credit for previous unauthorized employment (except in the case of those who received a Social Security number prior to 2004).

How does the RPI program reflect the special circumstances of undocumented immigrants?

Many undocumented immigrants eligible for RPI status could be disqualified based solely on immigration status-related violations of immigration law. Consequently, certain grounds of inadmissibility or other factors that would disqualify a large segment of the undocumented population do not apply to RPI applicants. For example, the 3 and 10 year bars do not apply. Judges also have greater flexibility to make case-by-case determinations involving minor criminal violations or other infractions for humanitarian purposes, to promote family unity, or in the public interest. Individuals who have been deported are generally ineligible, but may be permitted to re-enter the United States and apply for RPI status if they meet all other requirements and have close relatives who are U.S. citizens or Lawful Permanent Residents.

When can undocumented immigrants apply for RPI status?

If S. 744 becomes law, there will be a delay between its enactment and implementation of the RPI program. The bill gives the government a year to publish regulations governing the program. The official application period should begin on the date of final publication of these regulations and is set to run initially for one year, with a possible extension of an additional 18 months at the discretion of DHS. In the interim, S. 744 prohibits removal of individuals who are eligible for RPI status, although it does not stop DHS from putting anyone in immigration proceedings who has committed crimes or is otherwise ineligible for status.

How long does RPI status last?

The initial grant of RPI status is good for six years. RPI status may be renewed for six years if the immigrant has remained regularly employed, which allows for gaps of up to 60 days between employment periods. If the immigrant cannot show continuous employment, he or she must demonstrate income or resources not less than 100 percent of the poverty level. Note that the 2013 federal poverty level for a family of four is \$23,550 per year. There are exemptions to the employment requirement for full-time enrollment in school,

maternity leave, medical leave, physical or mental disabilities, children under 21, and extreme hardship. Applicants for RPI renewal must also undergo another background check, pay taxes, and pay any remaining balance of the \$1,000 RPI penalty, among other requirements.

When will Registered Provisional Immigrants be eligible for Lawful Permanent Residence?

Registered Provisional Immigrants will be able to apply for Lawful Permanent Residence (a “green card”), but they must go to the “back of the line” and have been in RPI status for at least 10 years. They will receive permanent residency only after all other applications submitted before the enactment of the bill have been processed. Like the RPI requirements, the requirements for permanent residence will include maintaining regular employment, which allows for gaps of up to 60 days at a time. In the alternative, if an applicant cannot show regular employment he or she would have to show an average income or resources of 125 percent of the poverty line during the RPI period. Exceptions are made for full-time students, children under 21, physical or mental disability, and showings of extreme hardship. Applicants would also have to show that they have maintained RPI status, paid taxes, meet English proficiency requirements (or be pursuing a course of study in English), pass an additional background check, and pay application fees and an additional \$1,000 penalty.

When will Registered Provisional Immigrants be eligible for naturalization?

Registered Provisional Immigrants who have been lawfully present for 10 years before becoming permanent residents will be able to apply for U.S. citizenship after maintaining permanent resident status for 3 years. Therefore, undocumented immigrants who legalize via the RPI track will have to wait at least 13 years to become citizens.

What background checks and security measures are part of the RPI process?

RPI applicants must submit biographic and biometric data (fingerprints) to allow DHS to conduct national security and law-enforcement checks. Applicants may be required to appear for a personal interview to determine eligibility. They must pass an additional background check when they renew their RPI status, and nationals of countries that are deemed a threat to national security may be required to pass additional screenings.

Undocumented immigrants who arrived as children

Is the DREAM Act part of the RPI program?

Yes. A version of the DREAM Act has been incorporated into the RPI program to address the special situation of many undocumented immigrants who entered the U.S. as children.³ DREAMers, however, are placed on a more accelerated path to permanent legal status and citizenship.

How do DREAMers qualify for RPI status? Is there a different timeline for DREAMers?

DREAMers apply for RPI status under the same application process as other undocumented immigrants. However, they may apply for Lawful Permanent Residence after five years in RPI status. To qualify for this accelerated program, an applicant must have entered the U.S. before he or she turned 16, have been in RPI status for at least five years, have earned a high-school diploma or GED, have completed at least two years of college or four years of military service, and have passed an English test and background checks, among other requirements. DREAMers may apply for citizenship as soon as they receive their green card.

Undocumented agricultural workers

Is there a special program for farm workers?

Yes, a special path to legalization based on the AgJOBS bill is provided for agricultural workers.⁴ Undocumented agricultural workers will be eligible for an immigrant status called a blue card. To qualify they

must have performed at least 575 hours or 100 work days of agricultural employment during a two-year period ending December 31, 2012, and must pay a penalty and pass background checks. They must meet the same criminal and admissibility requirements as applicants for RPI status. They can be in blue-card status for up to eight years after regulations are published, and will not be eligible for federal means-tested public benefits. Blue-card holders may apply for Lawful Permanent Resident status five years after enactment of the bill if they have continued to work in agriculture, paid their taxes, and pay a fine. They may apply for citizenship after being permanent residents for five years.

Why are there different programs for DREAMers and Agricultural Workers?

S. 744 recognizes that legalization is not a one-size-fits-all proposition and consequently tailors programs to meet the characteristics of two important subsets within the undocumented population—young people who have grown up in the United States and therefore already meet many of the basic requirements for legalization, such as English fluency and knowledge of civics, and agricultural workers, who are offered an incentive to remain in agricultural work through an accelerated legalization process.

Subtitle C: Legal Immigration Reforms

This subtitle lays out reforms and new components of the immigration system and addresses backlogs and immigration levels. In particular, it creates a new merit-based point system with two tracks that award points to immigrants with educational credentials, work experience, and other qualifications. It will function alongside the current family-based immigration and employment-based immigration programs, which allow U.S. companies, citizens, and legal permanent residents to file petitions for relatives or employees.

The merit-based point system (Track 1)

What is the merit-based point system and how does it work?

This merit-based point system allows foreign nationals to obtain Lawful Permanent Residence in the United States by accumulating points mainly based on their skills, employment history, and educational credentials. At the same time, the current immigrant visa categories for siblings and adult married children of U.S. citizens, as well as the diversity visa program, are eliminated and replaced by this system.

How many visas will be allocated each year to the merit-based point system?

Between 120,000 and 250,000 visas would be allocated each year based on the point system. The visa cap would fluctuate using a formula that takes into account the number of visas requested the previous year and the unemployment rate.

What are tier 1 and tier 2 and how do they work?

The system would be divided into two “tiers,” tier one visas would be designated for higher-skilled immigrants with advanced educational credentials and experience, and tier two visas would be reserved for less-skilled immigrants. Beginning in fiscal year 2018, 50 percent of the visas will be allocated to applicants with the highest number of points under tier 1, and 50 percent will be allocated to applicants with the highest number of points allocated under tier 2.

How will points be allocated?

The allocation of points in both tiers is based on a combination of factors, including education, employment, occupation, civic involvement, English language proficiency, family ties, age, and nationality. For example, 15 points are allotted for a doctoral degree, 3 points for each year of work experience in a highly-skilled job, 10 points for being a primary caregiver, and 8 points for being under the age of 24. There is no “passing score” that needs to be reached to qualify. However, the system prioritizes immigrants who are young, educated, experienced, skilled, and fluent in English. Family ties and regional diversity are less-heavily weighted. Ten points maximum of a total of 100 are assigned based on family ties, and 5 points are given to nationals of

countries with low immigration to the United States. Years spent working in the U.S. as a W nonimmigrant worker can be credited towards a merit-based application under Track 1, tier 2.

How will these new point systems affect immigration flows?

Proponents of a point system have argued that we must move away from family-based immigration to a system that is tied to economic necessity. The merit-based point system is designed to balance a range of factors in assessing who should be admitted to the United States, but it remains an experiment. Supporters argue that similar systems have been used in other major industrialized nations. Critics have pointed out that it puts some applicants at a disadvantage, such as women, people who work in the informal economy or do unpaid work, relatives of U.S. citizens with insufficient formal education and employment history, older adults, and applicants from less-developed countries. An amendment offered by Senator Mazie Hirono (D-HI) and adopted in committee requires the Comptroller General to issue a report on the point system's impact on vulnerable populations over time.

Track two merit-based system

How will the track two system clear the backlog of pending visas?

The current immigrant visa system has created enormous backlogs of applicants, who sometimes have to wait decades to get an immigrant visa. This track will clear the backlog of applicants by allocating visas to applicants with pending applications over the course of 7 years starting in 2015, allowing these immigrants to qualify for Lawful Permanent Residency by 2021.

Who can obtain Lawful Permanent Resident status under this track?

Starting October 1, 2014, family- or employment-based applicants whose applications have been pending five years or more under the current system will become eligible for a visa. The Secretary of DHS is authorized to devise a process for distributing these visas over a seven-year period. In addition, the track two merit-based system makes visas available to RPIs who have maintained that status for at least 10 years.

Why is the track two system considered a "merit-based" system for visa allocation?

It is critical to the authors of the bill that the visa backlog be eliminated and that those who followed the rules receive legal status before RPIs can qualify for green cards. This section essentially ties those programs together, authorizing DHS to do what it takes to eliminate the backlogs within seven years. In the meantime, RPIs must earn their green cards through employment, learning English, paying taxes, and other contributions to the country.

Family-based immigration

What are the main changes to the family-based immigration system?

Petitions for spouses and children of Lawful Permanent Residents under the current family-based system will be considered immediate relatives, making them exempt from current visa caps and immediately eligible for green cards. There will no longer be an immigrant category for siblings of U.S. citizens, and visas will no longer be available to married sons or daughters of U.S. citizens who are over 31 years of age. These relatives would have to apply under the new point system or find another avenue in order to immigrate. The annual worldwide level of family-based immigrant visas will remain at 480,000 per year, minus the visas assigned to immediate relatives the previous year, but not less than 161,000 per year starting 18 months after enactment.

How does S. 744 address existing problems in the family-based immigration system?

S. 744 makes significant improvements to the family-sponsored immigration system, but does not address all criticisms. Notable improvements include eliminating the current backlogs in the system by 2021, recapturing

unused visas from previous years, allowing parents of U.S. citizens to bring their minor children at the time they immigrate, and allowing for immediate reunification for spouses and minor children of Lawful Permanent Residents. On the other hand, the bill eliminates the categories for siblings and adult married children of U.S. citizens if they are over 30. The bill also does not specifically allow U.S. citizens or LPRs to petition for green cards for their same-sex spouses. However, since the Defense of Marriage Act (DOMA) was struck down by the Supreme Court in the case of *United States v. Windsor* on June 26, 2013, same-sex couples have been eligible for immigration benefits for the first time without any change to current immigration law.

Employment-based immigration

What are the main changes to employment-based immigration?

Country-specific limits on employment-based immigrant visas, which have caused enormous backlogs for applicants from large countries like China and India, are eliminated. This will allow applicants from these countries equal access to the available employment-based visas. Certain highly skilled and exceptionally talented immigrants are also exempted from the worldwide cap, such as those who have extraordinary ability or advanced degrees in STEM fields from U.S. universities. STEM graduates would also be exempt from the labor certification requirement. The annual worldwide cap on employment-based immigrant visas will remain at 140,000 per year.

How does S. 744 address existing problems in the employment-based immigration system?

Some of the provisions in S. 744 would result in meaningful improvements in the employment-based system. As mentioned above, the bill will eliminate the current backlogs of pending applications in the system by 2021, and will allow the recapture of unused visas from previous years, in addition to preventing future backlogs of applicants from oversubscribed countries by eliminating country-specific caps. Highly skilled and very talented immigrants will be exempt from the cap, including immigrants of extraordinary ability, multinational executives, graduates of U.S. universities with advanced degrees in STEM fields, and physicians who fill special medical needs such as working in medically underserved areas. Spouses and children of employment-based immigrants will also be cap exempt, which means that each of the 140,000 visas allocated will go to an applicant hired for a job.

Integration into society

How does the bill help new immigrants integrate into society?

Compared to reform proposals from 2006 and 2007, S. 744 contains stronger devices designed to facilitate immigrants' language acquisition, civic engagement, financial self-sufficiency, and upward economic mobility. In particular, the bill creates three new organizational structures: the Office of Citizenship and New Americans, the Task Force on New Americans, and the United States Citizenship Foundation.

What is the Office of Citizenship and New Americans?

This office will be responsible for promoting training on citizenship responsibilities for new immigrants, providing advice on integrating immigrants into society, establishing goals for immigrant integration, and providing information about English and citizenship education programs.

What is the Task Force on New Americans?

The Task Force will coordinate the federal response to immigrant-integration issues and advise on how to carry out policies and goals concerning access to education, workforce training, health care policy, access to naturalization, and community development.

What is the United States Citizenship Foundation?

The Foundation will expand citizenship-preparation programs, coordinate integration programs, and provide assistance to individuals applying for RPI status, LPR status, and naturalization.

Other changes to immigrant and non-immigrant visa programs

What is the new nonimmigrant agricultural W visa program?

This title creates a new nonimmigrant, less-skilled W visa agricultural worker program. (Note that Title 2 describes the agricultural W visa program while the non-agricultural W visa is described in Title 4.) When this program is operational it will replace the H-2A agricultural worker program, which has been criticized for being bureaucratic and inflexible. The program is innovative in that foreign workers enter the U.S. to work for employers designated by the Department of Agriculture, and may leave one job to go work for other designated agricultural employers. Designated agricultural employers must perform recruitment activities to show there are no available U.S. workers before W visa workers can be employed. W-2 visas are issued to contract employees and W-3 visas are issued to “at-will” employees. W visas are approved for 3 years and renewable for another 3. Employers must pay the W workers the higher of the minimum wage or specified wage rates, must generally provide housing or a housing allowance, and must provide U.S. workers the same benefits, wages, and working conditions. After the 5th year of the program the W agricultural visa cap will be set by the Department of Agriculture using a calculation that takes into account unemployment rates, market demand, and other factors.

What other changes are made to the visa programs?

Various changes are also made to the V visa program, including making it available to siblings of citizens and permanent residents. Additional protections are provided for children of the beneficiaries of visa petitions, stepchildren, widows, and orphans. The EB-5 investor visa program and the Conrad-30 J waiver program for physicians working in medically underserved areas are modified and made permanent.

Related Resources

- [Why Don't They Just Get In Line? The Real Story of Getting a “Green Card” and Coming to the United States Legally](#)
- [Who and Where the DREAMers Are, Revised Estimates](#)
- [The Advantages of Family-Based Immigration](#)
- [The Dividends of Citizenship: Why Legalization Must Lead to Citizenship](#)
- [Built to Last: How Immigration Reform Can Deter Unauthorized Immigration](#)
- [Defining “Desirable” Immigrants: What Lies Beneath the Proposed Merit-Based Point System?](#)
- [The Immigration Policy Center’s Legalization Resource Page](#)

Title III: Interior Enforcement

This title addresses DHS's ability to enforce immigration laws while correcting many procedural problems with the immigration system. Central to Title III is a phased in, mandatory E-Verify employment eligibility verification program. The bill also addresses important refugee and asylum issues, enhances due-process protections in the immigration courts, increases the oversight of detention facilities, and toughens penalties for gang-related convictions and other offenses.

E-Verify

What is E-Verify?

E-Verify is an internet-based system that allows businesses to determine the eligibility of their employees to work in the United States by comparing information from an employee's Employment Eligibility Verification Form I-9 to data from U.S. government records. Because the system is not currently mandatory, only around 7 percent of employers in the U.S. are currently enrolled in E-Verify.⁵

What are the main changes to E-Verify in the bill?

Under S. 744, E-Verify will be expanded and made mandatory for all employers over a period of five years. The bill requires identity verification through the use of enhanced fraud-proof documents, such as tamper- and identity-theft resistant Social Security cards, and the use of a photo tool to allow employers to verify an individual's identity. Employers are required to confirm identity and employment authorization within three business days after the employee accepts the offer of employment. A mandatory entry and exit system will be implemented at all air and sea ports to help ensure that foreign nationals are leaving the United States as required. The bill will take precedence over local and state laws related to the hiring of foreign nationals, creating a uniform national standard. However, the bill does *not* allow the creation of a national identification card.

What are the sanctions for those who do not comply with the new requirements?

Employers who knowingly hire, recruit, refer, or continue to employ an unauthorized immigrant or fail to comply with E-Verify requirements are subject to increased civil or criminal penalties. Civil fines are increased up to \$25,000 per violation for employers that have committed multiple violations related to hiring unauthorized immigrants. Criminal penalties include two years in prison for employers who have repeatedly hired unauthorized workers, in addition to fines of up to \$10,000. Employers who comply with the system's requirements in good faith will not be penalized if DHS later determines that they have employed an unauthorized worker.

What are the main protections for employers and workers regarding the implementation of E-Verify?

The bill requires employers to use the E-Verify system for work authorization verification only, and prohibits its use for discriminatory purposes. The system will be subject to regular assessments and audits to detect misuse, discrimination, fraud, identity theft, and civil rights or privacy violations. Workers will have direct access to their information in the system, and will have the right to appeal a determination that they are not work authorized. Reports on the effects of the system on employers, U.S. nationals, and work-authorized individuals will be required.

When will the use of E-Verify become mandatory?

Generally speaking, all employers must use the E-Verify system within five years. Employers with more than 5,000 employees must use it no later than two years after publication of the regulations. Employers with more than 500 employees must use it within three years, with an exception for agricultural employers, who are given four years. All remaining employers subject to mandatory E-Verify must use the system within four years, with an exception for Indian tribal government employers, who are given five years, and for employment that is "casual, sporadic, irregular, or intermittent."

Does E-Verify continue to pose concerns even in the context of a comprehensive reform package?

As with the current I-9 form process, which requires an applicant to show proof of identification and work authorization in order to be employed in the U.S., E-Verify is a system for validating work authorization. As a web-based system that relies on the integrity of other databases for its information, it has the potential to be more reliable than a human being merely glancing at documents, but it also has the potential to create significant confusion and delay for some employers and employees. S. 744 attempts to balance those possibilities, putting an emphasis on creating a more reliable database, offering clear safeguards for dealing with mistakes, and protections for privacy. Moreover, because it is tied to the implementation of a legalization program, it will be far more likely that the vast majority of people subject to E-Verify will be work authorized.

Protections for Asylees and Other Vulnerable Populations

What improvements does S. 744 make to the asylum process?

Currently, the law requires that asylees apply for asylum within one year of arrival in the United States. This requirement may prevent immigrants with legitimate claims of persecution from gaining asylum protection if their applications were delayed due to fear, lack of information, or other circumstances beyond their control. The bill eliminates the one-year deadline. The bill also eliminates barriers to family reunification and authorizes asylum officers to conduct a full asylum interview and grant asylum to asylum-seekers identified at or near a U.S. border after they have successfully passed a credible fear interview, rather than sending them to the immigration courts. In the interest of efficiency, the President, in consultation with the Secretary of State and DHS, may designate certain persecuted groups with common characteristics whose resettlement in the United States is justified by humanitarian concerns or is otherwise in the national interest as meeting the requirements of refugee status. The bill also clarifies that asylum applicants are entitled to work permits within 180 days of filing an asylum application.

What protections does the bill include for victims of human trafficking and workplace abuse?

S. 744 includes expanded protections against human smuggling and trafficking. Employers recruiting workers abroad are required to register with the Secretary of Labor and post a bond. Employers must disclose the conditions of the visa and the work contract to the worker and are prohibited from charging the workers recruitment fees. S. 744 expands the availability of the U visa to include victims of serious workplace abuse, slavery, or other serious violations of workers' rights. The bill increases penalties for human smuggling activities and establishes a pilot program to prevent child trafficking. Protections specific to J visa exchange program workers are provided, including disclosures of the terms of employment, payment of bonds by program sponsors, and audits of the exchange programs.

What other protections does the bill have for other vulnerable immigrants?

The bill provides additional protections for immigrants who are battered by their spouses and for other vulnerable individuals. Battered immigrants will be eligible to receive certain public housing, and will be eligible for work authorization while their VAWA petitions are pending. The bill also permits qualified stateless individuals to apply for Lawful Permanent Resident status.

Protections for Immigrants in Removal Proceedings

How does the bill protect the rights of immigrants who are in court proceedings?

Under current law, immigrants in removal proceedings do not have the right to appointed counsel if they cannot afford to hire a lawyer. The bill changes this in the case of unaccompanied minor children, immigrants with serious mental disabilities, and other particularly vulnerable individuals, and requires that a lawyer be appointed to represent them. The bill requires that immigrants in proceedings have access to evidence in the

government's files and adds additional immigration judges, additional court staff, and additional training programs for judges and staff.

How does the bill protect the rights of immigrants who are detained by the government?

The bill limits the use of solitary confinement and bars its use with children and the seriously mentally ill. In addition, the bill provides for secure, humane alternatives to detention such as electronic monitoring, increases oversight of detention facilities, mandates prompt custody determinations and bond hearings, and provides guidelines for the detention of the parents and caregivers of children.

How do these changes improve the administration of the removal system?

The bipartisan sponsors of S. 744 recognized that one of the consequences of the broken immigration system has been the deterioration of due-process protections and a severely strained immigration court system. The changes proposed to both systems begin to address long-standing criticisms of the government's failure to adequately use alternatives to detention, to provide sufficient resources to immigration courts to process cases, and to ensure humane treatment of those in the government's custody. Justifications for these measures include not only ensuring appropriate standards of treatment, but efficiency and cost arguments related to the best way to manage a highly complex system.

Penalties for Crimes

What is inadmissibility and deportability?

Non-citizens may be found inadmissible or deportable and removed from the U.S. if they have committed certain offenses. Immigrants who have been admitted to the United States can be subject to deportation, or found to be deportable. Immigrants who are applying for admission to the U.S., or are applying for lawful status in the U.S., may be found to be inadmissible.

How does S. 744 increase penalties for immigrants involved in gangs and other criminal activities?

The bill makes immigrants inadmissible or deportable if they have been convicted of an offense that involves participating in a street gang and promoting the criminal activity of the gang. Undocumented immigrants involved in gangs will also be ineligible for Registered Provisional Immigrant status. The bill makes immigrants inadmissible if they have been convicted of a crime of domestic violence, stalking, child abuse, child neglect, or child abandonment for which they served at least one year in prison, or if they were convicted of more than one such crime. In addition, during committee mark up, Senator Grassley (R-IA) proposed, and the committee adopted, an amendment that makes three drunk-driving offenses punishable as an aggravated felony.⁶ Criminal penalties for illegal entry, for visa fraud, passport fraud, and passport trafficking are also increased.

Related Resources

- [The Criminal Alien Program \(CAP\): Immigration Enforcement in Prisons and Jails](#)
- [Enforcement Without Focus: Non-Violent Offenders Caught in the US Immigration Enforcement System](#)

Title IV: Reforms to Nonimmigrant Visa Programs

This title reforms the nonimmigrant visa programs for skilled workers and creates new programs for less-skilled workers, investors, and visitors. The visa cap on the H-1B skilled-worker program is raised while worker protections are increased. A new W nonimmigrant visa for less-skilled workers creates a new process for hiring foreign labor. A new nonimmigrant investor visa and an immigrant investor visa are also created. These employment-related programs aim to ensure that the U.S. economy has access to the labor and investment that it needs to drive growth and innovation, while protecting workers from exploitation.

Nonimmigrant Skilled Worker Visas

What are H-1B and L-1 visas?

Nonimmigrant visas are short-term visas for foreign workers who do not intend to stay in the U.S. permanently. The U.S. economy has a critical need for temporary highly skilled workers, particularly in the fields of science, technology, engineering, and math (STEM). Nonimmigrant skilled worker visas allow foreign workers with advanced skills to come to the U.S. temporarily to fill these needs. The most common skilled worker visas are the H-1B and L-1 visas. The H-1B visa is for foreign workers with at least a bachelor's degree who come to work temporarily in a specialty occupation. The L-1 visa is for foreign workers who have gained essential experience abroad with a multinational employer that needs to transfer them here temporarily to assist in their operations in the United States.

How does S. 744 change the H-1B and L-1 visa programs?

The bill raises the annual H-1B visa cap, raises H-1B wage requirements, and requires employers to make significant efforts to recruit U.S. workers. The current H-1B visa cap of 65,000 is replaced with a cap that fluctuates between 115,000 and 180,000 based on a market escalator formula that considers employer demand and unemployment data. The lowest level wage that must be paid to H-1B workers is raised by narrowing the range of wages that employers must pay H-1B workers. Employers are required to place mandatory ads and perform other good faith recruitment to find U.S. workers before hiring an H-1B worker. Employers cannot intentionally displace U.S. workers and must pay an additional fee to place an H-1B worker with another company. Heavy users of the H-1B program, such as H-1B dependent employers or H-1B skilled worker dependent employers, have additional obligations, such as offering the job to U.S. workers first and a prohibition on having more than 50 percent H-1B or L-1 workers in their workforce. The bill also makes it easier for H-1B workers to change employers and limits employers' ability to place L-1 workers with other employers.⁷

Nonimmigrant Non-Agricultural Less-Skilled Worker Visas

What is the new W non-agricultural visa program?

The bill creates a W nonimmigrant visa for less-skilled, non-seasonal, nonagricultural workers, such as workers in janitorial and hospitality industries. (Note that Title 4 describes the non-agricultural W visa program while the agricultural W visa is described in Title 2.) W workers are admitted for a three-year period, renewable for an additional three-year period, and must work for registered non-agricultural employers in registered positions. The program will be supervised by a new entity, the Bureau of Immigration and Labor Market Research, which will designate shortage occupations and provide data and recommendations. The annual W visa cap for registered non-agricultural positions will fluctuate between 20,000 and 200,000, and employers must pay the W workers the actual wage or the prevailing wage for the occupation, whichever is higher. The cap for the construction industry will be 15,000. Employers are required to recruit U.S. workers for their positions, attest that working conditions of U.S. workers will not be adversely

affected, and attest that there are no U.S. workers available for the jobs. A complaint process will be established to report violations, and penalties will include back wages, benefits, and civil penalties.

Why is the W visa different from past efforts to create lower-skilled worker programs?

The W visa program is the result of extensive negotiations between labor and business groups to create a program that is simple and efficient enough to meet business needs while protecting workers' wages and working conditions. It is very different from previous temporary worker programs because it allows workers to leave their jobs to work for other employers registered with the program, creating a pool of labor that is responsive to labor market needs. W workers could also eventually apply for Lawful Permanent Residence using Tier 2 of the new Track 1 merit-based point system, marking the first time that such workers would be allowed to transition to permanent resident status without employer sponsorship.

Investor Visas

What are the new investor visas created by S. 744?

The bill aims to attract additional investment and create jobs in the U.S. through new investor visa programs. It creates a nonimmigrant investor visa, or X visa, which is for entrepreneurs whose businesses have attracted at least \$100,000 in investment, or have created no fewer than three jobs during a two-year period prior to the application and generated \$250,000 in annual revenue. This is a temporary nonimmigrant visa that is granted for three years. The bill also creates an EB-6 immigrant investor visa that leads to Lawful Permanent Residence. This visa is for entrepreneurs who have a significant ownership in a U.S. business and have had a significant role in the start-up of the business. The business must have created at least five jobs and must have received at least \$500,000 in venture capital or investment, or created five jobs and generated \$750,000 in annual revenues in the prior two years.

Other Nonimmigrant Visas

What other changes are made to nonimmigrant visa programs?

The bill also creates and changes several other visa programs. It allows F-1 student visa holders to have dual intent. This means that students coming to the U.S. are allowed to have the intent to stay either temporarily or permanently. The bill creates a nonimmigrant retiree visa for foreign nationals over 55 who do not work, have health insurance, and have \$500,000 to buy a residence in the U.S. The bill creates a Canadian retiree tourist visa that will allow Canadians over age 55 with a residence in Canada to enter the United States for up to 240 days. The bill modifies the H-2B nonimmigrant visa program, which is for non-agricultural, less-skilled workers who fill temporary, peak-load, or seasonal needs. It requires that H-2B workers be paid the prevailing wage or the actual wage paid to U.S. workers, whichever is higher, and requires that employers attest that they do not displace U.S. workers. The bill also allows employees of multinational corporations to enter the United States for 90 days to oversee operations or for 180 days for leadership and development training.

Related Resources

- [Fueling the Recovery](#)
- [Rebuilding Local Economies](#)
- [Always in Demand: The Economic Contributions of Immigrant Scientists and Engineers](#)

Title V: Jobs for Youth

The Corker-Hoeven amendment to S. 744 added Title V, which establishes a Youth Jobs Fund that will be dedicated to creating employment opportunities for low-income youth.

Youth Jobs Fund

What is the Youth Jobs Fund?

The bill would establish a fund that will provide summer and year-round employment opportunities for low-income youths ages 15-25. It will provide grants to states with approved employment plans that comply with labor laws.

How is the fund financed?

The bill allocates \$1.5 billion for the fund in 2014. This funding will be recouped via a \$10 surcharge on employment-based immigrant and nonimmigrant visas.

Cost-benefit Analysis of S. 744

According to the Congressional Budget Office (CBO) and Joint Committee on Taxation (JCT), the fiscal and economic effects of the Senate immigration reform bill (S. 744) would be overwhelmingly positive. If enacted, the bill would help reduce the federal budget deficit by approximately \$1 trillion over 20 years, would boost the U.S. economy as whole without negatively affecting U.S. workers, and would greatly reduce future undocumented immigration. These are the conclusions laid out in three reports released in June and July 2013. On June 18, the CBO issued two reports on the version of S. 744 that was reported out of the Senate Judiciary Committee on May 28. The [first one](#) analyzes (or “scores”) the fiscal impact of the bill over the next 20 years⁸ and the [second one](#) focuses on the impact that some aspects of the bill would have on the U.S. economy.⁹ On July 3, the CBO issued a [revised](#) score on the version of the bill that passed the Senate on June 27.¹⁰ This version includes the Corker-Hoeven “border surge” amendment, which calls for a significant increase in border-enforcement spending.

What is a CBO score and what are its main implications?

Nearly every bill that is approved by a full committee of either house of Congress is subject to a formal cost estimate by the CBO. The report produced as a result of this analysis is known as the CBO “score.” The purpose of this analysis is to aid in economic and budgetary decisions on a wide assortment of programs covered by the federal budget. In general, the CBO estimates what the net fiscal impact of a bill would be, considering both the costs and the benefits associated with its implementation.

The CBO analysis of S. 744: What is at stake?

S. 744 would enable millions of undocumented immigrants to earn legal status and would revamp the legal immigration system. It also proposes new border and interior enforcement measures. All these components would have an effect on government finances and are therefore analyzed separately by the CBO. The bill would result in additional government revenue and new public expenses. At the same time, the different components of the bill would clearly have an impact on the economy. The CBO score may affect the type of amendments offered to the bill, any increase or decrease of programs offered, and the rhetorical arguments used to support or oppose the bill.

How would S. 744 affect the federal budget in the first 10 years after enactment?

According to the CBO’s [revised score](#), enacting S. 744 would lead to a net savings of about \$135 billion over the 2014-2023 period. This figure results from subtracting the costs of implementing the legislation (\$23 billion) from the expected reduction in the federal budget deficit (\$158 billion).¹¹

How would S. 744 affect the federal budget in the second 10 years after enactment?

S.744 would produce net savings of at least \$905 billion over the 2024-2033 period. This figure results from:

- a. Subtracting the costs of implementing the legislation (between \$75 billion and \$80 billion) from the expected reduction in the federal budget deficit (\$685 billion), which yields net savings in the range of \$605 billion to \$610 billion. These figures are contained in the CBO’s [revised score](#) of the bill.¹²
- b. Adding an additional \$300 billion in deficit reduction stemming from broader effects of the bill on the U.S. economy that are not considered in the CBO’s cost estimate. This figure is contained in the CBO’s [economic impact](#) analysis of the bill that was reported out of the Senate Judiciary Committee.¹³ According to the revised cost estimate, the economic effects of the bill passed by the Senate would differ only slightly from those estimated for the earlier version of the bill.¹⁴

What explains the overall fiscal gains that would result from S. 744?

The net fiscal gains (\$1 trillion over the 20-year period analyzed) would result from the fact that federal revenues would exceed spending. The boost in revenues is mostly attributable to the expansion of the size of

the labor force and secondarily to the legalization of current undocumented workers. These changes would lead to additional collection of income and payroll taxes.¹⁵

How would S. 744 affect the U.S. economy?

S. 744 would boost the output of the U.S. economy. According to CBO estimates, the bill would [increase](#) the U.S. Gross Domestic Product (GDP) by 3.3 percent (\$700 billion) in 2023 and 5.4 percent (\$1.4 trillion) in 2033.¹⁶

How would S. 744 affect wages?

S. 744 would produce an [increase](#) in average wages by 2025. The CBO anticipates “that average wages for the entire labor force would be 0.1 percent *lower* in 2023 and 0.5 percent *higher* in 2033 under the legislation.” The initial miniscule drop in average wages would be fueled largely by the presence in the labor force of new immigrants who make less than the average wage. According to the CBO, “the estimated reductions in average wages...do not necessarily imply that current U.S. residents would be worse off, on average, under the legislation than they would be under current law.”¹⁷

How would S. 744 affect unemployment?

The CBO [predicts](#) that S. 744 “would raise the unemployment rate over the next five years by up to roughly 0.1 percentage point,” but would “have no effect on the unemployment rate after 2020.” The initial marginal increase in the unemployment rate would occur as “the economy adjusted to the increased inflow of immigrants.”¹⁸

To what extent would S. 744 deter illegal immigration?

According to the CBO’s [revised score](#), under S. 744 the net annual inflow of unauthorized residents would decrease “by between one-third and one-half compared with the projected net inflow under current law.”¹⁹ However, the methodology behind the CBO’s estimate is unknown. It appears that the CBO underestimates the impact of S. 744 in reducing illegal immigration because it looks only at measures in the bill designed to deter illegal border crossings and employment in the United States. It fails to account for the incentives built into future-flow programs to encourage people to migrate legally and to depart on time. Taking these incentives into account, illegal immigration should decline significantly as new worker programs become fully implemented.

How does the CBO estimate the size of future unauthorized flows?

The anticipated one-third to one-half reduction in the net annual flow of unauthorized residents is based on two main assumptions: (a) that enforcement would make it more difficult for unauthorized immigrants to immigrate; and (b) that employment-verification requirements would make it difficult for unauthorized residents to find employment while unauthorized. However, the CBO does not present its methodology in detail.²⁰

What does the CBO fail to include when estimating the magnitude of future unauthorized flows?

The CBO does not account for the fact that the bill provides a structure of positive incentives for people to come to (or stay in) the country legally:

- a) Through the new W visa, the bill creates stronger channels for lower-skilled workers when the economy is growing. This is crucial because past trends show that illegal immigration increases when the economy is expanding.
- b) Workers on nonimmigrant visas would have the opportunity to apply for a green card through the point system (tier 2). This would lessen the likelihood of temporary workers staying in the country illegally after their nonimmigrant visas expire.

- c) The tier 2 track of the new point system would make available between 60,000 and 125,000 visas each fiscal year for immigrants in high-demand less-skilled occupations.
- d) The cap for employment-based immigrant visas allocated to “other workers” (less-skilled workers) would be raised significantly.
- e) Under the Senate bill, spouses and minor children of Legal Permanent Residents (LPRs) would have an expedited process for immigrating to the United States. This would serve as an additional incentive to avoid illegal immigration related to family separation.

Based on these mechanisms, we can anticipate that these measures would reduce the number of unauthorized immigrants at a much higher rate than the CBO estimate.

Related Resources

- [Adding it Up: Accurately Gauging the Economic Impact of Immigration Reform](#)
- [The Economics of Immigration Reform: A Resource Page](#)
- [The Power of Reform: CBO Report Quantifies the Economic Benefits of the Senate Immigration Bill](#)

Further Resources

- [Comprehensive Immigration Reform 2013](#)
 - *A collection of Immigration Policy Center resources relating to CIR 2013*
- [The Economic and Political Impact of Immigrants, Latinos and Asians in all 50 States](#)
 - *A state-by-state guide to immigrant communities*
- [Day-by-Day Review of Amendments that Passed the Senate Judiciary Committee](#)
 - *Immigration Impact's review of the Amendments to S. 744*
- [Overhauling Immigration Law: A Brief History and Basic Principles of Reform](#)
 - *A background on immigration reform*

3 and 10 year bars	Foreign nationals who have been unlawfully present for more than 180 days and leave the U.S. are inadmissible and barred from reentering and from obtaining lawful status for three years. Foreign nationals who have been unlawfully present for more than a year and leave the U.S. are inadmissible and barred from reentering and from obtaining lawful status for 10 years. <i>See also inadmissible/inadmissibility.</i>
actual wage	The wage paid by an employer to other employees with similar experience and qualifications for the particular position (Sec. 4211). <i>See also H-1B, prevailing wage levels.</i>
admissible / admissibility	Term describing individuals who are deemed to be legally eligible to be admitted to the United States pursuant to INA § 212(a) . <i>See also inadmissible/inadmissibility.</i>
aggravated felony	This is a term of art that describes offenses that are most severely punished under immigration law and that render an immigrant automatically deportable with no possibility of waiver or future readmission to the U.S. It includes murder, rape, sexual abuse of a minor, drug trafficking, and crimes of violence or theft that are punishable by a term of imprisonment of at least one year, among other offenses. Note that misdemeanors under state law and convictions for which less than a year in prison is served may be aggravated felonies. S. 744 makes three convictions for driving under the influence an aggravated felony.
asylees	A foreign national who is granted asylum . Asylees are eligible to adjust to Lawful Permanent Resident status after one year of continuous presence in the United States. ²¹
asylum	A form of protection available to people who meet the definition of refugee , are already in the United States, or are seeking admission at a port of entry. ²² <i>See also asylee, refugee.</i>
blue card	A legal status granted to eligible agricultural workers as described in Sec. 2211 of S. 744. Eligible immigrants are those who have performed agricultural employment in the United States for not fewer than 100 work days or 575 hours during the two-year period ending on December 31, 2012, and are not inadmissible under INA § 212(a) , among other requirements.
Board of Immigration Appeals	The highest administrative appellate body for interpreting and applying immigration laws (within the Department of Justice).
bond hearing	A hearing before a judge on whether or not an individual can be released from custody in exchange for a bond (financial deposit that is lost in the case of not showing up to future court dates). Immigrants who have been detained for more than six months have the right to this hearing where they can argue for release on bond. ²³

border surge	Refers to the part of the Corker-Hoeven amendment that increases the amount of money and Border Patrol officers along the Southern border of the United States. Specifically, it requires 38,405 full-time Border Patrol officers, calls for at least 700 miles of fencing, including double fencing, and creates a fund with \$46.3 billion of initial funding to pay for the Act. Funding will be provided by visa and other user fees. For more information, see “Border Enforcement and Triggers” in the section covering Title I in this Guide.
Bureau of Immigration and Labor Market Research	An independent statistical agency within U.S. Citizenship and Immigration Services as established in Title IV, Subtitle G, Sec. 4701 of S. 744. The Commissioner would be appointed by the President and duties would include studying and reporting to Congress on employment-based immigrant and nonimmigrant visa programs and to monitor the levels of employment for the W visa program. <i>See also</i> W nonimmigrant visa and shortage occupation .
Canadian retiree tourist visa	A nonimmigrant visa for Canadian citizens at least 55 years of age who maintain a residence in both Canada and the United States. The visa is valid for a period of time not to exceed 240 days from admission. Sec. 4503 of S. 744.
CBO Score	The Congressional Budget Office (CBO) is required by law to produce a formal cost estimate (or “score”) for bills reported by a full committee of either the House or the Senate. ²⁴
Comprehensive Southern Border Security Strategy	As laid out in Sec. 5(a) of S. 744, the Secretary will submit this strategy to achieve and maintain effective control between the ports of entry in all border sectors along the Southern border. This strategy will specify the priorities that must be met, the capabilities that must be obtained (including surveillance and detection capabilities and resources required). The Comprehensive Southern Border Security Strategy will describe how the resources will be allocated, the interim goals, and the schedule and supporting milestones. <i>See also</i> Southern Border Fencing Strategy , Southern Border Security Commission .
Conrad-30	The Conrad 30 waiver program allows J-1 medical doctors to waive the two-year residency requirement upon recommendation of state public health departments if they are employed for three years in areas with special needs for medical care.
Corker-Hoeven amendment	The amendment that was introduced by Senators John Hoeven (R-ND) and Robert Corker (R-TN). The Corker-Hoeven amendment was folded into an existing amendment offered by Senator Leahy (D-VT) and is technically a Leahy amendment, but is commonly referred to as the Corker-Hoeven amendment. This combined amendment replaced the previous version of S.744, and this is the version of the bill that passed the Senate. ²⁵ Among other things, the amendment drastically increased the amount of money spent on border security, which will be funded in part by visa and other user fees. <i>See also</i> border surge .

custody determinations	When foreign nationals are arrested, Immigration and Customs Enforcement (ICE) must make determinations as to whether they will be put into immigrant detention based on their criminal histories and whether they are a threat to their community or national security. <i>See also bond hearing.</i>
Department of Homeland Security Border Oversight Task Force (“DHS Task Force”)	The DHS Task Force will review and make recommendations regarding immigration and border-enforcement policies, strategies, and programs that take into consideration their impact on border communities. The DHS Task Force will be composed of 29 members appointed by the President, including members from the northern border region and the southern border region, local government elected officials, local law-enforcement representatives, the faith community, and the Border Patrol (Sec. 1113 of S. 744).
dependent employers	<i>See H1-B dependent employers and H-1B skilled worker dependent employers.</i>
deportable / deportability	Foreign nationals admitted to the United States who are legally allowed to be removed from the country under U.S. immigration laws because they are unlawfully present, have committed certain crimes, have participated in terrorist activities, have become a public charge within five years of entry, or due to other factors, pursuant to INA § 237(a) .
designated agricultural employer	An employer in the W nonimmigrant worker program that is designated by the Secretary of Agriculture as an employer engaged in agriculture with a need for specified agricultural workers during a specified period of time. S. 744 section 2232.
DHS Task Force	<i>See Department of Homeland Security Border Oversight Task Force</i>
diversity visa program	A currently existing congressionally mandated visa program that makes available 55,000 diversity visas annually. The visas are granted based on a random selection among all entries to people who meet the strict eligibility requirements, which includes being from a country with low rates of immigration to the United States. ²⁶
DOS Bureau of Consular Affairs	Department of State Bureau of Consular Affairs.
DREAMers	Undocumented immigrants who qualify under the “Development, Relief, and Education for Alien Minors Act of 2013” in Sec. 2103 of the bill. Generally, they must have entered the United States before age 16, have earned a high-school diploma or a GED, acquired a degree from an institution of higher education or completed at least two years in a bachelor’s program or have served in the Uniformed Services for at least four years. The applicant must provide a list of each secondary school that they attended in the United States, pass an English and civics test, provide biometric and biographic data, and pass a background check. DREAMers granted RPI status under Sec. 2103 would be eligible for Lawful Permanent Residence in five years.

dual intent	Most nonimmigrant visas prohibit the intention to remain in the United States on a permanent basis. “Dual intent” allows a foreign national to have nonimmigrant status while intending either to stay temporarily and/or to immigrate permanently in the future.
due process	As found in the Fifth and Fourteenth Amendments of the Constitution, due process is the constitutional assurance that state and federal governments “must operate within the law and provide fair procedures.” ²⁷ See the Immigration Policy Center’s Due Process Resource page.
EB-5 investor visa	The EB-5 immigrant investor visas are visas set aside for foreign nationals that invest \$1,000,000 (or \$500,000 in targeted employment areas) in new commercial enterprises in Regional Centers designated for promoting economic and job growth. ²⁸
EB-6 immigrant investor visa	A nonimmigrant visa created by S. 744 that is capped at 10,000 for foreign nationals who have significant ownership in U.S. businesses, are senior executives, or have a significant role in starting a business in the U.S. that creates at least five jobs.
employment-based immigration	Immigrant visas that are obtained through employment. These visas usually must be sponsored by an employer. They are currently divided into five classes with different requirements and annual limits, including 1) “priority workers,” 2) “aliens who are members of the professions holding advanced degrees or aliens of exceptional ability,” 3) “skilled workers, professionals, and other workers,” 4) “certain special immigrants,” and 5) “employment creation.” INA § 203(b) .
EOIR	Executive Office for Immigration Review within the Department of Justice.
E-Verify	An internet-based system that allows businesses to determine the employment eligibility of their employees to work in the United States. ²⁹
extraordinary ability	“Extraordinary ability” in science, education, business, or athletics means a level of expertise indicating that the person is one of a small percentage who has risen to the very top of their field. Within the arts, extraordinary ability means distinction, or a high level of achievement evidenced by skill and recognition. The immigrant must have sustained national or international acclaim. Immigrants with extraordinary ability can currently apply for either immigrant visas ³⁰ or O nonimmigrant visas. ³¹
F-1 student visas	A nonimmigrant visa to study in the United States at a university or college, high school, private elementary school, seminary, conservatory, or another academic institution, including a language-training program. ³²

family-based immigration	Immigrant visas granted based on the foreign national’s relationship to a U.S. citizen or a permanent resident. Spouses and minor children of citizens are cap exempt and may immigrate without wait times or numeric limitation. The other categories are currently divided into four classes with different requirements and annual limits: 1) “unmarried sons and daughters of citizens,” 2) “spouses and unmarried sons and unmarried daughters of permanent resident aliens,” 3) “married sons and married daughters of citizens,” and 4) “brothers and sisters of citizens.” INA § 203(a) .
good faith recruitment	“Good faith recruitment” of U.S. workers would now be required by S.744 before any employer hires an H-1B worker, in addition to other new mandatory advertising steps. It is defined as “good faith steps to recruit United States workers...using procedures that meet industry-wide standards and offering compensation that is at least as great as that required to be offered to H-1B nonimmigrants”. S. 744 sec. 4211. Under current law recruitment is only required of H-1B dependent employers. ³³
green card	A green-card holder is someone who has been granted authorization to live and work in the United States on a permanent basis. As proof of that status, a person is granted a permanent resident card, commonly called a "green card." ³⁴ <i>See also</i> lawful permanent resident .
H1-B	This is the principal skilled nonimmigrant visa that allows foreign nationals to work in specialty occupations that require at least a bachelor’s degree in a specialized field. INA § 101(a)(15)(H)(i)(b) . <i>See also</i> H1-B cap , H1-B dependent employer , and H-1B high skilled dependent employer .
H1-B cap	This is the annual cap that limits the number of H-1B workers that can be admitted each year. The cap is currently 65,000, plus 20,000 reserved for graduates of U.S. universities with advanced degrees. S. 744 raises the cap to a range of 115,000 to 180,000.
H1-B dependent employer	As defined by S. 744, this is an employer with 25 or fewer full-time employees that employs more than seven H-1B employees, an employer with 26-50 employees that employs more than 12 H-1B workers, or an employer with 51 or more employees whose workforce consists of 15 percent or more H-1B employees. An H-1B dependent employer is subject to additional restrictions on the hiring H-1B workers. S. 744 sec. 4211.
H-1B skilled worker dependent employer	As defined by S. 744, this is an employer that employs H-1B workers in a number that is equal to at least 15 percent of its full-time employees that are in occupations within Job Zones 4 and 5 in the Occupational Information Network Database (O*NET). The jobs in these zones require at least a bachelor’s degree. An H-1B skilled worker dependent employer is subject to further restrictions on the hiring H-1B workers. S. 744 sec. 4211.
H-2A	This is a nonimmigrant visa for less-skilled workers performing agricultural work that is temporary or seasonal in nature. S. 744 will replace this program with the W visa program. ³⁵

H-2B	This is a nonimmigrant visa for less-skilled workers performing work that is not agricultural and that is temporary or seasonal in nature. ³⁶
I-9 form	Form I-9 is a USCIS form used to verify the identity and employment authorization of individuals hired for the purpose of employment in the United States. The I-9 form must be filled out by all employers for all employees, regardless of citizenship status. ³⁷
immediate relatives	Relatives with a close relationship to U.S. citizens: currently spouses of citizens, children (under 21 years of age and unmarried) of citizens, and parents of citizens 21 years of age or older. These immigrants are exempt from numerical limitations. ³⁸ S. 744 would reclassify spouses and children of Lawful Permanent Residents as immediate relatives.
immigrant investor visa	S. 744 creates a new immigrant visa for entrepreneurs who have started a U.S. business that has created at least five jobs and received \$500,000 in funding, or has created five jobs and generated at least \$750,000 in annual revenues in the two years prior to filing the application.
Immigration and Nationality Act (INA)	The existing United States immigration laws organized in one place that forms the basic body of immigration law. Its origin is the McCarran-Walter bill of 1952, which collected and codified the preexisting provisions and reorganized the structure of immigration law, though it has been amended extensively since then. The INA is contained within the United States Code and may be cited either by its INA citation or its U.S. code. The former citation is more common. ³⁹
Immigration Ombudsman	Referred to in Sec. 104 of S. 744 as the “Ombudsman for Immigration Related Concerns,” this individual will have a background in immigration law as well as civil and human rights law and will report directly to the Deputy Secretary. The Ombudsman’s duties include receiving and resolving complaints from individuals and employers, conducting inspections of facilities (such as detention centers), and assisting victims of crimes committed by foreign nationals. The Ombudsman’s authority would be expanded by S. 744 and would cover U.S. Customs and Border Protection.
inadmissible / inadmissibility	Foreign nationals who are not allowed to enter the United States or obtain Lawful Permanent Residence in the United States because they have a disease of public health significance, have committed certain crimes, are threats to national security, may become a public charge, or due to other factors, pursuant to INA § 212(a) .
INVEST visa	These are new investor visa programs created by S. 744, which include a nonimmigrant investor visa (the X visa) and an immigrant investor visa. S. 744 subtitle H. See X nonimmigrant visa and immigrant investor visa .
L-1 visa	This is a nonimmigrant visa for employees of international companies who have gained experience working for the company abroad for at least a year in an executive, managerial, or specialized capacity, and need to come to work for the company to use those special skills or experience in the company’s operations in the U.S. INA § 101(a)(15)(L) .

labor certification	A certification that is issued by the Department of Labor that there are not sufficient U.S. workers able, willing, qualified, and available to accept the job opportunity in the area of intended employment and that employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers. This is usually the first of three steps required for an employee of a U.S. company to obtain Lawful Permanent Residence (a “green card”). ⁴⁰
Labor Condition Application	A document filed by prospective H-1B employers before employing an H-1B nonimmigrant worker which attests to the standards to which the employer will adhere, including the payment of the required wage and the effect on U.S. working conditions. The document needs to be certified by the Department of Labor. ⁴¹
lawful permanent resident / residence	“Any person not a citizen of the United States who is residing in the U.S. under legally recognized and lawfully recorded permanent residence as an immigrant.” ⁴² <i>See also green card.</i>
merit-based point system	A new immigrant visa system in S. 744 that allocates a portion of new immigrant visas each year. A minimum of 120,000 foreign-born people would be able to obtain immigrant visas each year by accumulating points mainly based on their skills, employment history, and educational credentials. Visa slots currently allocated to siblings and adult married children of U.S. citizens, as well as the diversity visa program , would be absorbed into the merit-based point system. S. 744 section 2301. <i>See “Defining ‘Desirable’ Immigrants: What Lies Beneath the Proposed Merit-Based Point System?”</i>
nonimmigrant investor visa	S. 744 creates a new nonimmigrant investor visa called the X visa that is for entrepreneurs who have obtained \$100,000 in investment in their business, or their business has created three jobs and generated \$250,000 in annual revenue. S. 744 section 4801.
nonimmigrant retiree visa	A nonimmigrant visa for foreign nationals over 55 with health insurance. They are not eligible for employment and have to own a residence and reside in the United States for more than 180 days per year. They must have at least \$500,000 to buy their residence(s) and their main residence must be worth at least \$250,000. S. 744 section 4504.
Office of Citizenship and New Americans	Established by S. 744 to advise on integration matters and promote institutions and educational materials on integration and citizenship responsibilities for foreign nationals wishing to become naturalized citizens. S. 744 section 2511.

prevailing wage levels

Under S. 744, for employers of H-1B non-immigrants, the Secretary of Labor will make available a governmental survey to determine the wage level for each occupational classification by metropolitan area. The survey will provide three levels of wages commensurate with experience, education, and level of supervision. This is a reduction from the four levels currently available, narrowing the wage range and effectively raising the lowest level wage that H-1B employers must pay H-1B workers. Level one is the mean of the lowest two-thirds of wages surveyed, but no less than 80 percent of the wages surveyed. Level two is the mean of the wages surveyed. Level three is the mean of the highest two-thirds of wages surveyed. S. 744 section 4211.

refugee

An individual who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.⁴³

This definition is laid out in the United Nations 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees. The United States ratified this agreement on November 1, 1968. The definition of “refugee” in United States law can be found in the United States Refugee Act of 1980, which also created the federal programs for the resettlement of refugees to the United States.

registered employer

A non-agricultural employer that has been designated by DHS for participation in the W nonimmigrant temporary worker program. The employer must submit documentation to establish that they are a bona-fide employer, their federal tax identification number, and the number of nonimmigrants the employer estimates it will seek to employ annually. The registration is for three years and registered employers must submit to DHS an annual report that demonstrates that they have provided the wages and working conditions they agreed to provide. S. 744 section 4703.

registered positions

Positions submitted to DHS by a registered employer for which a nonimmigrant W visa worker is being sought. The employer must attest that it will pay the required wage, that the working conditions of other workers will not be affected, and that the required recruitment activities have been carried out, among other requirements. S. 744 section 4703.

Registered Provisional Immigrant (RPI status)

A status of immigrant created in Title II, Subtitle A of S. 744 to allow a pathway to citizenship for current undocumented immigrants.

RPI status is granted to an individual who is physically present on the date of application for RPI status, was physically present in the United States on or before December 31, 2011, and has maintained a continuous presence in the United States since that date to the time RPI status is granted (exception for brief, casual, and innocent absences from the United States).

Individuals are ineligible if they have been convicted of a felony, three or more misdemeanors, unlawful voting, or if DHS determines they are a potential terrorist or they are otherwise inadmissible. S. 744 section 2101.

shortage occupations

In the context of the W temporary worker program, an occupation that the Commissioner of the Bureau of Immigration and Labor Market Research determines is experiencing a shortage of labor throughout the United States or in a specific metropolitan area. S. 744 section 4701.

Southern Border Fencing Strategy

A strategy to be established by the Secretary of Homeland Security that identifies where fencing, including double-layer fencing, should be deployed along the Southern border.

Southern Border Security Commission

As described in Sec. 4 of S. 744, if DHS has not achieved effective control in all border sectors during any fiscal year within five years after S. 744 is enacted, the Southern Border Security Commission will be established. The Commission's primary objective is to make recommendations on policies to achieve and maintain the border security goal specified in the **Comprehensive Southern Border Security Strategy**.

The Commission will be composed of two members appointed by the President, two members appointed by the President pro tempore of the Senate (one of each political party), two members appointed by the Speaker of the House, and four additional members. These last four members will consist of one member from each of the States who will be either the Governor or an individual appointed by the Governor.

specialty occupation

A specialty occupation requires theoretical and practical application of a body of specialized knowledge along with at least a bachelor's degree or its equivalent.⁴⁴

STEM

Occupations in the fields of science, technology, engineering, and mathematics.

U visa

A nonimmigrant visa for victims of certain crimes who are currently assisting or have previously assisted law enforcement in the investigation or prosecution of a crime, or who are likely to be helpful in the investigation or prosecution of criminal activity. The U visa provides temporary status within the United States and, if certain conditions are met, can lead to permanent residence. Examples of qualifying crimes include domestic violence, sexual assault or exploitation, trafficking, torture, witness tampering, and murder.⁴⁵

V visa	A nonimmigrant visa created to allow families to stay together while immigrant visas are being processed.
VAWA petition	An application that allows a battered spouse, child, or parent to apply for an immigration visa, without the assistance of their abuser, pursuant to the Violence Against Women Act.
W visa	A nonimmigrant visa created by S. 744 for less-skilled workers admitted to perform services or labor for designated agricultural employers or registered non-agricultural employers. The dependent(s) of a worker admitted under a W nonimmigrant visa are also eligible for this visa. See Bureau of Immigration and Labor Market Research, designated agricultural employer, registered employer, registered positions and shortage occupations.
X visa	A new nonimmigrant visa created by S.744 section 4801 for qualified entrepreneurs who demonstrate that in the three-year period ending on the date of initial petition that (1) a qualified venture capitalist, super investor, government entity, or community development financial institution has made an investment of not less than \$100,000 in their United States business entity or (2) their United States business entity has created no fewer than three jobs and generated \$250,000 in annual revenue in the two-year period prior.

Endnotes

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- ¹ [Bipartisan Framework for Comprehensive Immigration Reform.](#)
- ² U.S. Border Patrol, "[Enacted Border Patrol Program Budget by Fiscal Year](#)," February 2013.
- ³ DREAM Act (acronym for Development, Relief, and Education for Alien Minors) was a legislative proposal first introduced in the Senate in 2001 by Senators Richard Durbin and Orrin Hatch.
- ⁴ The blue card earned legalization program is closely patterned on the Agricultural Job Opportunities, Benefits, and Security Act of 2006, or AgJOBS Act, that was presented to Congress in 2007.
- ⁵ [Verification Nation: How E-Verify Affects America's Workers](#), NILC, August 2013.
- ⁶ Grassley amendment 44 (MDM13530).
- ⁷ The H-B and L-1 provisions in S. 744 were changed extensively by Schumer 2nd degree amendment MDM13698 to Hatch amendment 10.
- ⁸ Congressional Budget Office, [Cost Estimate: S. 744, Border Security, Economic Opportunity, and Immigration Modernization Act as reported by the Senate Committee on the Judiciary](#), June 18, 2013.
- ⁹ Congressional Budget Office, [The Economic Impact of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act](#), June 2013.
- ¹⁰ Congressional Budget Office, [Cost Estimate: S. 744, Border Security, Economic Opportunity, and Immigration Modernization Act as Passed](#), July 3, 2013.
- ¹¹ Ibid., pp. 1-2.
- ¹² Ibid., pp. 6-7.
- ¹³ Congressional Budget Office, [The Economic Impact of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act](#), June 2013, pp. 2-3.
- ¹⁴ Congressional Budget Office, [Cost Estimate: S. 744, Border Security, Economic Opportunity, and Immigration Modernization Act as Passed](#), July 3, 2013, p. 2.

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- ¹⁵ Congressional Budget Office, [Cost Estimate: S. 744, Border Security, Economic Opportunity, and Immigration Modernization Act as reported by the Senate Committee on the Judiciary](#), June 18, 2013, pp. 2, 12.
- ¹⁶ Executive Office of the President, [The Economic Benefits of Fixing Our Broken Immigration System](#), July 2013, p. 2 {analyzing the estimates of the Congressional Budget Office, [The Economic Impact of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act](#), June 2013, p. 3}.
- ¹⁷ Congressional Budget Office, [The Economic Impact of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act](#), June 2013, pp. 3-4, 6-8.
- ¹⁸ Ibid., pp. 9-10.
- ¹⁹ Congressional Budget Office, [Cost Estimate: S. 744, Border Security, Economic Opportunity, and Immigration Modernization Act as Passed](#), July 3, 2013, p. 5.
- ²⁰ Congressional Budget Office, [Cost Estimate: S. 744, Border Security, Economic Opportunity, and Immigration Modernization Act as reported by the Senate Committee on the Judiciary](#), June 18, 2013, p. 23; Congressional Budget Office, [Cost Estimate: S. 744, Border Security, Economic Opportunity, and Immigration Modernization Act as Passed](#), July 3, 2013, p. 5.
- ²¹ USCIS, "[Asylee](#)," Glossary.
- ²² [USCIS](#).
- ²³ *Rodriguez, et al. v. Robbins, et al.*, Court of Appeals, 9th Circuit (2013).
- ²⁴ [Congressional Budget Office](#).
- ²⁵ For more information on the Corker-Hoeven amendment, see "[Is a Border Surge the Only Way to Pass Immigration Reform and Ensure Legalization?](#)", *Immigration Impact*, June 21, 2013.
- ²⁶ U.S. Department of State, "[Diversity Visa \(DV\) Program](#)," *Travel.State.Gov*.
- ²⁷ Cornell University Law School, Legal Information Institute, "[Due Process](#)."
- ²⁸ USCIS, "[EB-5 Immigrant Investor](#)."
- ²⁹ [USCIS](#).
- ³⁰ USCIS, "[Employment-Based Immigration: First Preference EB-1](#)."
- ³¹ USCIS, "[O-1 Visa: Individuals with Extraordinary Ability or Achievement](#)."
- ³² [State Department](#).
- ³³ Department of Labor Wage and Hour Division, "[Fact Sheet #62\): Must an H-1B employer recruit U.S. workers before seeking H-1B workers?](#)"
- ³⁴ [USCIS](#).
- ³⁵ [USCIS](#).
- ³⁶ [USICS](#).
- ³⁷ USCIS, [I-9, Employment Eligibility Verification](#).
- ³⁸ USCIS, "[Immediate Relatives](#)," Glossary.
- ³⁹ [USCIS](#).
- ⁴⁰ U.S. Department of Labor, [Permanent Labor Certification](#).
- ⁴¹ [Department of Labor](#).
- ⁴² [USCIS](#).
- ⁴³ [UNHCR](#).
- ⁴⁴ [USCIS](#).
- ⁴⁵ Department of Homeland Security, [U Visa Law Enforcement Certification Resource Guide for Federal, State, Local, Tribal and Territorial Law Enforcement](#).