

By Mr. GRAHAM (for himself and Mr. Smith of Oregon):

S . 2668 . A bill to amend the Immigration and Nationality Act to improve procedures for the adjustment of status of aliens, to reduce the backlog of family-sponsored aliens, and for other purposes; to the Committee on the Judiciary.

FAMILY, WORK AND IMMIGRANT INTEGRATION AMENDMENTS OF 2000

Mr. GRAHAM. Mr. President, I rise today to introduce bipartisan immigration legislation that will have a tremendous impact on thousands of families in the United States.

I am very pleased to be working with my colleague, Gordon Smith of Oregon, on this effort.

There are several reasons for the introduction of this legislation.

1. It corrects past injustices.

Many of the immigrants helped by this legislation have been active, productive, hard-working members of our community for many years.

For example, the majority of Central Americans helped by this legislation have been in the United States since the early 1980s, when they fled tyranny and turmoil in their home countries.

They were welcomed into our nation by President Ronald Reagan.

These Central American nationals were made retroactively deportable by the 1996 immigration bill.

This legislation provides a state option to help legal immigrant children get needed health care.

The 1996 welfare bill deprived vulnerable, legal children from benefits.

This change is good public policy, from a health care perspective, an immigration perspective and a humanitarian perspective.

2. It is pro-family.

This legislation will speed the process that reunites family members.

It has been over ten years since the limits on family immigration were adjusted. This has resulted in waiting periods that could last years to bring immediate family members together.

Spouses and children would have an easier time in obtaining visas to visit their loved ones through this legislation.

In current practice, it is often very difficult to travel to visit legal residents in the United States while their immigration documents are pending--our legislation would ease the bureaucracy to allow families to be together for the events that shape their lives.

3. It is pro-business.

Congress has focused this session on increasing the number of high-tech workers for U.S. companies. I have long been supportive of that proposal.

Protections are in place for U.S. workers, and American business has the resources needed to keep our economy booming.

This legislation is pro-business in two ways.

It builds the pool of legal workers available by swifter family reunification.

And it offers an avenue for those workers who are already here and working to remain here.

They can stay here, and increase the productivity of our nation's businesses, or they can leave and work for foreign competitors.

I want them to stay.

Alan Greenspan agrees.

He has said during a House Banking and Financial Services Committee meeting in July of last year:

Aggregated demand is putting very significant pressures on an ever-decreasing supply of unemployed labor. The one obvious means that we can use to offset that is expanding the number of people we allow in. . . . I think in reviewing our immigration laws in the context of the type of economy which we will be enjoying in the decade ahead is clearly on the table. . . .

4. Its omnibus nature allows groups to work together toward a common goal

All sides win in this equation.

Families. Children. Business. Our economy By combining forces, groups that care about these issues can work together toward a comprehensive, prudent, rational immigration policy.

These coalitions are already being built.

I would like to submit a letter from May 16, 2000 from Jack Kemp, Henry Cisneros, and a wide range of business, religious, labor and immigrant advocacy groups endorsing components of this legislation.

This is a wonderful example of groups at the national and local level coalescing together around pro-family, pro-business, pro-justice ideals.

Our current immigration debates have had the negative effect of pitting one segment of our society against another, and pitting one nationality against another.

In the past . . . the debate has been if businesses get more workers, family reunification will suffer.

Nicaraguans and Cubans receive a swifter and more generous immigration status than similarly situated Central American and Caribbean nationals.

No one wins if these divides remain.

All of us win if we can work together and strengthen our nation by correcting past injustices, reuniting families and providing American businesses with the workers they desperately need.

I urge my colleagues to support this measure.

Since the bill covers many issues, I would like to submit a summary of the legislation for the Record along with the test and a supporting letter.

S. 2668 IS

106th CONGRESS

2d Session

S. 2668

To amend the Immigration and Nationality Act to improve procedures for the adjustment of status of aliens, to reduce the backlog of family-sponsored aliens, and for other purposes.

IN THE SENATE OF THE UNITED STATES

May 25, 2000

Mr. GRAHAM (for himself and Mr. SMITH of Oregon) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to improve procedures for the adjustment of status of aliens, to reduce the backlog of family-sponsored aliens, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Family, Work and Immigrant Integration Amendments of 2000'.

TITLE I--CENTRAL AMERICAN AND HAITIAN PARITY

SEC. 101. SHORT TITLE.

This title may be cited as the 'Central American and Haitian Parity Act of 2000'.

SEC. 102. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS FROM EL SALVADOR, GUATEMALA, HONDURAS, AND HAITI.

Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended--

(1) in the section heading, by striking 'NICARAGUANS AND CUBANS' and inserting 'NICARAGUANS, CUBANS, SALVADORANS, GUATEMALANS, HONDURANS, AND HAITIANS';

(2) in subsection (a)(1)(A), by striking '2000' and inserting '2003';

(3) in subsection (b)(1), by striking 'Nicaragua or Cuba' and inserting 'Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti'; and

(4) in subsection (d)--

(A) in subparagraph (A), by striking 'Nicaragua or Cuba' and inserting 'Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti; and

(B) in subparagraph (E), by striking '2000' and inserting '2003'.

**SEC. 103. APPLICATIONS PENDING UNDER AMENDMENTS
MADE BY SECTION 203 OF THE NICARAGUAN ADJUSTMENT
AND CENTRAL AMERICAN RELIEF ACT.**

An application for relief properly filed by a national of Guatemala or El Salvador under the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, shall, at the election of the applicant, be considered to be an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by section 402 of this Act, upon the payment of any fees, and in accordance with procedures, that the Attorney General shall prescribe by regulation. The Attorney General may not refund any fees paid in connection with an application filed by a national of Guatemala or El Salvador under the amendments made by section 203 of that Act.

**SEC. 104. APPLICATIONS PENDING UNDER THE HAITIAN
REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.**

An application for adjustment of status properly filed by a national of Haiti under the Haitian Refugee Immigration Fairness Act of 1998 which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, may be considered by the Attorney General, in the unreviewable discretion of the Attorney General, to also constitute an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by section 402 of this Act.

**SEC. 105. TECHNICAL AMENDMENTS TO THE NICARAGUAN
ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.**

(a) IN GENERAL- Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended--

(1) in subsection (a)--

(A) by inserting before the period at the end of paragraph (1)(B) the following: ', and the Attorney General may, in the unreviewable discretion of the Attorney General, waive the grounds of inadmissibility specified in section 212(a)(1) (A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

'(2) INAPPLICABILITY OF CERTAIN PROVISIONS- In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, the provisions of section 241(a)(5) of the Immigration and

Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.'; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

'(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS- An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.';

(2) in subsection (b)(1), by adding at the end the following: 'Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for relief under that subsection in deportation or removal proceedings.';

(3) in subsection (c)(1), by adding at the end the following: 'Nothing in this Act requires the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.';

(4) in subsection (d)--

(A) by amending the subsection heading to read as follows: 'SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS- ';

(B) by amending the heading of paragraph (1) to read as follows: 'ADJUSTMENT OF STATUS- ';

(C) by amending paragraph (1)(A) to read as follows:

'(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 1999';

(D) in paragraph (1)(B), by striking 'except that in the case of' and inserting the following: 'except that--

'(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before

the date of enactment of the Central American and Haitian Parity Act of 1999; and

(ii) in the case of; and

(E) by adding at the end the following new paragraph:

(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS-

(A) IN GENERAL- In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child--

(i) meets the requirements in paragraphs (1) (B) and (1) (D); and

(ii) applies for such a visa within a time period to be established by such regulations.

(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS- The Secretary of State

may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees--

(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.';

(5) in subsection (g), by inserting ', or an immigrant classification,' after 'for permanent residence'; and

(6) by adding at the end the following new subsection:

(i) STATUTORY CONSTRUCTION- Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.'

(b) EFFECTIVE DATE- The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Nicaraguan and Central American Relief Act. The amendments made by paragraphs (1) (A)-(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 106. TECHNICAL AMENDMENTS TO THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL- Section 902 of the Haitian Refugee Immigration Fairness Act of

1998 is amended--

(1) in subsection (a)--

(A) by inserting before the period at the end of paragraph (1)(B) the following: ', and the Attorney General may waive the grounds of inadmissibility specified in section 212(a) (1)(A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

'(2) INAPPLICABILITY OF CERTAIN PROVISIONS- In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, or for permission to reapply for admission to the United States for the purpose of adjustment of status under this section, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.'; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

'(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS- An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.';

(2) in subsection (b)(1), by adding at the end the following: 'Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for such relief under that subsection in deportation or removal proceedings.';

(3) in subsection (c)(1), by adding at the end the following: 'Nothing in this Act shall require the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.'; Leslie Bernstein/WHO/EOP

(4) in subsection (d)--

(A) by amending the subsection heading to read as follows: 'SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS-';

(B) by amending the heading of paragraph (1) to read as follows: 'ADJUSTMENT OF STATUS-';

(C) by amending paragraph (1)(A), to read as follows:

'(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 1999;';

(D) in paragraph (1)(B), by striking 'except that in the case of' and inserting the following: 'except that--

'(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 1999; and

'(ii) in the case of;

(E) by adding at the end of paragraph (1) the following new subparagraph:

'(E) the alien applies for such adjustment before April 3, 2003.'; and

(F) by adding at the end the following new paragraph:

'(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS-

'(A) IN GENERAL- In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child--

'(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

'(ii) applies for such a visa within a time period to be established by such regulations.

'(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS- The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees--

'(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

'(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.';

(5) in subsection (g), by inserting ', or an immigrant classification,' after 'for permanent residence';

(6) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(7) by inserting after subsection (h) the following new subsection:

'(i) STATUTORY CONSTRUCTION- Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.'

(b) EFFECTIVE DATE- The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Haitian Refugee Immigration Fairness Act of 1998. The amendments made by paragraphs (1) (A)-(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 107. MOTIONS TO REOPEN.

(a) NATIONALS OF HAITI- Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Haiti who, on the date of enactment of this Act, has a final administrative denial of an application for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998, and is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998.

(b) NATIONALS OF CUBA- Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Cuba or Nicaragua who, on the date of enactment of the Act, has a final administrative denial of an application for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act, and who is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act.

TITLE II--FILING DEADLINES FOR ADJUSTMENT OF STATUS OF CERTAIN CUBAN, NICARAGUAN, AND HAITIAN NATIONALS

SEC. 201. EXTENSION OF FILING DEADLINES FOR APPLICATIONS FOR ADJUSTMENT OF STATUS OF CERTAIN CUBAN, NICARAGUAN, AND HAITIAN NATIONALS.

(a) NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT- Notwithstanding the expiration of the application filing deadline in section

202(a)(1) of the Nicaraguan Adjustment and Central American Relief Act (as contained in Public Law 105-100; 8 U.S.C. 1255 note), a Cuban or Nicaraguan national who is otherwise eligible for adjustment of status under that section may apply for that status through the date that is one year after the date of promulgation by the Attorney General of final regulations for the implementation of that section.

(b) HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT- Notwithstanding the expiration of the application filing deadline in section 902(a) of the Haitian Refugee Immigration Fairness Act of 1998 (as added by section 101(h) of division A of Public Law 105-277), a Haitian national who is otherwise eligible for adjustment of status

under that section may apply for that status through the date that is one year after the date of promulgation by the Attorney General of final regulations for the implementation of that section.

TITLE III--LIBERIAN REFUGEE IMMIGRATION FAIRNESS

SEC. 301. SHORT TITLE.

This title may be referred to as the 'Liberian Refugee Immigration Fairness Act of 2000'.

SEC. 302. ADJUSTMENT OF STATUS.

(a) ADJUSTMENT OF STATUS-

(1) IN GENERAL-

(A) ELIGIBILITY- The Attorney General shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence, if the alien--

(i) applies for adjustment before April 1, 2004; and

(ii) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(B) INELIGIBLE ALIENS- An alien shall not be eligible for adjustment of status under this section if the Attorney General finds that the alien has been convicted of--

(i) any aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))); or

(ii) two or more crimes involving moral turpitude.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS- An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1), if otherwise qualified under that paragraph. Such an alien may not be required, as a condition on

submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General makes a final decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS-

(1) IN GENERAL- The benefits provided by subsection (a) shall apply to any alien--

(A) who is--

(i) a national of Liberia; and

(ii) has been continuously present in the United States from January 1, 1999, through the date of application under subsection (a); or

(B) who is the spouse, child, or unmarried son or daughter of an alien described in subparagraph (A).

(2) DETERMINATION OF CONTINUOUS PHYSICAL PRESENCE-

For purposes of establishing the period of continuous physical presence referred to in paragraph (1), an alien shall not be considered to have failed to maintain continuous physical presence by reasons of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(c) STAY OF REMOVAL-

(1) IN GENERAL- The Attorney General shall provide by regulation for an alien who is subject to a final order of deportation or removal or exclusion to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS- Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order an alien to be removed from the United States if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has made a final determination to deny the application.

(3) WORK AUTHORIZATION- The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an 'employment authorized' endorsement or other appropriate document signifying authorization of employment, except that, if such application is pending for a period exceeding 180 days and has

not been denied, the Attorney General shall authorize such employment.

(d) RECORD OF PERMANENT RESIDENCE- Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent record as of the date of the

alien's arrival in the United States.

(e) **AVAILABILITY OF ADMINISTRATIVE REVIEW**- The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to--

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) **LIMITATION ON JUDICIAL REVIEW**- A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) **NO OFFSET IN NUMBER OF VISAS AVAILABLE**- Whenever an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) **APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS**- Except as otherwise specifically provided in this title, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this title shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, function, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

TITLE IV--INCREASED FLEXIBILITY IN EMPLOYMENT-BASED IMMIGRATION

SEC. 401. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) **SPECIAL RULES**- Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS-

(A) **EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE**- If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

(B) **LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E)**- In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas

that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).'

(b) CONFORMING AMENDMENTS-

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking 'paragraphs (3) and (4)' and inserting 'paragraphs (3), (4), and (5)'

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking 'the proportion of the visa numbers' and inserting 'except as provided in subsection (a)(5), the proportion of the visa numbers'

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING-

Notwithstanding section 214(g)(4) of the Immigration and Nationality Act, any alien who--

(1) is the beneficiary of a petition filed under section 204(a) for a preference status under paragraph (1), (2), or (3) of section 203(b); and

(2) is eligible to be granted that status but for application of the per country limitations applicable to immigrants under those paragraphs,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 402. INCREASED PORTABILITY OF H-1B STATUS.

(a) IN GENERAL- Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

'(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such

nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

'(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien--

'(A) who has been lawfully admitted into the United States;

'(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

'(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.'

(b) EFFECTIVE DATE- The amendment made by subsection (a) shall apply to

petitions filed before, on, or after the date of enactment of this Act.

SEC. 403. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) **EXEMPTION FROM LIMITATION-** The limitation contained in section 214(g)(4) of the Immigration and Nationality Act with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act on whose behalf a petition under section 204(b) to accord the alien immigrant status under section 203(b), or an application for adjustment of status under section 245 to accord the alien status under section 203(b), has been filed, if 365 days or more have elapsed since--

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under section 203(b)); or

(2) the filing of the petition under section 204(b).

(b) **EXTENSION OF H1-B WORKER STATUS-** The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

(c) INCREASED JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS-

(1) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

“(j) **JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENCE-** A petition under subsection (a)(1)(D) for an individual whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the petition was filed.”.

(2) Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following new clause:

“(iv) **LONG DELAYED ADJUSTMENT APPLICANTS-** A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.”.

(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS-

(1) **IN GENERAL-** Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this subsection shall

only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act.

(2) NUMBER AVAILABLE-

(A) **IN GENERAL-** Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal year 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) **REDUCTION-** The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas made available under paragraph (1) for previous fiscal years.

(C) **CONSTRUCTION-** Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED- For purposes of this subsection, the term 'employment-based visa' means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

TITLE V--RESTORATION OF SECTION 245(i)

**SEC. 501. REMOVAL OF CERTAIN LIMITATIONS ON
ELIGIBILITY FOR ADJUSTMENT OF STATUS UNDER SECTION
245(i).**

(a) **IN GENERAL-** Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking '(i)(1)' through 'The Attorney General' and inserting the following:

'(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who--

'(A) entered the United States without inspection; or

'(B) is within one of the classes enumerated in subsection (c) of this section;

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General'.

(b) **EFFECTIVE DATE-** The amendment made by subsection (a) shall be effective as if included in the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119; 111 Stat. 2440).

TITLE VI--REGISTRY DATES

SEC. 601. SHORT TITLE.

This title may be cited as the 'Date of Registry Act of 2000'.

**SEC. 602. RECORD OF ADMISSION FOR PERMANENT
RESIDENCE IN THE CASE OF CERTAIN ALIENS.**

(a) **IN GENERAL-** Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended--

(1) in subsection (a), by striking 'January 1, 1972' and inserting 'January 1, 1986'; and

(2) by striking 'JANUARY 1, 1972' in the heading and inserting 'JANUARY 1, 1986'.

(b) **EFFECTIVE DATES-**

(1) **GENERAL RULE-** The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

(2) **EXTENSION OF DATE OF REGISTRY-**

(A) **PERIOD BEGINNING JANUARY 1, 2002-** Beginning on January 1, 2002, section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended by striking 'January 1, 1986' each place it appears and inserting 'January 1, 1987'.

(B) **PERIOD BEGINNING JANUARY 1, 2003-** Beginning on January 1, 2003, section 249 of such Act is amended by striking 'January 1, 1987' each place it appears and inserting 'January 1, 1988'.

(C) **PERIOD BEGINNING JANUARY 1, 2004-** Beginning on January 1, 2004, section 249 of such Act is amended by striking 'January 1, 1988' each place it appears and inserting 'January 1, 1989'.

(D) **PERIOD BEGINNING JANUARY 1, 2005-** Beginning on January 1, 2005, section 249 of such Act is amended by striking 'January 1, 1989' each place it appears and inserting 'January 1, 1990'.

(E) **PERIOD BEGINNING JANUARY 1, 2006-** Beginning on January 1, 2006, section 249 of such Act is amended by striking 'January 1, 1990' each place it appears and inserting 'January 1, 1991'.

**TITLE VII--BACKLOG REDUCTION FOR FAMILY-SPONSORED
IMMIGRANTS**

SEC. 701. FAMILY BACKLOG REDUCTION.

(a) **WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS-**

Notwithstanding section 201(a)(1) of the Immigration and Nationality Act, the number of aliens who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted for permanent residence as a family-sponsored immigrant described in section 203(a) of such Act (or who are admitted under section 211(a) of such Act on the basis of a prior issuance of a visa to their accompanying parent under such section 203(a)) in any fiscal year is limited to--

(1) the number provided for in section 201(a)(1) of such Act, plus

(2) 200,000 for fiscal year 2001 and each fiscal year thereafter.

(b) PER COUNTRY LEVELS FOR FAMILY-SPONSORED IMMIGRANTS-

(1) Notwithstanding section 202(a)(2) of the Immigration and Nationality Act, the total number of immigrant visas made available to natives of any single foreign state or dependent area under subsections (a) and (b) of section 203 of that Act in any fiscal year may not exceed the sum of--

(A) the number specified in section 202(a)(2) of that Act, plus

(B) the number computed under paragraph (2).

(2) The number computed under this paragraph is--

(A) 33 percent of the number computed under section 202(a)(2) of that Act for each of fiscal years 2001, 2002, 2003, 2004, and 2005, or

(B) 25 percent of the number computed under section 202(a)(2) for each fiscal year thereafter.

(c) AUTHORIZATION OF APPROPRIATIONS- (1) There are authorized to be appropriated to the Department of Justice and the Department of State such sums as may be necessary to provide for the additional visa issuances and admissions authorized under subsection (a).

(2) There are authorized to be appropriated to the Department of Justice such sums as may be necessary to process backlog adjudications of the Immigration and Naturalization Service.

TITLE VIII--ALIEN CHILDREN PROTECTION

SEC. 801. SHORT TITLE.

This Act may be cited as the 'Alien Children Protection Act of 2000'.

SEC. 802. USE OF APPROPRIATE FACILITIES FOR THE DETENTION OF ALIEN CHILDREN.

(a) IN GENERAL- Except as provided in subsection (b), in the case of any alien under 18 years of age who is awaiting final adjudication of the alien's immigration status and who does not have a parent, guardian, or relative in the United States into whose custody the alien may be released, the Attorney General shall place such alien in a facility appropriate for children not later than 72 hours after the Attorney General has taken custody of the alien.

(b) EXCEPTION- The provisions of subsection (a) do not apply to any alien under 18 years of age who the Attorney General finds has engaged in delinquent behavior, is an escape risk, or has a security need greater than that provided in a facility appropriate for children.

(c) DEFINITION- In this section, the term 'facility appropriate for children' means a facility, such as foster care or group homes, operated by a private nonprofit organization, or by a local governmental entity, with experience and expertise in providing for the legal, psychological, educational, physical, social, nutritional, and health requirements of children. The term 'facility appropriate for children' does not include any facility used primarily to house adults or delinquent minors.

SEC. 803. ADJUSTMENT TO PERMANENT RESIDENT STATUS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

“(1) The Attorney General may, in the Attorney General's discretion, adjust the status of an alien under 18 years of age who has no lawful immigration status in the United States to that of an alien lawfully admitted for permanent residence if--

“(A)(i) the alien (or a parent or legal guardian acting on the alien's behalf) has applied for the status; and

“(ii) the alien has resided in the United States for a period of 5 consecutive years; or

“(B)(i) no parent or legal guardian requests the alien's return to the country of the parent's or guardian's domicile, or with respect to whom the Attorney General finds that returning the child to his or her country of origin would subject the child to mental or physical abuse; and

“(ii) the Attorney General determines that it is in the best interests of the alien to remain in the United States notwithstanding the fact that the alien is not eligible for asylum protection under section 208 or protection under section 101(a)(27)(J).

“(2) The Attorney General shall make a determination under paragraph (1)(B)(ii) based on input from a person or entity that is not employed by or a part of the Service and that is qualified to evaluate children and opine as to what is in their best interest in a given situation.

“(3) Upon the approval of adjustment of status of an alien under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval, and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) for the fiscal year then current.

“(4) Not more than 500 aliens may be granted permanent resident status under this subsection in any fiscal year.”.

SEC. 804. ASSIGNMENT OF GUARDIANS AD LITEM TO ALIEN CHILDREN.

(a) ASSIGNMENT- Whenever a covered alien is a party to an immigration proceeding, the Attorney General shall assign such covered alien a child welfare professional or other individual who has received training in child welfare matters and who is recognized by the Attorney General as being qualified to serve as a guardian ad litem (in this section referred to as the “guardian”). The guardian shall not be an employee of the Immigration and Naturalization Service.

(b) RESPONSIBILITIES- The guardian shall ensure that--

(1) the covered alien's best interests are promoted while the covered alien participates in, or is subject to, the immigration proceeding; and

(2) the covered alien understands the proceeding.

(c) REQUIREMENTS ON THE ATTORNEY GENERAL- The Attorney General shall serve notice of all matters affecting a covered alien's immigration status (including all papers filed in an immigration proceeding) on the covered alien's guardian.

(d) DEFINITION- In this section, the term 'covered alien' means an alien--

(1) who is under 18 years of age;

(2) who has no lawful immigration status in the United States and is not within the physical custody of a parent or legal guardian; and

(3) whom no parent or legal guardian requests the person's return to the country of the parent's or guardian's domicile or with respect to whom the Attorney General finds that returning the child to his

or her country of origin would subject the child to physical or mental abuse.

SEC. 805. SENSE OF CONGRESS.

Congress commends the Immigration and Naturalization Service for its issuance of its 'Guidelines for Children's Asylum Claims', dated December 1998, and encourages and supports the Service's implementation of such guidelines in an effort to facilitate the handling of children's asylum claims.

SEC. 806. GENERAL ACCOUNTING OFFICE REPORT.

The Comptroller General of the United States shall prepare a report to Congress regarding whether and to what extent United States Embassy and consular officials are fulfilling their obligation to reunify, on a priority basis, children in foreign countries whose parent or parents are legally present in the United States.

TITLE IX--BENEFITS RESTORATION

SEC. 901. SHORT TITLE.

This title may be cited as the 'Immigrant Children's Health Improvement Act of 2000'

SEC. 902. OPTIONAL ELIGIBILITY OF CERTAIN ALIEN PREGNANT WOMEN AND CHILDREN FOR MEDICAID.

(a) IN GENERAL- Subtitle A of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611-1614) is amended by adding at the end the following:

'SEC. 405. OPTIONAL ELIGIBILITY OF CERTAIN ALIENS FOR MEDICAID.

'(a) OPTIONAL MEDICAID ELIGIBILITY FOR CERTAIN ALIENS- A State may elect to waive (through an amendment to its State plan under title XIX of the Social Security Act) the application of sections 401(a), 402(b), 403, and 421 with respect to eligibility for medical assistance under the program defined in section 402(b)(3)(C) (relating to the medicaid program) of aliens who are lawfully residing in the United States (including battered aliens described in section 431(c)), within any or all (or any combination) of the following categories of individuals:

`(1) PREGNANT WOMEN- Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

`(2) CHILDREN- Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).'

(b) APPLICABILITY OF AFFIDAVITS OF SUPPORT- Section 213A(a) of the Immigration and Nationality Act (8 U.S.C. 1183a(a)) is amended by adding at the end the following:

`(4) INAPPLICABILITY TO BENEFITS PROVIDED UNDER A STATE WAIVER- For purposes of this section, the term `means-tested public benefits' does not include benefits provided pursuant to a State election and waiver described in section 405 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.'

(c) CONFORMING AMENDMENTS-

(1) Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(a)) is amended by inserting `and section 405' after `subsection (b)'

(2) Section 402(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(1)) is amended by inserting `section 405,' after `403'.

(3) Section 403(a) of such Act (8 U.S.C. 1613(a)) is amended by inserting `section 405 and' after `provided in'.

(4) Section 421(a) of such Act (8 U.S.C. 1631(a)) is amended by inserting `except as provided in section 405,' after `Notwithstanding any other provision of law,'.

(5) Section 1903(v)(1) of the Social Security Act (42 U.S.C. 1396b(v)(1)) is amended by inserting `and except as permitted under a waiver described in section 405(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996,' after `paragraph (2),'

(d) EFFECTIVE DATE- The amendments made by this section take effect on October 1, 1999.

SEC. 903. OPTIONAL ELIGIBILITY OF IMMIGRANT CHILDREN FOR SCHIP.

(a) IN GENERAL- Section 405 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as added by section 102(a), is further amended--

(1) in the heading, by inserting `and schip' before the period; and under that section may apply for that status through the date that is one year after the date of promulgation by the Attorney General of final regulations for the implementation of that section.

TITLE X--ADMISSION OF SPOUSES AND CHILDREN OF CERTAIN NONIMMIGRANTS

SEC. 1001. ADMISSION OF CERTAIN 'B' AND 'F' VISA
NONIMMIGRANTS WHO ARE SPOUSES OR CHILDREN OF
UNITED STATES PERMANENT RESIDENT ALIENS.

Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end thereof the following new subsection:

'(r)(1) Notwithstanding any other provision of law, no alien--

'(A) who is--

'(i) the spouse or child of an alien lawfully admitted for permanent residence to the United States; and

'(ii) not eligible to enter the United States as an immigrant except by reason of being such a spouse or child; and

'(B) who seeks admission to the United States for purposes of visiting the permanent resident spouse or parent or for studying in the United States; and

'(C) who is otherwise qualified;

may be denied issuance of a visa, or may be denied admission to the United States, as a nonimmigrant alien described in section 101(a)(15)(B) who is coming to the United States temporarily for pleasure or as a nonimmigrant alien described in section 101(a)(15)(F).

'(2) Whenever an alien described in paragraph (1) seeks admission to the United States as a nonimmigrant alien described in section 101(a)(15)(B) who is coming temporarily for pleasure or as a nonimmigrant alien described in section 101(a)(15)(F), the fact that a petition has been filed on the alien's behalf for classification of the alien as an alien lawfully admitted for permanent residence shall not constitute evidence of the alien's intention to abandon his or her foreign residence.'



...DE LAS AMERICAS



VOLUME V, ISSUE 1

A PUBLICATION OF THE WILLIAM C. VELÁSQUEZ INSTITUTE

SPRING 2000

SENATOR GRAHAM (D-FL) TO INTRODUCE LANDMARK AMNESTY BILL

Editor's Note: As we go to print, a bill of major importance is being prepared to be introduced in the U.S. Senate by Senator Bob Graham (D-FL). The bill would provide adjustment of status or "amnesty" to over one million undocumented workers if approved. Following is a summary of the bill prior to its submission.

Summary of draft Senate bill: The Family, Work and Immigrant Integration Amendments of 2000.

1. Benefits Restoration: restores modest benefits for

legal immigrants, including optional eligibility of certain immigrants for Medicaid and optional eligibility of immigrant children for SCHIP programs (state and health plans). States would be given the option to provide Medicaid to all children and pregnant women who are lawfully residing in the U.S., regardless of when they arrived. Pregnant women would remain eligible during the first 60 days after their pregnancy. If a state elects the Medicaid option, it may also provide all lawfully present children access to its CHIP (state child health plan) program. Immigrant sponsors would not be required to pay back

(Continued on page 4)

HENRY CISNEROS AND JACK KEMP CONVENE NATIONAL AD HOC ALLIANCE FOR IMMIGRATION REFORM, NEW AMNESTY

In a bold gesture of bipartisan leadership, Univision President Henry Cisneros and Jack Kemp, Empower America Chair, convened a national summit on immigration reform on April 12th, 2000. The two former Cabinet Secretaries called for the meeting in order to suggest a legislative agenda for 2000 that would prioritize gaining approval of a new adjustment program or "amnesty" for undocumented workers. Current estimates are four to six million undocumented persons reside in the U.S., over half being Latino.

The meeting included over sixty representatives from key international unions, business associations, immigrant rights groups, Latino, Asian-Pacific Islander, Black, Arab, Jewish, Church and other groups. The



Henry G. Cisneros
President & COO
Univision Communications Inc.



Jack Kemp
Executive Director
Empower America

group agreed in principle on the need of a thoroughgoing reform of U.S. immigration law including issues of adjustment ("amnesty"), due process, family reunification, and so on. The participants also agreed to engage in a substantive process that would hopefully lead to a consensus position and legislative strategy. Cisneros argued persuasively that the best time to push for legislation was in 2000.

(Continued on page 4)

SPECIAL REPORT:

LABOR MARKET IMPACTS OF AMNESTY

BY DR. RAÚL HINOJOSA-OJEDA

SEE PAGE 6



WCVI President's Editorial

Leverage the Power of the Latino Vote in 2000, Join the Amnesty Alliance



Antonio González
William C. Velásquez Institute

Recent developments may mean that the first opportunity to leverage the power of the Latino vote in 2000 will be the issue of adjustment of status for millions of undocumented persons currently in the U.S. Adjustment of status is also known as legalization or "amnesty" in the Latino community. Over half of the estimated five to six million undocumented persons in the U.S. are Latino. Estimates are that immigrant workers, legal and undocumented, comprise majorities or near majorities of workers in several important industries including: agribusiness, food-processing, apparel, and hospitality.

It is no coincidence that industry associations from the same industries and the AFL-CIO (at the insistence of international unions that organize in the same industries) have adopted positions in favor of some type of adjustment or "amnesty" program. Simply put, these businesses need to legalize their work force to continue to employ them, and labor unions may more easily gain union members from these industries if they have legal status. It's a classic case of self-interest, properly understood.

That's why it's crucial for Latino leadership, as well as others concerned with immigrants, to immediately ally with the business and labor in a broad-based, left-right alliance. The strength Latinos bring as the electoral group most in demand in 2000 by both parties and presidential candidates should be enough to persuade the republican-controlled congress and the democratic-controlled White House to speedily approve a new amnesty for the undocumented.

As Henry Cisneros put it at an April 12th immigration reform meeting in Washington, D.C. "the stars may be aligning in our favor in 2000." We agree. We invite Latino leadership across the U.S. to join in this effort to bring millions of our brothers and sisters out from under the shadow of illegality into the sunlight of legal permanent residence and eventually citizenship...before the elections! ☒

1999 WCVI SURVEY RESULTS

During July-August, 1999 WCVI conducted a survey of 1,018 Latino registered voters in Texas and California.

Latino Opinion on Amnesty

Overall, Latinos showed great sympathy and understanding for the plight of "illegal" immigrants. Latino voters overwhelmingly supported a new amnesty or legalization program

- CA: 86.7%
- TX: 77.4%

Latino Opinion on Farm Worker Amnesty

The overwhelming majority supported a program where "illegal immigrant" farm workers were allowed to become permanent residents in exchange for several years of mandatory agricultural labor.

- CA: 75.8%
- TX: 67.3%

...de las Américas

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...de las Américas is published by the William C. Velásquez Institute, a national non-profit, research and public-policy organization founded in 1983 to conduct research which will be used to improve the level of political and economic participation in Latino communities. For more information:

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WCVI LAUNCHES INITIATIVE TO LEGALIZE MILLIONS OF UNDOCUMENTED WORKERS IN 2000

The William C. Velásquez Institute (WCVI) will conduct a Latino Community Public Education and Outreach Campaign during the period of June-August 2000 in key regions and states across the U.S. WCVI proposes to generate Latino and public awareness around the "four amnesties": **earned amnesty, late amnesty, NACARA parity for Salvadoran and Guatemalans, and Visa overstay adjustment.** Together, the "four amnesties" can adjust the status of as many as 2 million currently undocumented persons or 33-40% of the national total.

Earned amnesty is a concept to grant legal status to hundreds of thousands of undocumented immigrants in agriculture and perhaps other industries who could "earn" a green card through their work in industries which confront an acute shortage of legal authorized workers. Currently, undocumented workers comprise majorities or near majorities in agribusiness, food processing, apparel, hospitality and other industry sectors.

Late amnesty is a concept to provide full legal immigrant status to an estimated 200,000 persons, primarily Mexican nationals, whom federal courts have ruled were unlawfully discouraged or prevented by INS from applying for the legalization program Congress enacted in 1986 as part of the Immigration Reform and Control Act (IRCA). By definition, these persons have resided in the United States since 1982, were otherwise eligible to legalize their status under IRCA and today remain in the United States without full legal status.

NACARA parity is a concept which would allow several hundred thousand Salvadorans, Hondurans, Guatemalans and Haitians now in the United States in either undocumented or temporary status to acquire full legal status similar to that which Congress provided to Nicaraguans and Cubans in 1997.

Visa overstay adjustment is a concept that would allow several hundred thousand Section 245(i) visa recipients who are in noncompliance with their visas to require legal status.

WCVI is a paramount Latino non-profit policy research and advocacy organization. Our amnesty survey last August shook-up conventional wisdom on the importance of a new amnesty to the Latino community. Since then, we have concluded that only a grass roots educational campaign focusing on key regions where undocumented immigrants are concentrated can generate the pre-conditions needed for passing a new federal amnesty program.

WCVI has access to tens of thousands of community leaders and elected officials in hundreds of Latino communities throughout the U.S. Moreover, WCVI's network leaders, once educated and mobilized has access to non-Latino elected leaders, organizations, and media at all levels of power and influence.

The Amnesty campaign has the following components:

- **Latino Leaders and Activists Educational Briefings**
Briefings will be conducted by WCVI for approximately 1,000 key Latino community leaders and activists in key regions where the issue of amnesty is relevant. Content will include results of WCVI studies, expert speakers, legislative updates, strategy discussions, etc. Briefings will be held in Arizona, California, Nevada, Oregon, Texas, Florida and Washington. If you want to cosponsor a briefing, contact Rebecca Valdez at (323) 222-2217.
- **Latino Community Newspaper Ads**
Bilingual ads educating the public on the "four amnesties" will be run in major Latino community newspapers in key regions during the course of the seminar campaign.
- **Latino Community Targeted Spanish Language Radio Ads**
WCVI will produce and market Spanish-language radio ads and/or bilingual cable TV ads in key markets that promote amnesty at key moments during the June-August period. ✓

SENATOR GRAHAM (D-FL) TO INTRODUCE LANDMARK AMNESTY BILL

(Continued from page 1)

- assistance provided to children or pregnant women.
2. Extension of filing deadlines for applications for adjustment of status of certain Cuban, Nicaraguan, and Haitian nationals: extends the deadline to apply for adjustment of status by one year after the date of issuance of final NACARA regulations.
 3. Liberian Refugee Immigration Fairness: allows Liberian refugees who have been continuously present in the U.S. since January 1, 1999 to apply for adjustment of status.
 4. Central American and Haitian Parity: provides for adjustment of status for Salvadorans, Guatemalans, Hondurans and Haitians on the same terms as that extended to Cubans and Nicaraguans in 1997 under NACARA.
 5. Admission of spouses and children of certain non-immigrants: would allow spouses and children of permanent residents who have green card applications pending enter the U.S. with non-immigrant student and/or visitor visas. Hundreds of thousands can't get non-immigrant student and/or visitor visas now because of State Department interpretations that if you have a green card application pending you are presumed likely to overstay a temporary visa to visit the U.S.
 6. Backlog reduction for family-sponsored immigrants: would provide additional visas for family members of citizens and permanent residents to reduce backlogs in the family-based immigration categories: 250,000 additional visas for three years, 200,000 for two years and 150,000 permanently; per country ceilings are raised proportionately.
 7. Adjustment of status of H-1B workers: would establish an adjustment of status program for H-1B visa holders who can prove that they have worked as H-1Bs in the U.S. for four years. Could file for adjustment independent of their employers and would not be restricted to per country ceilings.
 8. Restoration of Section 245 (i): restores the provision permitting those who are out of status but otherwise eligible for permanent residence to adjust their status in the United States by paying a fine.
 9. 1986 Registry date: updates the current registry date from 1972 to 1986 that allows adjustment of status to all persons of good character who have resided in the United States prior to 1986. The registry date would be moved up one year each for next five years to 1991 in FY 2006. ☒

NATIONAL ALLIANCE FOR NEW AMNESTY *(Continued from page 1)*

After a month of dialogue, the ad hoc group agreed to a consensus position of a core set of issues that included:

*support for NACARA parity (for Salvadorans, Guatemalans, Hondurans, and Haitians),

*provide adjustment of status to those excluded from the 1986 IRCA-based legalization program ("late amnesty" applicants) through a change in the registry date,

*reduce the family reunification backlog, and

*provide adjustment of status or "amnesty" to visa overstays (section 245(i)).

The following statement or letter to congress was endorsed by 44 groups and distinguished leaders. The statement was released at a press conference on Capitol Hill on May 16, 2000. The alliance is continuing the dialogue on other issues and now contemplating a legislative and public education strategy and campaign.

(Continued on page 5)

NATIONAL ALLIANCE FOR NEW AMNESTY *(Continued from page 4)*

Dear [Senator/Representative]

Today, as throughout American history, immigrants have proven essential to the economic, political and social development of our nation. Immigrants make important contributions consistent with America's fundamental values of family, work, justice and community.

It is important that our immigration policies reflect these values and ensure that all persons enjoy equal protection and due process under the Constitution and laws of the land. Our immigration policies should also be responsive to economic needs and ensure appropriate protections and opportunities for citizens and immigrants.

Immigration reforms consistent with American values and economic needs should be a high priority on the national agenda this year.

Currently, there is wide support in Congress for immigration reforms to address the need to better educate and train citizens and lawful immigrants now here, and to increase the number of H-1B visas to admit more highly-skilled immigrants so as to meet the economic needs of certain industries experiencing shortages of workers with these skills. While we may differ on specific provisions of proposed bills, we agree that appropriate skilled immigrant admissions contribute to economic growth and job creation.

The undersigned further believe that, in addition to proposals on high skilled visas, the following issues regarding persons already in the United States or awaiting family reunification also warrant congressional action as early as possible: 1) allow Salvadorans, Guatemalans, Hondurans and Haitians to apply for adjustment of status on the same terms as already provided to Cubans and Nicaraguans in 1997; 2) allow adjustment of status to all persons of good character who have resided in the United States and established ties to American communities; 3) restore the provision permitting those who are out of status but otherwise eligible for permanent residence to adjust their status in the United States; 4) reunite families by establishing a program to provide additional visas for family members of citizens and permanent residents so as to reduce unacceptable backlogs and help stabilize the work force.

Other immigration reforms also deserve congressional action, which will be addressed in further correspondence. We believe that there is a broad consensus now that Congress should enact the proposals noted above on a priority basis in the national interest.

Sincerely,

Henry Cisneros

Jack Kemp

Richard Gilder

Rick Swartz

Bill Ong Hing

American Immigration Lawyers Association,
Jeanne Butterfield, Executive Director
Americans for Tax Reform, Grover Norquist, President
Arab American Institute, James Zogby, President
Center for Equal Opportunity, Linda Chavez, President
Centro Presente, M. Elena Letona, Executive Director
Centro Romero, Daisy Funes, Executive Director
Club for Growth, Steve Moore, President
Dominican American National Roundtable,
Victor Capellan, President
Empower America, J.T. Taylor, President
Haitian American Foundation, Inc.
Leonic Hermantín, Executive Director
Haitian American Grass roots Coalition,
Jean-Robert Lafortune, Chairman

Heartland Alliance for Human Needs & Human Rights,
Sid Mohn, President
Hotel Employees and Restaurant Employees Union,
John Wilhelm, President
Immigrant Legal Resource Center, Mark Silverman
Immigrants Support Network, Shailesh Gala, President
Jewish Community Federation of San Francisco, the
Peninsula, Marin and Sonoma Counties, Wayne Feinstein,
Executive Vice President
Los Angeles County Federation of Labor,
Miguel Contreras, Executive Secretary Treasurer
Lutheran Immigration and Refugee Services,
Ralston Deffenbaugh, President

(Continued on page 11)

LABOR MARKET IMPACTS OF AMNESTY: A COMPARATIVE ANALYSIS OF IRCA AND CURRENT CONDITIONS

A SPECIAL REPORT BY: DR. RAUL HINOJOSA-OJEDA, RESEARCH DIRECTOR,
UCLA NORTH AMERICAN INTEGRATION AND DEVELOPMENT CENTER



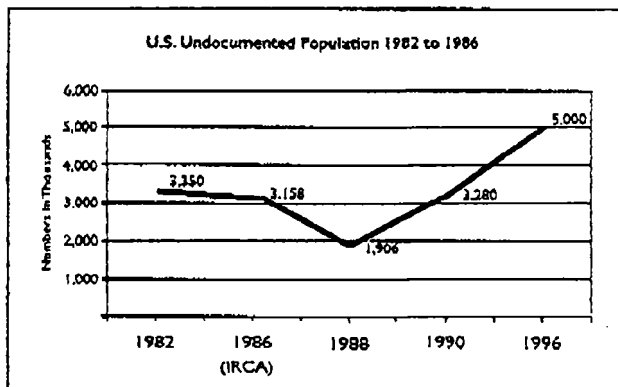
Dr. Raul Hinojosa-Ojeda
UCLA, NAID Center

The Immigration Reform and Control Act (IRCA) of 1986 serves as an important precedent to any discussion regarding new amnesty legislation. The legalization program under IRCA was intended to "bring out of the shadows" longer-term undocumented immigrants who had been contributing to society and had developed significant social (family) and economic "equities" in the process. Conclusions drawn from studies evaluating the effect of IRCA support the introduction of new amnesty legislation to address both labor shortages in our expanding economy and large populations of undocumented workers.

I. IRCA had the immediate result of decreasing the flow of undocumented immigrants and has over time decreased the number of those undocumented immigrants who arrived before 1982;

There was a sharp decline in INS border apprehensions in the immediate post-IRCA period, and the reason cited most often is the combined effect of IRCA's two major legalization programs, which effectively removed three million individuals from the universe of those risking apprehension.

II. Recent immigration trends have resulted in a large increase in the numbers of undocumented immigrants who are ineligible for IRCA amnesty.



Source: Passel and Woodrow, Change in the Undocumented Alien Population in the United States, 1979-1983, International Migration Review; Bean, Edmonston and Passel, Undocumented Migration to the United States: IRCA and the Experience of the 1980's, National Council of La Raza Policy Analysis Center, Unfinished Business: The Immigration Reform and Control Act of 1986, 1991

INS statistics illustrate that IRCA substantially reduced the size of the undocumented resident population. Under section 245A alone, about 1.76 million long-term undocumented residents became legitimate members of American society. Overall, 3.04 million were legalized under IRCA. As a short-run solution to the numbers problem, this program was clearly a success. However, because undocumented

AVERAGE MONTHLY VALUES OF THE UNDOCUMENTED FLOW IN PRE-IRCA AND POST-IRCA PERIODS							
	Pre-IRCA			Post-IRCA	Percentage Deviation of Post-IRCA Values from Pre-IRCA Values		
Item	Jan. '77 - Oct. '86 (118 mos.)	Jan. '85 - Oct. '86 (22 mos.)	Oct. '85 - Sept. '86 (FY '86)	Dec. '86 - Sept. '88 (22 mos.)	Jan. '77 - Oct. '86 (118 mos.)	Jan. '85 - Oct. '86 (22 mos.)	Oct. '85 - Oct. '86 (FY '86)
Monthly flow of Undocumented Immigrants	175,000	246,000	256,000	178,300	+1.8	-27.5	-30.5

Source: Bean, Edmonston, and Passel, Undocumented Migration to the United States: IRCA and the Experience of the 1980's, 1991.

flows have not been curtailed, the stock of unauthorized residents has continued to grow (Warren, Estimates of the Undocumented Immigrant Population Residing in the United States, by Country of Origin and State of Residence: October 1992, 1995). This trend, illustrated in the previous graph "U.S. Undocumented Population," presents the same problem that IRCA was designed to

address in 1986, indicating the necessity for immediate legislative action to reduce the number of immigrants living in the "shadows."

TOTAL NUMBER OF IRCA LEGALIZATION APPLICANTS (AS OF 1996)			
	Pre-1982 LAW Applicants (Section 245A)	SAW Applicants (Section 210)	Total
Total	1,763,434	1,277,514	3,040,948
North America	2,277,336	1,098,053	2,277,336
Canada	7,309	156	7,465
Mexico	1,229,543	1,040,242	2,269,785
Other N.A.	67	19	86
Central America	237,270	50,846	288,116
South America	74,121	30,846	104,260
Asia	82,467	70,016	152,483
Africa	32,287	13,867	46,154
Europe	35,112	5,027	40,139
Oceania	4,188	3,246	7,434

Source: Department of Labor Bureau of International Labor Affairs, Characteristics and Labor Market Behavior of the Legalized Population Five Years Following Legalization, 1996.

III. IRCA's amnesty programs raised wage levels for those undocumented workers who applied for legalization.

(Continued on page 8)

Earnings of Legalized Workers by Various Characteristics: at Time of Legalization Application and 1992					
Variable Characteristic		Mean Hourly Wage (constant 1992 dollars) At Application		Individual Earning 1991 (median)	Family Earnings 1991 (median) In 1992
Total	U.S. Workers ^b	\$8.98	\$10.33	\$17,146	\$35,939
	Legalized Workers	\$7.57	\$8.71	\$12,670	\$20,147
Sex	Male	\$8.33	\$9.43	\$15,198	\$21,968
	Female	\$6.15	\$7.41	\$ 8,748	\$17,507
Place of Residence	California	\$7.67	\$9.02	\$12,597	\$20,498
	Texas	\$6.34	\$7.17	\$11,019	\$16,396
	New York	\$8.38	\$9.13	\$14,778	\$20,976
	Other	\$7.75	\$8.68	\$13,211	\$21,100
Ability to Speak English	Not at all	\$6.08	\$6.65	\$9,165	\$15,137
	Not very well	\$7.22	\$8.11	\$11,943	\$18,761
	Very well	\$8.87	\$10.33	\$16,119	\$25,352
Years of Schooling Completed	6 or less	\$6.91	\$7.56	\$10,963	\$17,187
	7 to 11	\$7.29	\$8.09	\$12,470	\$19,260
	12 or more	\$8.93	\$10.92	\$16,903	\$27,041

^a U.S. workers, annual average, 1987: Legalized workers' wages during week prior to application in either 1987 or 1988. ^b Earnings of U.S. production or non-supervisory workers on private non-farm payrolls

Sources: DOL Bureau of International Labor Affairs, Characteristics and Market Behavior of Legalized Population Five Years Following Legalization, May 1995; Legalized workforce (Legalized Population Survey [LPS1] restricted sample and Legalized Population Survey [LPS2]); U.S. wage data (BLS, Employment and Earnings, January 1993, Annual average); U.S. earnings data (BLS, unpublished data from the Current Population Survey, March 1992).

LABOR MARKET IMPACTS OF AMNESTY: A COMPARATIVE ANALYSIS OF IRCA AND CURRENT CONDITIONS

(Continued from page 7)

Low wages before IRCA

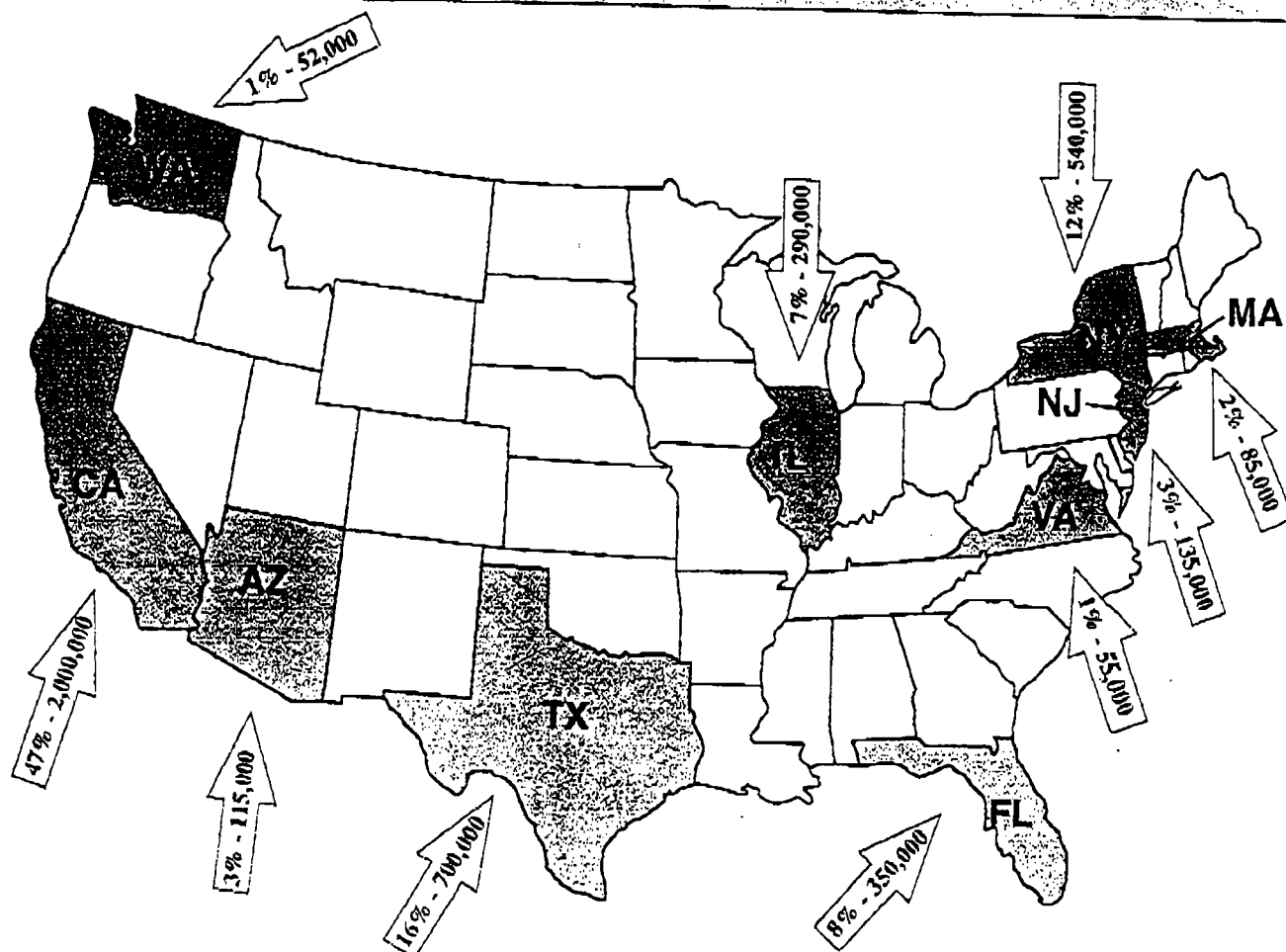
A variety of studies computed the average wage rate of undocumented migrants identified through small, nonrandom surveys of local communities and showed that undocumented migrants generally earn very low wages (North and Houston, 1976; Villalpando, 1977; Flores and Cardenas, 1978; Cornelius, 1978; Keeley et al., 1978; Maram, 1980); and when studies compared legal and undocumented migrants directly, the latter's wages were always lower (Grasmuck, 1984; Simon and DeLey, 1984).

Average wage differentials (before and after IRCA)

The Department of Labor's Bureau of International Labor Affairs conducted a study published in 1996 that earnings of newly legalized workers rose by 15 percent when compared to earnings immediately prior to their application for legal status under IRCA. (See table illustrating Earnings of Legalized Workers by Various Characteristics on page 7)

When differences with respect to important background variables, such as education and experience, are held constant, the wage gap attributable to legal status

UNDOCUMENTED PERSONS, TOP TEN STATES OF RESIDENCE, 1996 ESTIMATES



narrowed somewhat, but remains statistically significant in several studies (Heer and Falasco, 1983; Morales, 1983; Kossoudji and Ranney, 1984).

IRCA opened door to investments in human capital.

As implied above, wage growth is most heavily influenced by such factors as education, English proficiency, sector of employment, and recency of arrival in the United States. Prior to legalization, a large share of the IRCA legalized population was caught in a pattern of "occupational churning." The need to avoid detection prevented undocumented immigrants who were capable of seeking training from doing so. Without adequate credentials, they could not rise out of entry level "immigrant" jobs.

Legalization appears to be a turning point for these immigrants. Studies show that amongst newly legalized immigrants, there was a surge of investment in language skills, education, training and general economic assimilation, particularly necessary for more effective and productive participation in an increasingly technological and information-based economy. A 1996 Department of Labor study by Kossoudji and Cobb-Clark titled "Legalization, Wages, and Self-Investment" found that about 43 percent of Mexican men, 53 percent of those from Central America, 48 percent of those from other Western Hemisphere countries, and 44 percent of those from countries outside the Western Hemisphere undertook some type of skill enhancement training post-legalization. This represented more than a doubling of the previous rate of human capital accumulation for most origin groups.

"Off the books" employment

One purpose of the IRCA legalization program was to reduce the number of undocumented immigrants in the underground economy. Advocates reasoned that by granting these immigrants work authorization, the government could more effectively protect wages and working conditions and better integrate these workers into

the tax system. The implicit assumption was that many, if not most, worked "off the books."

Neither undocumented migration nor underground employment lends itself to statistical analysis. Hence, the validity of this initial assumption has never been rigorously tested. However, various case studies have cast some doubt on its accuracy. For instance, in their study of migrants circulating between 21 Mexican communities and the United States, Donato and Massey (1995) found that most unauthorized immigrants pay taxes, suggesting that they hold jobs in the formal economy. Sixty-six percent of undocumented workers paid taxes through payroll deduction. An even larger percentage of legalized immigrants in their sample (87 percent of SAW's and 97 percent of pre-1982 LAW workers) reported such tax-related deductions, suggesting that legalization may have marginally increased tax receipts. The Department of Labor Bureau of International Labor Affairs reports that 90 percent of legalized immigrants surveyed in 1992 said their employers withheld Social Security and other Federal, State, and local taxes from their pay.

IV. Impact on Native Workers

By examining differences in wages by geographic areas using Census data from 1970 and 1980 LaLonde and Topel (1991) found that an increase in immigrants has only minor effects on native populations. Most impacts are felt on immigrants themselves, decreasing wages for new immigrants up to 9%. However, they also found that these same immigrants have the capacity to assimilate quickly into the American labor force once they have gained legalization.

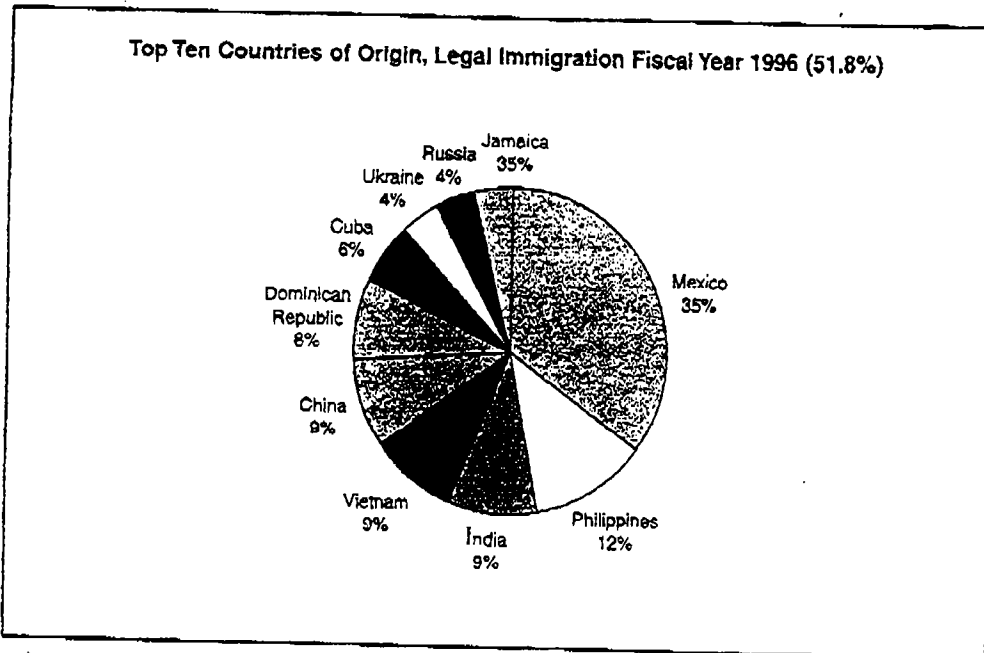
In terms of less-skilled natives, Altonji and Card (1991) found that immigrants are not sufficiently concentrated in low-skill industries to have a significant effect. They found that high concentrations of immigrant labor pools were a necessary factor in sustaining low-skill industries.

(Continued on page 10)

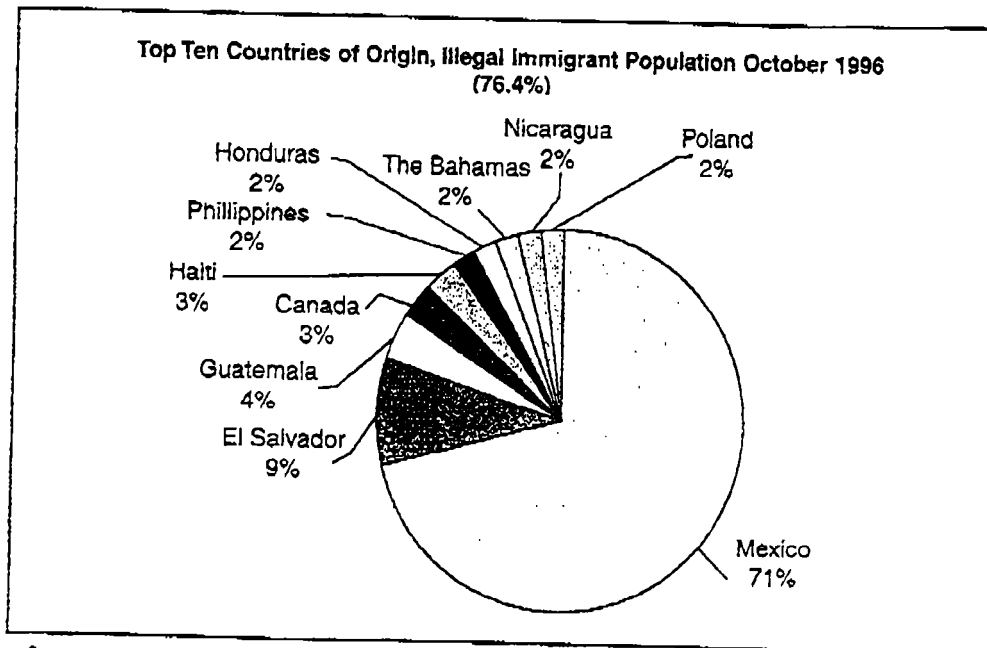
LABOR MARKET IMPACTS OF AMNESTY: A COMPARATIVE ANALYSIS OF IRCA AND CURRENT CONDITIONS

(Continued from page 9)

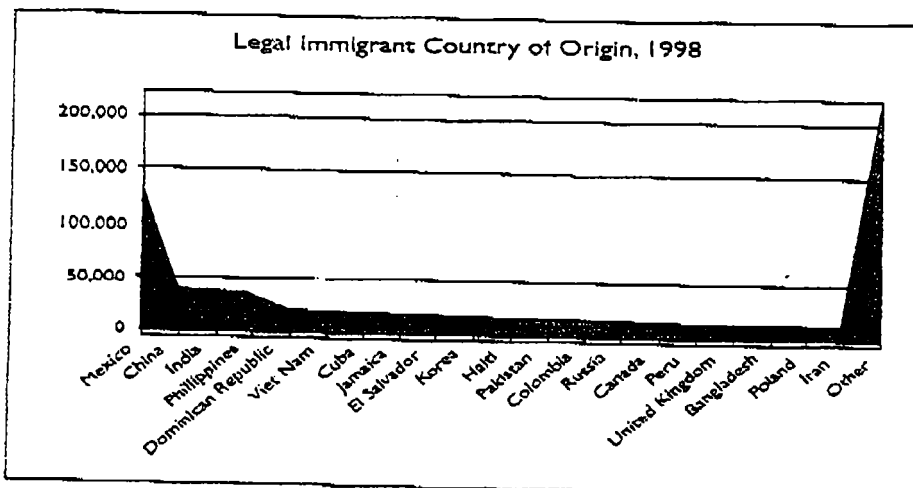
V. Current Characteristics of Undocumented Workers



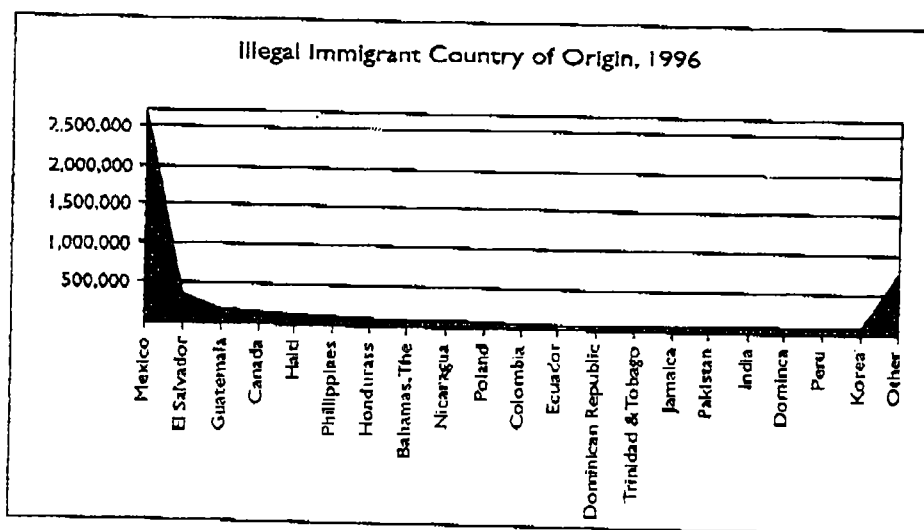
Source: Immigration and Naturalization Service



Source: Immigration and Naturalization Service



Source: Immigration and Naturalization Service, May 1999



Source: Immigration and Naturalization Service

NATIONAL ALLIANCE FOR NEW AMNESTY (Continued from page 5)

Migration and Refugee Services/U.S. Catholic Conference, Most Reverend Bishop Nicholas DiMarzio, Chairman, National Conference of Catholic Bishops' Committee on Migration
 National Asian Pacific American Legal Consortium,
 Karen Narasaki, Executive Director
 National Association of Latino Elected and Appointed Officials,
 Arturo Vargas, Executive Director
 National Coalition for Haitian Rights,
 Jocelyn McCalla, Executive Director
 National Council of La Raza, Raul Yzaguirre, President
 National Farm Worker Ministry, Virginia Nesmith, Executive Director
 National Immigration Forum, Frank Sharry, Executive Director
 National Immigration Law Center, Susan Drake, Executive Director
 National Puerto Rican Coalition, Manuel Mirabal, President/CEO
 New America Alliance, Tom Castro, President
 New York Association for New Americans,
 Mark Handelman, Executive Vice President
 New York Immigration Coalition,

Margie McHugh, Executive Director
 One Stop Immigration and Educational Center,
 Juan José Gutierrez, Executive Director
 Polish American Congress,
 Edward Moskal, Executive Director
 Salvadoran American National Network,
 Oscar Chacón, President
 Service Employees International Union,
 Andrew Stern, President
 Southeast Asia Resource Action Center,
 Ka Ying Yang, Executive Director
 Spanish Speaking Citizens Council, Nellie Reyes
 United Farm Workers of America, AFL-CIO,
 Arturo Rodriguez, President
 Union of Needletrade, Industrial and
 Textile Employees, Jay Mazur, President
 William C. Velasquez Institute,
 Antonio González, President

Inside This Issue:

- Page 1 • Senator Graham (D-FL) to Introduce
Landmark Amnesty Bill
- Henry Cisneros and Jack Kemp Catalyze
National Call for New Amnesty
- Page 2 • WCVI President's Editorial
• WCVI Survey Results
- Page 3 • WCVI Launches Initiative to Legalize
Millions of Undocumented
Workers in 2000
- Page 4 • Landmark Bill continued
- Page 4-5 • National Alliance for New Amnesty continued
- Page 6-11 • Special Report: Labor Market Impacts of Amnesty
By Dr. Raul Hinojosa-Ojeda

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