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BOTH OBAMA AND THE CONGRESS PROPOSE IMMIGRATION REFORM

By Christopher Kerosky

President Obama and eight Senators independently released their plans for a framework for Comprehensive Immigration Reform in January.

Each proposes an overhaul of our legal immigration system while expanding border security measures and hardening current employment verification procedures. Most notably, the proposal would give unauthorized immigrants already in the country a chance to earn U.S. citizenship.

The Senators involved in the negotiations—Democrats Chuck Schumer (NY), Dick Durbin (IL), Bob Menendez (NJ), and Michael Bennet (CO); and Republicans John McCain (AZ), Marco Rubio (FL), Lindsey Graham (SC), and Jeff Flake (AZ)—held a press conference on Monday January 28th to make their announcement. President Obama gave a speech the next day outlined his plan for immigration reform:

Below is a rough outline of what comprehensive immigration reform legislation might look like based upon the two proposals:

- 1. Creating a pathway to U.S. citizenship for the 11 million unauthorized immigrants currently living in the United States.**

In the Senators' proposal, implementation of this provision is "contingent upon our success in securing our borders and addressing visa overstays," which leaves open the question of exactly how much enforcement will be deemed sufficient for a legalization program to begin.

In both plans, unauthorized immigrants would first register with the federal government and receive “probationary legal status” if they pass a background check and pay a fine and back taxes. Immigrants with probationary status would be sent to the back of the line for a green card and, after that, U.S. citizenship.

Current backlogs for immigrants applying for family and employment based visas would be reduced.

Shorter and simpler requirements for citizenship would be created for unauthorized immigrants who came to this country as children (the DREAMers) and for unauthorized agricultural workers.

2. **Restructuring the legal immigration system.**

Rules and procedures for legal immigration to the United States would be altered so that they are more responsive to labor demand, especially at the high-skilled end of the occupational spectrum. Green cards would be given to foreign students who earn a graduate degree in science, engineering, technology, or mathematics from a U.S. university.

In addition, backlogs would be reduced for both family-based and employment-based immigration applications.

3. **Strong employment verifications.**

A mandatory system of employment-eligibility verification would be put in place to prevent future unauthorized immigrants from obtaining jobs in the United States.

4. **Guest worker system.**

U.S. employers would have a simpler more functional guest worker visa system that would allow them to hire an immigrant if an American worker cannot be found to fill a position.