



UNITED STATES SENATE

Immigration Fact Check: Responding To 7 Key Myths

May 22, 2007

1. **MYTH: The border security and employer enforcement triggers can be waived.** It has been asserted that the bill contains the following language: "b) Subsection (a) of this section shall apply only if the President certifies within 180 days of enactment that the border security and other measures described in such subsection can be completed within 18 months of enactment, subject to the necessary appropriations."

FACT: This is false. This language is not in the bill currently, but was in an earlier draft. Instead, the bill contains a sense of Congress that all triggers be met in 18 months. All triggers must be met before the guest worker program or the Z visa program could begin.

2. **MYTH: Z visa applicants (current undocumented) do not have to pay fines.**

FACT: Z visa applicants will have to pay a \$1,000 fine for heads of households and an additional \$500 fine for each dependent (spouses and children). There will also be a processing fee of up to \$1,500 and a \$500 state impact assistance fee. The \$1,000 is not the cost of the visa, but rather a fine for having broken the law. The processing fee will take care of the costs of the visa. The fines and fees are not the only hurdle – applicants must be employed, pass background checks, and agree to meet accelerated English and civics requirements to get their Z visas.

FACT: A Z visa holder wishing to remain in the country under their Z visa indefinitely would still have to renew their visa every four years. Renewing the Z visa means more processing fees (again, up to \$1,500 each time). The financial liability for Z visa holders starts to add up very quickly if holders choose to remain in this status instead of pursuing Legal Permanent Resident (LPR) status.

3. **MYTH: The bill will impose a huge new tax on businesses that follow the law.**

FACT: Companies are held liable if their contractors and subcontractors hire undocumented workers. However, the Department of Homeland Security will create systems to help ensure these burdens can be met by employers who want to follow the law through the Employment Eligibility Verification System (EEVS) and other procedures.

FACT: This bill seeks to help employers verify the status of workers. Enforcement of the paperwork fines will be targeted against those employers trying to avoid the law and hire illegal workers. The law includes a provision for the Secretary of Homeland Security to send a pre-penalty notice where he believes there may be a violation, and the employer can avoid a penalty by showing mitigating circumstances (e.g., good faith compliance).

FACT: This bill does not seek to put the sole responsibility for legal hiring practices on the government OR the private sector. The bill is designed to have participation from the business community so the government can easily determine which employers are knowingly violating the law.

4. MYTH: The bill does not crack down on employers who violate the law.

FACT: In the bill, fines for hiring an illegal worker are \$5,000 maximum per illegal worker for the first offense, \$10,000 maximum per illegal worker for the second, and \$25,000 maximum per illegal worker for the third.

5. MYTH: Ending the current green card backlog would result in 900,000 new residents per year on top of current numbers.

FACT: The current proposal aims to end the green card backlog in eight years. However, this does not mean that 3.5 to 4 million people over the current number will be admitted into the country. The backlog will be cleared in two ways:

240,000 green cards are being shifted from other priorities within the existing green card pool. This is important – it does not represent an increase in the number of green cards given, it is simply a reallocation of green cards that are authorized for issuance within the current system.

Separately, the number of green cards will be temporarily increased by 200,000 for each of the eight years after the enactment of the bill. This is an increase, but it does not mean 200,000 applicants plus their spouses and children. It is 200,000 new people total.

FACT: About 15 percent of family-based green card recipients are already residing in the U.S. on temporary visas or illegally. Thus, only about 170,000 additional individuals per year are entering the country.

6. MYTH: DHS only has only one day to complete background checks.

FACT: Obtaining Legal Permanent Resident (LPR) status is a multi-step process that includes thorough background checks with no guarantees. It can be broken down into three parts: probationary period, Z status, and LPR.

1. **Probationary Period.** The undocumented worker comes out of the shadows to acknowledge they have broken the law. In order to obtain probationary status, they must

show they are employed and pass a preliminary background check. There is a provision in the bill that says DHS has one day to find a “disqualifying factor,” but that is not the end of the process. That is a very short term way of ensuring that if someone comes out of the shadows and admits their illegality, they will not be deported while the process is ongoing and can continue working while the full background check is completed. At any time if something pops up, the applicant becomes deportable, and will never have a chance at Z status and certainly not LPR status.

2. **Z Status.** If they have passed the hurdles above, the undocumented worker is considered for Z status. At this stage they must pay their \$1,000 fine (\$1,000 is just for a head of household – there is an additional fine of \$500 for each dependent) and processing fees; are subject to updated background checks to make sure they have not committed crimes while in probationary status; agree to meet English and civics standards as a condition of renewal; and show employment. There is no one day “Treatment of applications” in this process. One must complete or agree to all of the above before they are able to achieve Z status.

3. **LPR Status.** Here, there is another \$4,000 fine and more processing fees. More background checks are also conducted in order to make sure that the applicant has kept his or her record clean. The applicant will have had to have stayed employed and met the English and civics requirements. They will have to make an application from their home country, go to the back of the line, and demonstrate merit under the new green card points system. Then, and only then, will the undocumented worker obtain a green card.

7. MYTH: A Rasmussen poll shows Americans support an enforcement-only approach.

FACT: The plan proposed in Rasmussen’s poll does not include many of the components included in the actual plan. Rasmussen asked respondents: “A different proposal has been made that also includes a fence along the Mexican border, more border patrol agents, strict penalties on anyone who hires illegal aliens. This proposal, however, would also offer illegal aliens a path to citizenship if they pay back taxes and other fines. Would you favor or oppose this proposal?”

FACT: The process is much more onerous than the text of Rasmussen's question suggests. In order to have an opportunity for citizenship, undocumented workers will have to pay a total of \$5,000 in fines, pass multiple background checks, complete accelerated English and civics requirements, go back home to apply in their home country, demonstrate merit in the new merit-based green card system, AND go to the back of the line behind those who applied lawfully.

FACT: A recent bi-partisan poll conducted by The Tarrance Group (R) and Lake Research (D) that did include more components of the plan found 75 percent of American voters said they would favor a plan that: provides resources to greatly increase border security; imposes much tougher penalties on employers who hire illegal workers; allows additional foreign workers to come to the U.S. to work for a temporary period; creates a system in which illegal

immigrants could come forward and register, pay a fine, and receive a temporary work permit; and provides these temporary workers with a multi-year path to earned citizenship, if they get to the end of the line and meet certain requirements like living crime free, learning English, and paying taxes. Only 17 percent opposed this plan.