



Making Sense of the Senate and House's Visions of Immigration Reform

By Ann Garcia December 9, 2013

Five months ago, the Senate took a historic step toward enacting immigration reform with a path to citizenship by passing S.744—the Border Security, Economic Opportunity, and Immigration Modernization Act—with a bipartisan supermajority.¹ Unfortunately, the House has still not brought immigration legislation to the floor. But while many have rushed to pronounce immigration reform “dead,” House leadership has maintained their commitment to working on reform next year.²

So far, House Republicans, led by Judiciary Committee Chairman Bob Goodlatte (R-VA), have taken what he has called a “step-by-step” or “piecemeal” approach to reforming the immigration system by moving discrete bills through the committee process.³ To date, five have passed out of committee, each aimed at reforming different parts of our broken immigration system. However, none directly address the 11.7 million undocumented immigrants who already live here. If House Speaker John Boehner (R-OH) allows a vote on any of these bills on the House floor before the end of 2014, they could become the basis for a negotiation with the Senate-passed bill.

In early October, House Democrats demonstrated their intention to work with House Republicans to pass immigration reform by introducing a compromise immigration reform bill designed to garner bipartisan support.⁴ H.R. 15 is modeled on the Senate-passed immigration bill, with the addition of the House Homeland Security Committee-passed Border Security Results Act of 2013.⁵ Importantly, the two bills that comprise H.R. 15 are entirely bipartisan; the Senate bill was introduced by a group of senators from both sides of the aisle and ultimately passed with a bipartisan supermajority of 68–32, while the Border Security Results Act was introduced by Rep. Michael McCaul (R-TX) and was reported unanimously out of the House Homeland Security Committee. An impressive 190 representatives, including three Republicans, are co-sponsors of the bill.

So how does the House Republicans’ piecemeal approach stack up against the Senate’s broad immigration reform bill? In this issue brief, we examine the contents of each of the five major components of immigration reform: the 11.7 million unauthorized immigrants living in the United States, border security, interior enforcement, E-Verify, and legal immigration.

The 11.7 million

Let's begin with the backbone of immigration reform: legalization with a pathway to citizenship for the 11.7 million immigrants who lack legal status today.⁶ This is probably the most discussed and most important element of immigration reform. These 11.7 million people have long been settled in the United States; two in three have lived here for more than a decade, with many raising American children, and they play a critical role in the U.S. economy. Every day, however, more than 1,100 families are torn apart by deportation.⁷

Ideally, Congress would resolve the status of these 11.7 million people through a tough but reasonable program that would require unauthorized people to submit to background and national security checks and pay a sensible fee before acceding to legal status and, eventually, citizenship.

Registering the greatest possible number of undocumented immigrants in a legalization program in an efficient, streamlined manner and allowing them to earn citizenship in the shortest time possible is in the best interest of our economy. If undocumented immigrants acquired legal status in 2013 and citizenship in five years, our economy would see the following gains over 10 years:

- A \$1.1 trillion cumulative increase in gross domestic product, or GDP
- An average annual increase of 159,000 jobs
- A \$618 billion cumulative increase in the income of all Americans
- A \$515 billion cumulative increase in the earnings of undocumented immigrants
- A \$144 billion increase in taxes paid by undocumented immigrants⁸

The Senate

The Senate's Border Security, Economic Opportunity, and Immigration Modernization Act establishes a lengthy 13-year path to citizenship whereby qualified undocumented immigrants are first granted Registered Provisional Immigrant, or RPI, status for a 10-year period and then are in Lawful Permanent Resident, or LPR, status for three years before they may apply to naturalize and become citizens. The path is rigorous and includes a number of hard and fast requirements. These include four separate background and criminal checks and payment of at least \$2,000 in penalties plus application fees. The person applying for legal status must have arrived to the United States before December 31, 2011,

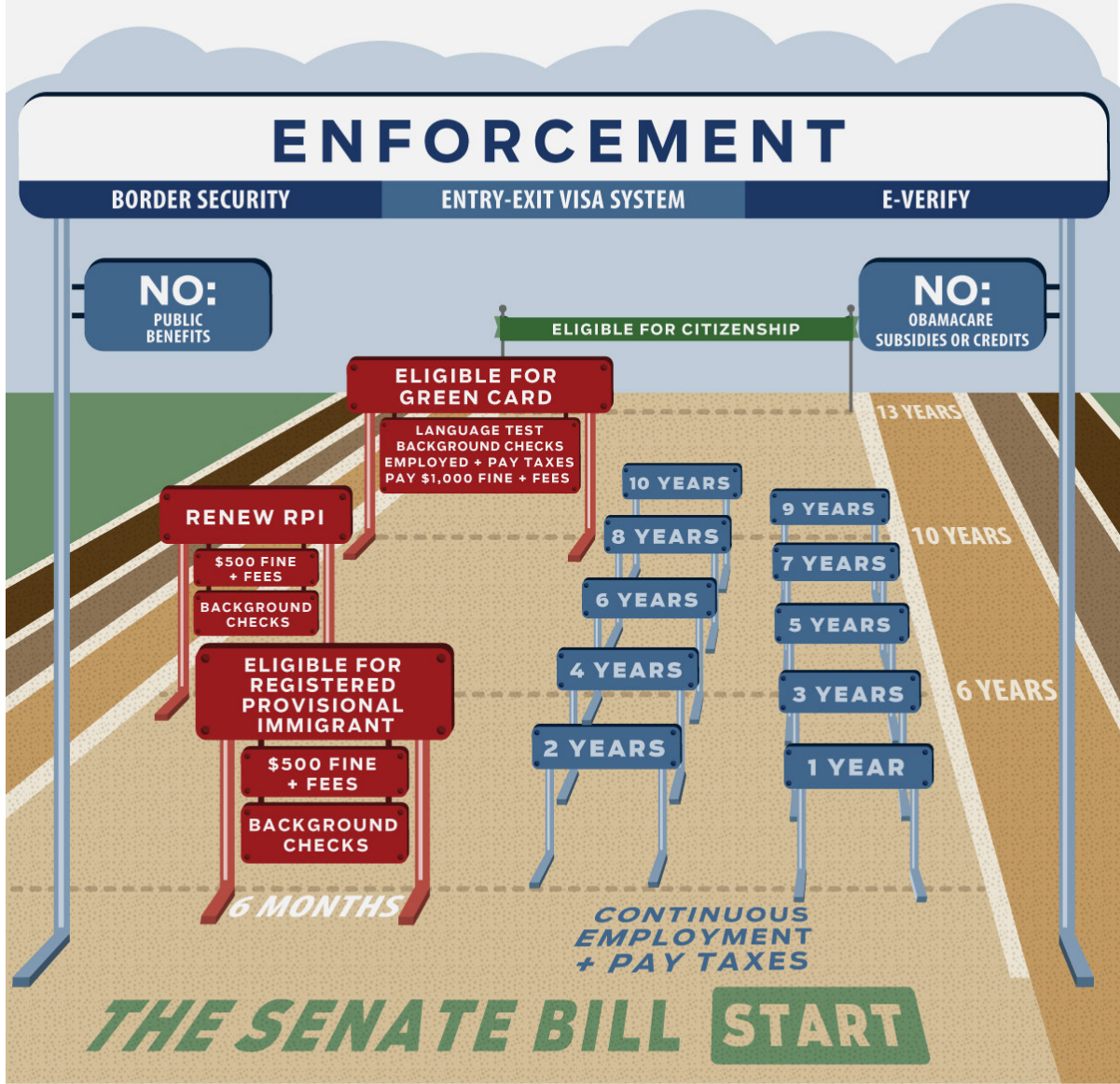
and cannot have been convicted of a felony or of three or more separate misdemeanors. In addition, the applicant must show that they have not been unemployed for more than 60 days and are not likely to become a public charge, or must show resources at or above the federal poverty line until they become lawful permanent residents.

The bill includes a quicker path to citizenship for DREAMers—young people without status—and agricultural workers. Like the rest of the undocumented population, DREAMers will apply for RPI status, but rather than waiting 10 years like the rest of the unauthorized population to apply for LPR—a green card—they will be eligible to apply for LPR status after five years and naturalize as soon as they receive that status.

Undocumented agricultural workers will be eligible to apply for a “blue card,” which they can hold for up to eight years while continuing to do farm work, but which will make them eligible for LPR status after five years, and for U.S. citizenship after five additional years.

Not difficult enough?

The Senate's 13-year path to citizenship requires immigrants to clear each of these hurdles. Don't let the House add more.



Sources: S. 744, "Border Security, Economic Opportunity, and Immigration Modernization Act," available at <https://www.govtrack.us/congress/bills/113/5744/text>.

The House

In contrast, none of the House Republican bills address the presence of the 11.7 million undocumented people in the United States, either through a pathway to citizenship, as the Senate bill does, or the opportunity to obtain legal status. To the extent that House Republicans are thinking about policy proposals for the 11.7 million or any subset thereof, their views are reported in press stories and media interviews. For example, Chairman Goodlatte has indicated support for the concept of an “earned path” to citizenship for DREAMers, and he has reportedly been working with House Majority Leader Eric Cantor (R-VA) on a version of the DREAM Act, the so-called KIDS Act.⁹ Yet even this narrow legalization effort has reportedly hit a roadblock, as Republican drafters included a provision that would change existing law by barring young undocumented immigrants who attain citizenship from exercising their right to sponsor family members for legal immigration.¹⁰ Such a provision would effectively make the rights and privileges of this category of new citizens lesser than those of other American citizens, a proposal that is unlikely to be acceptable to most House Democrats and even some House Republicans.¹¹

Several other House Republicans have said they are supportive of proposals that would grant legal status to many undocumented immigrants, but have noted that these legislative measures should not create a “special path” to citizenship for these immigrants.¹² Such a legalization program would presumably allow undocumented immigrants living in the United States to gain legal status and would not preclude them from accessing citizenship through the existing system. While this might seem like a reasonable and promising option, the truth is that existing avenues to citizenship are narrow and fraught with obstacles.¹³

Application for citizenship through family based visa programs, for example, can take more than 20 years to clear if you are not the spouse, minor child, or parent of a U.S. citizen. This is due to a backlog that has developed from years of the annual number of available visas being less than the number of qualifying family members. Similar backlogs exist in the skilled employment-based immigration system, and only 5,000 green cards are awarded annually to workers performing less-skilled labor.¹⁴ Squeezing 11.7 million additional people through these already crowded and narrow lanes where traffic has stood at a crawl for decades would just add to the congestion, and without further real reform of these legal channels, citizenship will remain an unattainable dream.

Border security

A smart border security bill would account for and build upon the unprecedented investment American taxpayers have made to ensure that our southwest border is secure. In the past decade, the budget of the U.S. Customs and Border Protection agency has doubled from \$5.9 billion to \$11.9 billion, and it is clear that the U.S. border with Mexico is more secure today than it has ever been.¹⁵ Apprehensions on the southern border, which the Department of Homeland Security, or DHS, uses as a proxy for the number of people who try to cross the border each year, are at their lowest point in 40 years.¹⁶

Smart policymaking in this arena would require that resources be strategically deployed on the southwest border, with an emphasis on facilitating legitimate cross-border trade, preventing illegal smuggling, and ensuring that the interests of border communities are respected.

The Senate

The Senate bill makes unprecedented investments in border security, allotting \$46 billion to a plan that includes doubling the size of the Border Patrol to almost 40,000 agents, constructing 700 miles of fencing along the southern border, and adding an array of technology—including drones, vehicles, and sensors—all of which have to be deployed before immigrants can complete the path to citizenship. The bill's border security component drew the ire and concern from border communities. Border groups argue that DHS will have great difficulty in recruiting, training, and overseeing an additional 20,000 Border Patrol agents and that carrying out this immense hiring process will inevitably compromise due process, civil rights, and quality of life of the millions of residents of border communities.¹⁷

The plan also requires a full electronic exit system to be in place within two years at all airports and seaports. The system will be able to check the machine-readable passport, visa, and biographical information of all immigrants leaving by airports and seaports where Customs and Border Protection officers are present. The bill also creates a pilot program to put a full biometric exit system in the 30 most heavily trafficked international airports and seaports in the United States within six years.

The House

The bipartisan Border Security Results Act of 2013, which was incorporated into the comprehensive House immigration reform bill H.R. 15, was unanimously voted out of the bipartisan House Homeland Security Committee in May 2013.¹⁸ The bill calls for the DHS to deploy the necessary border security resources to achieve operational control of the border—defined as apprehending 90 percent of those who have illegally crossed the southwest border—and gain and maintain 100 percent situational awareness, or “eyes on the border,” meaning that DHS agents should be able to see every inch of the border 24/7 within two years in the highest-trafficked border areas and five years throughout the entire southwest border.

The Results Act also requires the DHS secretary to implement a plan to install biometric readers at ports of entry. The bill does not spell out the resources that must be deployed by DHS, instead giving the DHS secretary latitude to determine the resources that are needed. Nor does the bill authorize funding for specific resources. But the bill does require that the DHS secretary consider surveillance capabilities developed by the Department of Defense and the use of manned and unmanned aircraft.

Interior enforcement

Over the course of the past decade, Congress has ordered the construction of a behemoth interior enforcement agency called the U.S. Immigration and Customs Enforcement, or ICE, tasked with carrying out our nation’s broken immigration laws. With the enforcement machine operating at full steam, a record 409,849 immigrants were deported in fiscal year 2012.¹⁹ This includes hundreds of thousands of people who had not committed any crime other than the civil offense of being in the country without legal immigration status.

A successful interior enforcement bill will work in tandem with a legalization program to end the harassment of immigrants who do not pose a threat to their communities or to national security. It will focus future enforcement actions on the much smaller subset of immigrants who pose a threat to community safety. A central feature of a smart interior enforcement bill must involve expanding basic due-process protections while rolling back the costly and excessive use of detention as an enforcement tool. Access to legal counsel must be addressed in any reform of the interior enforcement system. Under current law, defendants have no right to a court-appointed attorney, even when facing detention or deportation. Studies have shown that immigrants with legal representation are at least five times as likely to be granted relief as those without counsel. Yet in 2008, 57 percent of noncitizens were unrepresented.²⁰ Those held in detention face even lower odds of securing legal counsel as they are sent away to distant and often rural detention

facilities, far from their families and communities, and often far from affordable legal aid: 84 percent of noncitizens in detention are unrepresented.²¹ Furthermore, broad discretion should be restored to immigration judges and adjudicators, who are currently unable to make decisions based on circumstances and facts surrounding specific cases.

There are numerous alternatives to detention that serve the same purpose of ensuring that individuals attend hearings and comply with any conditions of release. A robust embrace of these alternatives will save taxpayers billions of dollars while mitigating the devastating impact that unnecessary and prolonged detention has on families and communities.²²

The Senate

The Senate bill increases interior enforcement by replacing a patchwork of state and local laws on immigration enforcement with a strict but fair federal system regulating employers and allowing for qualifying undocumented immigrants to gain provisional status. The bill also provides for reforms of our country's vast detention system, calling for an increase in the oversight of detention facilities, more expansive use of humane alternatives to detention such as electronic monitoring and a community-based supervision program, and limits the use of solitary confinement of immigration detainees.

The Senate bill enhances due-process protections in immigration courts by adding 225 immigration judges by 2016 and additional support staff, and requiring that immigrants in immigration court proceedings have access to DHS's evidence against them. The bill also protects children and the seriously mentally ill by requiring that they have an attorney appointed to represent them in immigration proceedings, and that they not be placed in solitary confinement under any circumstances. The Senate bill creates new guidelines for the detention of parents or caregivers of children under age 18. Whereas current law requires that asylees apply for asylum within one year of arriving in the United States, the Senate bill eliminates the one-year filing deadline and allows for some asylum applicants who missed this deadline to file motions to reopen their case.

The Senate bill increases criminal penalties for illegal entry and illegal re-entry after removal, and establishes some harsh grounds of inadmissibility and deportability for an assortment of crimes, such as a conviction related to participation in a street gang and a conviction in three or more drunk-driving offenses.

The House

In stark contrast to the Senate bill, the House Judiciary Committee passed the SAFE Act, a bill that makes criminals out of unauthorized immigrants, on a party-line vote in June 2013.²³ Unauthorized presence in the United States is currently a civil offense, but the SAFE Act makes it a federal crime, thereby turning anyone who has overstayed a

visa or entered without inspection—even years or decades ago—into a criminal. What’s more, the SAFE Act makes criminals of U.S. citizens or lawful permanent residents who might interact with undocumented immigrants in their day-to-day activities.²⁴ The SAFE Act subjects anyone who transports or “harbors” a person knowing that he or she is in the United States without legal status to severe criminal penalties, including fines and the possibility of spending years in jail. A soccer mom, for example, who carpools her daughter’s soccer teammates to afternoon practice could face up to five years in prison if she is caught driving a girl who the mom knows is undocumented.²⁵

The SAFE Act also grants states and localities the right to enact civil or criminal immigration laws that mirror provisions in federal law and gives state and local enforcement agencies unprecedented authority to enforce federal, state, and local immigration laws. The SAFE Act gives local and state police the power to investigate, apprehend, arrest, and detain people for violations of immigration law, effectively acting as a nationalization of Arizona’s anti-immigrant bill S.B. 1070, which the Supreme Court ruled unconstitutional in June 2012.²⁶ These provisions undermine the trust of communities of color, encourage racial profiling, and make everyone less safe.

At a time when we need smarter policies that allow us to scale back resources invested in immigration enforcement, the SAFE Act moves in the opposite direction, authorizing DHS to hire 2,500 Immigration and Customs Enforcement detention officers, 5,000 deportation officers, and 700 support staff for them. These additional staff would double down on our current failed strategy of mass deportation and would be aided by the bill’s expansion of offenses that qualify under immigration law as an “aggravated felony.” The offenses need not be aggravated or a felony to be so classified, but the penalties are severe: automatic detention and deportation with no possibility of legal re-entry.

Increases in spending would also be authorized under the SAFE Act to construct or acquire additional detention space to house thousands more detainees, and DHS would be required to take noncitizens into federal custody within 48 hours of state or local law enforcement making a request. The bill will allow the detention of undocumented immigrants for two weeks after they have completed their criminal sentence to give DHS a chance to take them into custody. And the bill precludes expansion of alternatives to detention.

Any serious consideration of the SAFE Act would open up old wounds in the immigrant and ally community, which fought off similar provisions in the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, better known as the “Sensenbrenner bill,” after its sponsor in the House.²⁷ The Sensenbrenner bill was the cause for massive turnouts of people in rallies across the country in 2006, objecting to the notion that the undocumented and those who associate with them should be designated felons.²⁸

E-Verify

A worksite enforcement program to ensure that employers do not hire individuals without legal status, such as E-Verify, can only be successful if it is rolled out concurrently with a legalization program that brings the 8 million workers who lack legal status—some 5 percent of the American workforce—into compliance with the law.²⁹ If electronic verification of work eligibility goes into effect without regularizing the undocumented population, many employers will move these workers off the books, workers will go deeper underground, and the market for false or stolen documents will continue to grow.

Congress should authorize universal implementation of a secure electronic employment-verification system in conjunction with legalization of the current undocumented population. The E-Verify program should be phased in as established accuracy and privacy benchmarks are met, and anti-discrimination mechanisms and clear redress procedures for errors should be a central part of the bill. These measures will minimize the number of eligible workers who are denied or delayed employment.

The Senate

The Senate-approved immigration reform bill phases in a mandatory Internet-based electronic verification system, known as E-Verify, over five years to check the legal status of everyone they hire. This window of time will allow for DHS to keep making improvements to the still-error-prone system and give smaller businesses more time to comply with the laws.³⁰ The E-Verify provision in the Senate's immigration bill require worker protections to be put in place, including a right to administrative review and an appeals court to contest false nonverification. This will reduce error rates of incorrectly flagged legally authorized workers and will ensure better worker protection for immigrants and native workers.

The House

The House's Legal Workforce Act mandates that E-Verify be implemented for all employers within two years of passage.³¹ This hasty implementation may impede employers' ability to reduce errors as well as fail to protect the workers being hired. Workers victim to verification errors would have only the Federal Tort Claims Act, or FTCA, as a protection, and no class action could be brought. The FTCA is the statute by which the United States authorizes suits to be brought against itself, but these claims are hard to establish, and the federal government would not be required to pay lost wages.

The economic consequences of implementing an electronic verification system without a concurrent legalization program have been estimated in the past. In 2008, the nonpartisan Congressional Budget Office, or CBO, found that the Secure America through Verification and Enforcement, or SAVE, Act, which would have required all employers to use the then-voluntary E-Verify system to verify the work authorization of all workers within four years, would cost the federal government \$17.3 billion in lost revenues over 10 years.³² The CBO attributed this decrease to E-Verify causing undocumented workers to move off the books and into the cash economy, where the government cannot collect taxes.

Legal immigration

A truly comprehensive and coherent immigration policy would need to modernize existing rigid, unwieldy, and outdated legal channels for moving people into the United States. Immigrants are essential to our economic growth and central to our national identity, and Congress must develop a system that recognizes their contributions and treats immigration as a resource to be managed and embraced. Congress must establish a 21st-century system that replaces unauthorized immigration and unconscionable backlogs with a flexible framework that advances the nation's dual interest in economic growth and family unity. A flexible system to admit future immigrants to our country must protect and benefit American workers.

The Senate

The Senate bill offers a variety of new avenues for people to legally immigrate to the United States. The bill creates a new merit-based visa system that will function in conjunction with reformed family based immigration and employment-based immigration programs that permit citizens or lawful permanent residents to petition for relatives and U.S. businesses to apply for employees.

The merit-based visa system is split into two separate tracks. The first track of the new visa system grants 120,000 to 250,000 visas annually to immigrants based on their skills, education, family ties, age, and nationality.³³ Family ties and diversity of nationality are awarded fewer points in this system than are other factors like education, age, experience and skill. The number of visas granted annually will depend on the number of visas requested during the previous year and the unemployment rate.

The second track of the merit-based visa system will clear the enormous backlog of visa applicants—4.5 million people—some of whom have waited for decades for their family or employment-based immigrant visa to become available. This track will start allocating visas to persons with pending visa applications in 2015, and clear the back-

log by 2021. Immigrants who have held RPI status—the status that many of the 11.7 million undocumented people would hold—for 10 years would be eligible to apply for visas through this track of the merit-based immigration system.³⁴

The existing family based immigration system would see several improvements under the Senate’s immigration reform bill. Spouses and children of those who hold lawful permanent status would be considered their immediate relatives, for example, and become immediately eligible for LPR status. These close family members of LPRs are currently subject to visa caps that result in drawn-out family separations. The share of family sponsored visas that can go to immigrants from any one country will more than double, from the current 7 percent to 15 percent under this legislation. On the other hand, the Senate’s immigration reform bill would reduce the effective annual cap of family based immigrant visas from 226,000 to 161,000 beginning in 2015. And important visa categories—such as the siblings of U.S. citizens category—would be eliminated, forcing many immigrants with existing familial connections to the United States to apply through the more uncertain merit-based system.

The existing employment-based immigration system would maintain its cap of 140,000 visas per year but would see improvements if the Senate bill became law. Importantly, present country-specific limits on the number of immigrant visas that can be awarded will be eliminated. Country-specific caps have caused long backlogs for employment-based immigrants applying from countries such as China, India, Mexico, and the Philippines.³⁵ Additionally, the Senate bill would improve the current employment-based system by exempting graduates from American universities with advanced degrees in science, technology, engineering, and mathematics, or STEM, fields, as well as other exceptionally talented individuals from the annual worldwide visa cap.

The Senate bill would increase the annual H-1B cap for skilled workers from 65,000 to 115,000, and over time, the cap could rise to 180,000. Another 25,000 H-1B visas would be set aside for those holding STEM degrees from American universities. The wages of H-1B workers would be raised, their spouses would also be granted work authorization, and these skilled workers would be granted 60 days to change jobs. Employers would have more obligations than they do today, including the requirement to make a good-faith effort to recruit a U.S. worker before hiring an H-1B worker, and for H-1B-dependent employers to have less than 50 percent of their employees on these visas by 2017.³⁶

Entrepreneurs and investors would also see expanded opportunities to come to the United States. The Senate bill creates the “X” visa category for entrepreneurs with venture backing of \$100,000 or who own a business that has generated more than \$250,000 in annual revenue and created at least three jobs over the two years prior to the submission of the visa application. X-visa holders can hold their visa for three years with an option to renew at the end of the visa term. The bill also creates the EB-6 visa category

for immigrant investors who hold significant ownership of a U.S. business that has created at least five jobs, has generated more than \$750,000 in annual revenue, and has received at least \$500,000 in venture capital.

The Senate's immigration bill also creates a new, lesser-skilled "W" visa category, which provides between 20,000 and 200,000 visas each year. W-visa holders can be employed in sectors with labor shortages for a period of three years with an option to renew after the initial three-year period, must be paid the higher of the minimum wage or specified wage rates, and must be provided housing or a housing allowance. Holders of W-visas would be allowed to change jobs as long as they found another W-visa-certified employer within 60 days of having left their previous place of employment. W-visa holders would be eligible to apply for lawful permanent residence through the merit-based system.

The W-visa program would be supervised by the newly established Bureau of Immigration and Labor Market Research, which would determine the sectors experiencing labor shortages and provide data and recommendations on the annual W-visa cap to policymakers. The creation of this independent bureau would mark the first time the U.S. Congress moves to a dynamic way of setting visa numbers that respond to our economic needs. The question of how to design a system that allows low-skilled immigrants to work in the United States has historically been a significant point of contention in negotiations over immigration reform. The W-visa program agreed to by the AFL-CIO and the U.S. Chamber of Commerce earlier this year marked a milestone in the evolution of immigration reform and moreover demonstrated the urgency of reform for the sake of workers and businesses alike.³⁷

The Senate bill would replace the H-2A temporary agricultural worker program with two separate W-visa categories, the W-2 for "contract" employment and the W-3 for "at-will" employment, jointly capped at 112,333 visas per year for the first five years, with the cap set by the Secretary of Agriculture thereafter. This new agricultural worker program would allow workers to work for U.S. employers designated by the Department of Agriculture who have tried to fill the position with a U.S. worker. Like other W visas, these agricultural W visas would be valid for a period of three years with an option to renew after the initial period. At-will workers would be able to move from employer to employer, so long as the new employer was also designated by the Department of Agriculture, while contract workers could move to a different job after their initial contract expired.

The House

Two separate bills that deal with legal immigration have passed out of the House Judiciary Committee. They are the SKILLS Visa Act and the Agricultural Guestworker, or AG, Act.³⁸

The SKILLS Visa Act, which was approved out of the House Judiciary Committee in June, promotes limited types of high-skilled immigration. The SKILLS Visa Act would raise the existing employment-based immigration system cap of 140,000 visas to 235,000 visas per year, but unlike the Senate bill, would not eliminate country-specific limits on the number of immigrant visas that can be awarded. The majority of the additional 95,000 visas provided by this bill would be allocated to those with doctorates in STEM fields from American universities.

The SKILLS Visa Act would raise the annual H-1B visa cap for skilled workers from 65,000 to 155,000, with an additional 40,000 visas reserved for graduates of masters programs. Unlike the Senate bill, the SKILLS Visa Act does not increase requirements for H-1B-dependent employers. The act would allow spouses of H-1B workers to work.

For new entrepreneurs and investors, the SKILLS Visa Act establishes more routes to starting businesses in the United States. The bill creates a new conditional visa category for entrepreneurs who have secured a minimum of \$500,000 in venture capital. If the entrepreneur's established business creates at least five jobs and generates an additional \$1 million in revenue, the entrepreneur and their family can petition for lawful permanent resident status.

The SKILLS Visa Act adds 25,000 visas annually for spouses and minor and unmarried children of U.S. lawful permanent residents. This slight increase in the visa cap will help alleviate frequent backlogs in the system that can result in families being split apart. The act also eliminates the employment-based green card per-country cap and, similar to the Senate bill, raises the family sponsored per-country cap from 7 percent to 15 percent. At the same time, the act eliminates important visa categories such as the siblings of U.S. citizens category. It also eliminates the diversity visa; since 1990, it has helped diversify the U.S. immigrant population by providing up to 50,000 visas annually to natives of countries that have sent less than 50,000 total immigrants to the United States over the preceding five years.³⁹ The notion of a zero-sum game in legal immigration reform whereby to increase one visa pool you must take away from another is shortsighted.

The Agricultural Guestworker Act would create a new temporary agricultural guestworker program that allows growers designated as registered agricultural employers by the Department of Agriculture to hire foreign farm workers. The bill sets an annual cap of 500,000 workers and allows undocumented farm workers currently present in the United States to become eligible for the program. Farm workers would be unable to sponsor their spouses or children and would have no path to permanent residence in the United States.

The new agricultural guestworker program under the AG Act would allow for contract and at-will employment. The duration of both of these arrangements would be capped at a year and a half for seasonal or temporary work and three years for nonseasonal jobs such as dairy farming. At-will employment would only be an option for those guestworkers who have already completed a regular contract with a designated agricultural employer. The total stay for all guestworkers in the United States cannot exceed four and

a half years, and guestworkers would have to leave the United States for at least three months before being able to return to continue farm work.

The AG Act would require that 10 percent of the guestworker's wages be withheld, only to be reimbursed once the worker returns to their country of origin. The guestworker would be paid the higher of either the market's prevailing wage rate or the state minimum wage. Unlike in the current agricultural worker program, under the AG Act, the employer would not be required to pay for the transportation or housing expenses incurred by their guestworkers. Furthermore, the employer would only have to guarantee the guestworker wages for part-time employment. In all cases, guestworkers would be unable to bring civil actions for damages against employers unless mediation has been attempted.

Conclusion

While the House has failed to bring any immigration bill to the floor thus far, the variety of legislative proposals discussed in this issue brief demonstrates that a lively debate is taking place. Over the past few weeks, pressure on the House to take action has only increased. More than 600 conservative and evangelical leaders flew to Washington, D.C., in late October to press the House to pass an immigration reform bill that would allow the 11.7 million undocumented immigrants living in the United States to get right with the law.⁴⁰ Since November 12, a courageous group of faith and labor leaders have held a fast on the National Mall to call for the passage of immigration reform with a path to citizenship. Their fast has attracted the solidarity of thousands, who have decided to fast to pressure the House to pass immigration reform.⁴¹

These activists have the backing of 87 percent of the American public, who agree that allowing immigrants living in the United States without legal immigration status to become citizens after going through a tough but fair legalization process is the way to go.⁴² Seventy-nine percent of Republican primary voters believe that fixing the current immigration system is "very important" and 70 percent support a bill similar to the one passed by the Senate in June.⁴³

In 2013, the Senate acted decisively to fix our nation's broken immigration system. The cost of inaction is simply too high for the House to postpone immigration reform any longer. Each day that the House fails to pass immigration reform is another day of missed economic opportunities. In the months since the Senate passed S. 744, our economy has missed out on a net \$5.4 billion in additional tax revenues. With each additional day that passes, another \$37 million in revenue is lost.⁴⁴ The human cost of inaction is also tremendous. Since the Senate passed its immigration reform bill, it has been estimated that more than 162,000 people have been deported.⁴⁵ The time is long overdue for the House to bring one of its immigration bills to the floor for a vote.

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Endnotes

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