

Immigration Fact Check: Responding To Key Myths

1. **MYTH:** Once an individual is granted a Z visa, his or her family outside the country will be eligible for Z visas including his or her spouse, children, spouse's children, parents and spouse's parents.
 - **FACT:** Z visa eligibility is limited to the finite population of current aliens who were already in the United States illegally as of January 1, 2007. No one outside the U.S. can petition for a Z visa – including family members of Z visa workers.
 - **FACT:** Only green card holders and U.S. citizens may petition to bring family members to the U.S. It will take at least 8 years for the first Z visa recipient to receive a green card, and it will take at least 13 years for the first Z visa recipient to become a citizen.
 - **FACT:** Z visa holders who eventually receive green cards and become citizens will be subject to the tighter limits on family immigration that the bill imposes. The bill limits future family-based visas to the spouses and minor children of U.S. citizens and green card holders, plus a smaller number of parents of U.S. citizens. It eliminates set-asides for siblings and adult children of U.S. citizens.
2. **MYTH:** Illegal immigrants may stay in probationary status for years without having to apply or meet requirements for a Z visa.
 - **FACT:** Illegal immigrants may not obtain probationary status without applying for the Z visa, which requires coming out of the shadows and passing a background check.
 - **FACT:** Probationary status is valid only while a Z visa application is pending – it may be revoked at any time if the applicant is found ineligible for the Z visa, fails to maintain a clean record, or fails the background check required for obtaining a Z visa.
 - **FACT:** If a worker is deemed eligible for a Z visa, probationary status terminates, and the worker must transition to a Z visa or leave the country. Transitioning to Z status will require the worker to pay a \$1,000 fine for head of household and \$500 per dependent; up to \$1,500 in processing fees per applicant, including heads of household and dependents; and a \$500 state impact assistance fee.
 - **FACT:** To remain in the United States, the worker is subject to updated background checks on criminal and security history and must stay employed, maintain a clean record, and meet accelerated English and civics requirements by set deadlines. In addition, Z visa holders must pay processing fees of up to \$1,500 every four years in order to renew the visa. Z visa holders are not entitled to welfare, Food Stamps, SSI, or non-emergency Medicaid.
3. **MYTH:** Immigration and Customs Enforcement has scaled back penalties and arrests in worksite enforcement cases.

- **FACT**: In a much more aggressive approach to cracking down on employers who hire illegal aliens, ICE has replaced the old system of administrative hearings and fines with a much tougher combination of criminal prosecutions and asset forfeitures.
- **FACT**: Arrests for criminal violations brought in worksite enforcement actions – the most effective means of enforcement and best measure of ICE's new approach – have increased significantly from 24 in FY 1999 to a record 716 in FY 2006. There have been 588 criminal arrests since the beginning of FY 2007.
- **FACT**: During the first half of FY 2007, ICE obtained criminal fines, restitutions, and civil judgments in worksite enforcement investigations against egregious violators in excess of \$29 million.
- **FACT**: A 2005 program called "Operation Rollback" assessed \$15,000,000 in civil fines, an amount greater than the sum of administrative fines collected in the previous eight years combined and the largest worksite enforcement penalty in US history.
- **FACT**: ICE's interior enforcement strategy targets not only employers of illegal aliens and immigration violators inside this country but also the many criminal networks that support these activities, including human smuggling and trafficking organizations and document or benefit fraud organizations.

4. **MYTH**: The bill would permit illegal immigrants who have committed violent crimes to remain in the country.

- **FACT**: Applicants convicted of any of a wide range of crimes will not be permitted in the Z visa program. The list of crimes that disqualify applicants extends into the thousands and includes:
 - Any felony
 - Any three misdemeanors
 - Any serious criminal offense
 - Violations of any law relating to a controlled substance
- **FACT**: If a Z visa applicant is rejected because of criminal conduct, the government can immediately place the alien in removal proceedings.
- **FACT**: Any Z visa application that is rejected because of criminal conduct is no longer subject to confidentiality restrictions. DHS has authority to share the information with law enforcement officials, making it easier to identify and deport criminal aliens.

5. **MYTH**: The bill ignores the importance of assimilation.

- **FACT**: An entire subtitle is dedicated to assimilation and outlines several new and expanded assimilation programs, including:
 - Expanding the mission of the DHS Office of Citizenship to include civic integration;
 - Authorizing \$100 million for the office to carry out its new, broader mission;
 - Providing grants to States and localities for integration programs; and

- Directing the Education Department to develop a new English learning program to be made available free over the Internet.
- **FACT**: The bill also declares that English is the language of the United States and directs the United States government to preserve and enhance it.
- **FACT**: Individuals seeking to maintain their Z status must meet accelerated English requirements.