

Comparing Immigration Reform Plans: The Senate's vs. The President's



By Jerry Grzeca and John Sesini
March 2013

Two plans have emerged from the public discussions of Comprehensive Immigration Reform (CIR). It is early yet, but the US Senate and President Obama have each outlined plans. They share many of the same broad features, but all too often the devil is in the details. In any law, a minor detail can be enough to thwart a compromise. In immigration laws, such a detail can make a world of difference to a single individual.



The debate first began to take shape at the end of January, when a bipartisan group of senators called the “gang of eight,” released an outline of a CIR plan to the public. A few weeks later President Obama leaked a detailed draft of legislation. So what are the nation’s elected officials considering?

First, the most significant part of both plans is a so-called “pathway to citizenship” for the immigrants who entered the country unlawfully or overstayed lawful visas. Immigrants with relatively clean criminal records in the United States would be eligible for a provisional status, including presumably work authorization. Here it is worth noting that neither plan specifically requires that an individual have been a long-term resident of the United States, and the President’s plan would be available even to those who only just arrived.

At first, it seemed that there was a fundamental disagreement even here. The President suggested a fixed period of eight-years of provisional status before the individuals are eligible for lawful permanent residence. Most would then be eligible for citizenship five years after that. But the Senate appeared to insist on border security before anyone with provisional status would be able to obtain lawful permanent residence. Within the last week, though, it was reported that this dispute has been more or less resolved. The Senators would require a ten-year period or provisional status, followed by a three year wait for citizenship.

Another area where the plans differ is that the Senate plan focuses on increasing temporary visas for low-skilled and agricultural workers. Some of these employment visas would carry with them their own separate pathways to citizenship. The Senate also suggests opening up additional family based visas for those who have been waiting for years for such visas. The President’s plan is silent on both matters. In practice, though, the plan could dramatically reduce wait times for such visas if individuals “in line” for such visas obtained lawful provisional status.

On immigration enforcement questions, the plans are strikingly similar. Both would make it harder for the undocumented to find work by requiring employer participation in E-verify, and increasing protections against ID fraud.

Once again, it is still early. No CIR bills have been officially introduced in Congress. And major questions remain about both sides’ commitment to bipartisan action. But the dialogue is fully underway.

For more information about the CIR negotiations, or for any other immigration matter, please contact Grzeca Law Group at (414) 342-3000 or visit our website at www.grzecalaw.com.

Milwaukee: 414-342-3000
Madison: 608-234-5004
Green Bay: 888-471-1400

GRZECA LAW GROUP, S.C.
1434 West State Street
Milwaukee, WI 53233

www.grzecalaw.com
clients@grzecalaw.com