



## **El Pueblo's Response to Senate Immigration Reform Deal**

On Thursday, May 17, the U.S. Senate announced to the country that they had successfully negotiated an immigration reform package that brought together both Democratic and Republican Senators and the White House. While it is important to recognize the hard work that has gone into moving this debate forward and away from an enforcement-only framework, the Senate's current proposal for immigration reform is unworkable, anti-family, and unacceptable.

El Pueblo does not support the current bill as it is written and calls on the U.S. Senate to make major revisions that will honor the intrinsic value of families, protect the rights of *all* workers, and eliminate the creation of a "class-based" immigration system. Following is a summary of our concerns:

### **This proposal does not provide a reasonable path of earned legalization and eventual citizenship.**

Under the proposal, undocumented immigrants who entered the country before January 1, 2007 could apply for a probationary visa by submitting an application process, completing a series of background checks, and paying fines and fees totaling \$5,000. They would remain in this legal, but probationary status, until a set of triggers is set off: successful militarization of the border, expansion of the Basic Pilot Employment Authorization system, and clearing of the current family application backlog (estimated to take at least 8 years).

While in probationary status, families must earn points in a new "merit-based" system. Points can be earned for certain skills and attributes they bring to the U.S., including, ability to speak English, level of schooling, training in science/math/technology, job offers in a special field, employer endorsement, and family ties to the U.S.

Once the triggers have been met and enough points have been earned, the head-of-household of a family in probationary status would be required to leave the country and their family to file an application for legal permanent residence. It is not clear how many years it would take for those applications to be processed or how long the "head-of-household" would be separated from their family. In addition, they would pay another penalty of \$4,000 for a total of \$9,000 in fines and fees.

These requirements for earned legalization are unacceptable in that they set up a class-based system of immigration that excludes many hard-working immigrant families who have contributed greatly to this country despite limited education and limited financial means. Further, requiring parents to leave behind their spouses and children for a significant length of time in order to apply for family visas is deeply harmful to immigrant families and the fabric of our communities.

### **This proposal harms all workers and puts sustainable immigration reform on a path to failure.**

The Senate proposal creates a new temporary Y worker program that allows industry to hire foreign workers to perform jobs that "Americans are not doing." Four levels of Y-visas would be created: a Y-1 visa for non-seasonal workers (400,000 visas a year), a Y-2A visa for seasonal agricultural workers

(unlimited visas a year), a Y-2B visa for seasonal non-agricultural workers (100,000 visas a year), and a Y-3 visa for spouses and minor children of temporary workers (80,000 or 20% of annual limit for Y1 visas per year).

Y-visa temporary workers would be able to work in the U.S. with approved employers for a period of two years. Temporary workers with a Y-1 visa (non-seasonal workers) could renew their visa up to two times if they return to their home country for a one-year period between each renewal. Seasonal workers with a Y-2A or Y-2B visa would qualify for a 10-month visa with no extensions.

Families of Y-visa workers would only be allowed to accompany the temporary workers if that worker can show they have valid medical insurance and earn enough money to support their family at 150% above the federal poverty guidelines.

Temporary workers in the Y-visa program must be paid wages “not less than the greater of the actual wage paid by the employer to all other similarly situated workers.” Specific details about workers’ rights have not been available yet.

This temporary guestworker program is simply a re-creation of the failed *bracero* program of years past and an expansion of our currently failing guestworker program. The re-creation of a two-tiered worker program not only puts temporary workers with less rights and protections in harms way, but also threatens the ability of *all* workers to fight back against depressed wages and deteriorating working conditions in entire labor markets. If history is any indicator, then this temporary guestworker program will invariably create a new pool of undocumented immigrants and lead us all back into the same situation in the *next* twenty years.

**This proposal doesn’t unify families and chooses to devalue them in favor of the economic market.**

This proposal completely restructures the current system by which immigrants are able to enter the country from one that is family-based to one that is employment/merit based. Several family categories are eliminated or limited in the new system, including: adult children of U.S. citizens and legal permanent residents (eliminated), brothers and sisters of U.S. citizens (eliminated), parents of U.S. citizens (limited to 40,000 a year), and spouses and children of legal permanent residents (limited to 87,000 a year).

The current immigration system has been hopelessly backlogged with applications sitting “in process” for over twenty years. The proposal would give 440,000 visas in the hopes of completely clearing out the family backlog in 8 years. However, this would only apply to applications filed before May 1, 2005. Any application that falls within an eliminated category filed *after* that date would be cancelled.

This proposal positions immigrants as sources of labor with varying degrees of value depending on their level of education and area of profession. The richness of immigrants who set down familial roots in this country is completely devalued and seen as a source of immigration that is most easily cut off without jeopardizing the infamous “source of cheap labor.” It reflects a complete and deep failure to recognize the importance of families in supporting and promoting successful and generational integration of immigrants into their new communities.

## **In Conclusion**

El Pueblo’s work on comprehensive immigration reform and our analysis of legislative proposals is guided by a set of core principles. It is our position that comprehensive immigration reform:

- Must be comprehensive
- Provide a reasonable path of earned legalization and eventual citizenship
- Protect *all* workers and provide opportunities for safe future migration
- Reunite families and reduce the immigration backlogs
- Respect the safety and security of *all* in immigration law enforcement

We have seen real progress in the immigration reform debate as we have continued to move away from enforcement-only models towards negotiations around the details of comprehensive immigration reform. However, there is still a long road ahead of us before we can claim that we have reached a solution that respects the humanitarian realities of immigrant families as much as the economic and national security needs of this country.

El Pueblo is committed to contributing to this debate and moving these bills as far as possible in the direction of just and humane immigration reform. We will continue to advocate for amendments, changes in language, and improvements in provisions throughout the committee process and floor debates. We will not waiver in our commitment to engaging the political process until it is clear that every opportunity to achieve the changes in our laws that are so desperately needed have been exhausted.

#### **For more information**

**Marisol Jiménez McGee**  
Advocacy Director  
[Marisol@elpueblo.org](mailto:Marisol@elpueblo.org)

**Zulayka Santiago**  
Executive Director  
[Santiago@elpueblo.org](mailto:Santiago@elpueblo.org)

El Pueblo, Inc.  
4 N. Blount Street, Suite 200  
Raleigh, NC 27601  
(919) 835-1525  
[www.elpueblo.org](http://www.elpueblo.org)