

## Side-by-Side Comparison of 2006 and 2007 Senate Legislation and 2009 CIR ASAP Bill

Issue	2006 S.2611 (as amended)	2007 S.1639	2009 CIR ASAP (H.R. 4321)
<b>Title I: Border Security, Detention, and Enforcement*</b>			
<b>Summary</b>	<ul style="list-style-type: none"> <li>- Title I authorizes new border infrastructure (mainly fencing and surveillance) and personnel – most of which later passed as the Secure Fence Act of 2006.</li> <li>- Title II expands detention and removal authority; increases penalties for a wide range of migration- and document-related offenses; strictly limits judicial review for certain immigration offenses and immigration-related crime; expands state and local enforcement of immigration law.</li> </ul>	<ul style="list-style-type: none"> <li>- Establishes enforcement “triggers” which must be met prior to implementation of new immigration benefits.</li> <li>- Titles I and II similar to 2006 bill, but more modest expansion of border enforcement (reflecting Secure Fence Act), smaller expansion of migration-related crimes, fewer restrictions on judicial review, and less support for state and local enforcement of immigration law.</li> </ul>	<p>(Combines border and interior enforcement into a single title)</p> <ul style="list-style-type: none"> <li>- Eliminates state and local enforcement of immigration law.</li> <li>- Expands programs to combat arms smuggling and human trafficking.</li> <li>- Requires consultation with border communities.</li> <li>- Extensive new reporting to Congress required for enforcement initiatives and new enforcement standards.</li> <li>- Imposes immigration detention standards and expands alternatives to detention.</li> <li>- Expands judicial review of removal orders.</li> </ul>

<b>Issue</b>	<b>2006 S.2611 (as amended)</b>	<b>2007 S.1639</b>	<b>2009 CIR ASAP (H.R. 4321)</b>
<b>New manpower authorization</b>	- Adds 2,500 Port of Entry (POE) inspectors + 12,000 Border Patrol agents.	- Adds 14,000 Border Patrol agents + 500 Customs and Border Protection (CBP) inspectors + 200 Immigration and Customs Enforcement (ICE) investigators + 50 US Marshals. - 18,000 Border Patrol agents as trigger for legalization.	Adds 5,000 CBP inspectors at POEs + 1,200 agriculture inspectors + 350 POE support personnel.
<b>Fencing</b>	- 300 miles of fencing + 500 miles of vehicle barriers. - Triple fencing near San Diego.	- 200 miles of vehicle barriers + 370 miles of fencing as trigger. - Additional double and triple fencing near San Diego.	Requires that border infrastructure comply with inter-agency strategy and prioritizes use of low-impact techniques.
<b>Ports of entry</b>	- Authorizes additional POEs.	- Authorizes additional POEs.	- \$5 billion authorized to improve POEs in 2010-14; additional improvements in 2011-15.
<b>Requirement for standards related to border enforcement</b>	/	/	- Department of Homeland Security (DHS) must issue standards for border enforcement, border surveillance, and searches of electronic devices at border; establish complaint mechanism to report possible abuses.
<b>Other border infrastructure</b>	- Expands aerial surveillance program; appropriates funding for unmanned aerial vehicles (UAVs). - Expands cameras and “virtual” fence.	Expands use of UAVs, cameras, virtual fence.	- Expands aerial surveillance program. - Other automated surveillance.

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<b>State and local</b>	<ul style="list-style-type: none"> <li>- Permits grants to local enforcement agencies to combat criminal activities.</li> <li>- Requires DHS to take custody of any unauthorized immigrants under state/local control.</li> <li>- Affirms “inherent authority” of state/local governments to assist in enforcement of criminal immigration laws.</li> <li>- Lists immigration violations in National Crime Information Center (NCIC) database.</li> </ul>	<ul style="list-style-type: none"> <li>- Permits grants to local enforcement agencies to combat criminal activities.</li> <li>- Allows greater federal-state-local cooperation to combat alien smuggling.</li> <li>- Reimbursement for local enforcement under §287(g).</li> <li>- New provisions for transfer of custody.</li> <li>- Expansion of Justice Prisoner and Alien Transfer System.</li> </ul>	<ul style="list-style-type: none"> <li>- Eliminates 287(g) authority, and provides for federal preemption of state/local enforcement laws.</li> <li>- Permits grants to local enforcement agencies to combat criminal activities.</li> <li>- Establishes Southern Border Security Task Force.</li> </ul>
<b>Arms trafficking</b>	/	/	<ul style="list-style-type: none"> <li>- Expands Project Gunrunner.</li> <li>- Expands Operation Armas Cruzadas.</li> </ul>
<b>Judicial</b>	<ul style="list-style-type: none"> <li>- Limits judicial review of naturalization denial.</li> </ul>	<ul style="list-style-type: none"> <li>- Limits review of detention to habeas corpus.</li> </ul>	<ul style="list-style-type: none"> <li>- Suspends Operation Streamline.</li> <li>- Eliminates asylum application deadline and restores judicial review for asylum cases.</li> </ul>
<b>Consultation/ international cooperation</b>	<ul style="list-style-type: none"> <li>- Requires coordination with Mexico to tighten border security.</li> <li>- Cooperation with Mexico on enforcement, circular migration, immigration education, firearms trafficking.</li> </ul>	<ul style="list-style-type: none"> <li>- Establishes US-Mexico Border Commission to study impact of border enforcement and make recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>- Requires consultation with border communities in drafting National Strategy for Border Security.</li> <li>- Establishes US-Mexico Border Commission to study impact of border enforcement and make recommendations.</li> <li>- Creates Border Communities Liaison Offices in each Border Patrol sector.</li> <li>- Cooperation with Mexico on enforcement, circular migration, immigration education, firearms trafficking.</li> </ul>

<b>Issue</b>	<b>2006 S.2611 (as amended)</b>	<b>2007 S.1639</b>	<b>2009 CIR ASAP (H.R. 4321)</b>
<b>Military/ National Guard</b>	<ul style="list-style-type: none"> <li>- Permits governors to call up National Guard for border enforcement.</li> <li>- Authorizes emergency deployment.</li> </ul>	/	Prohibits military or National Guard from enforcing immigration law other than in emergency.
<b>Detention</b>	<ul style="list-style-type: none"> <li>- Mandatory detention for unauthorized immigrants (other than Mexicans and Cubans) apprehended at border.</li> <li>- Permits indefinite detention of noncitizens under final removal order.</li> <li>- Requires 20,000 more detention beds.</li> </ul>	<ul style="list-style-type: none"> <li>- Detention bed space capacity must reach 31,500 as trigger for legalization.</li> <li>- End of “catch and release” as trigger for legalization.</li> <li>- Requires 20,000 more detention beds.</li> <li>- Strengthens removal procedures; expands detention during removal proceedings but with limits after 90 days.</li> <li>- Expands parole authority.</li> </ul>	<ul style="list-style-type: none"> <li>- Establishes standards for detainee medical care, phone access, sexual abuse prevention, transfers, and for short-term detention facilities.</li> <li>- Establishes Immigration Detention Commission to investigate and report on compliance with these standards.</li> <li>- Requires annual reporting on detainee deaths.</li> <li>- Provides due-process protections against unlawful detention.</li> <li>- Sets standards for screening, custody determinations, and release for children and other vulnerable populations.</li> <li>- Reconceptualizes alternative-to-detention programs, and their availability.</li> <li>- Sets standards for family detention and apprehensions.</li> <li>- Provides protections for unaccompanied minors and female detainees.</li> <li>- Prevents detention of refugees.</li> </ul>

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<b>Interior enforcement</b>	<ul style="list-style-type: none"> <li>- Expands definition of aggravated felony; applies retroactively.</li> <li>- Expands expedited removal (other than Mexicans, Canadian, and Cubans) for anyone apprehended within 100 miles of border and noncitizens convicted of certain crimes.</li> </ul>	<ul style="list-style-type: none"> <li>- Expands definition of aggravated felony; applies prospectively.</li> <li>- Expands voluntary departure; strengthens penalty for failure to comply.</li> <li>- Expands DHS authority to cancel visas.</li> </ul>	<ul style="list-style-type: none"> <li>- Prohibits enforcement operations at community- and faith-based institutions.</li> <li>- Requires DHS to establish apprehension standards.</li> <li>- Establishes due process (right to counsel, silence, legal orientation) during apprehension/detention.</li> <li>- Requires DHS to cooperate with Labor Department and issue stay of removal during investigations of labor violations.</li> </ul>
<b>Document security</b>	<ul style="list-style-type: none"> <li>- Requires DHS to issue secure, machine-readable, biometric documents.</li> <li>- New biometric entry-exit requirements.</li> </ul>	<ul style="list-style-type: none"> <li>- New biometric entry-exit requirements; expanded interoperability among biometric databases.</li> </ul>	/
<b>New/increased penalties</b>	<ul style="list-style-type: none"> <li>- Entry without inspection (EWI)/evasion of enforcement/illegal re-entry.</li> <li>- Tunnel construction.</li> <li>- Gang activities.</li> <li>- Alien smuggling (expanded definition)</li> <li>- Document fraud (expanded definition)</li> </ul>	<ul style="list-style-type: none"> <li>- EWI/evasion of enforcement/illegal re-entry</li> <li>- Alien smuggling (expanded definition)</li> <li>- Gang activities</li> <li>- Failure to depart</li> </ul>	/

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<b>Title II: Worksite Enforcement</b>			
<b>Summary</b>	<ul style="list-style-type: none"> <li>- Requires mandatory participation in electronic employment verification system (EEVS) (new hires only) within 18 months.</li> <li>- Default confirmation in some cases until accuracy standards are met.</li> <li>- Combats ID fraud by limiting eligible documents, expands information sharing with Social Security Administration (SSA).</li> <li>- New protections to prevent employer abuse and erroneous nonconfirmations.</li> </ul>	<ul style="list-style-type: none"> <li>- Requires mandatory participation in EEVS (new hires) within 18 months and re-verification of existing workers within 3 years.</li> <li>- Combats ID fraud by more restrictive limits on documents, more extensive information sharing with SSA, and pilot biometric system.</li> <li>- Some worker protections.</li> </ul>	<ul style="list-style-type: none"> <li>- Requires mandatory participation in EEVS (new hires only) within 3 years.</li> <li>- Delays phase-in unless accuracy standards are met.</li> <li>- Combats ID fraud with a pilot program permitting self-verification; does not restrict documents or provide for information sharing.</li> <li>- Significant new worker protections.</li> </ul>
<b>Timeline for mandatory EEVS</b>	<ul style="list-style-type: none"> <li>- Targeted participation beginning 60 days after enactment.</li> <li>- All employers must participate within 18 months of enactment (new hires only).</li> <li>- Default confirmation if DHS cannot meet timelines until system is 99% accurate.</li> </ul>	<ul style="list-style-type: none"> <li>- Targeted participation beginning 30 days after enactment.</li> <li>- Critical infrastructure employers must participate within 6 months.</li> <li>- All employers must participate within 18 months (new hires only).</li> <li>- Re-verification of all workers within 3 years.</li> <li>- Use of EEVS and secure documents as trigger for legalization.</li> </ul>	<ul style="list-style-type: none"> <li>- Critical infrastructure employers within 6 months.</li> <li>- Phased implementation by employer size; all employers participate within 3 years (new hires only).</li> <li>- Program must meet accuracy standards or implementation delayed.</li> </ul>

<b>Issue</b>	<b>2006 S.2611 (as amended)</b>	<b>2007 S.1639</b>	<b>2009 CIR ASAP (H.R. 4321)</b>
<b>Anti-discrimination protections</b>	<ul style="list-style-type: none"> <li>- No adverse action from tentative nonconfirmation (TNC); \$20,000 penalty for employers taking adverse action against worker subject to TNC.</li> <li>- Justice Department Office of Special Counsel enforces worker protections.</li> <li>- Expands class of immigrants protected from employment discrimination.</li> </ul>	<ul style="list-style-type: none"> <li>- No adverse action from TNC; \$10,000 penalty.</li> <li>- DHS enforces worker protections.</li> </ul>	<ul style="list-style-type: none"> <li>- No adverse action from TNC; \$20,000 penalty.</li> <li>- DOJ Office of Special Counsel enforces worker protections, gets expanded investigation authority.</li> <li>- Expands class of immigrants protected from employment discrimination.</li> <li>- Authorizes annual audits by DHS Office for Civil Rights and Civil Liberties.</li> <li>- Provides private right of action in case of employer misuse.</li> </ul>
<b>Due process</b>	<ul style="list-style-type: none"> <li>- Administrative review (60 days) and judicial review (60 days) following dismissal after nonconfirmation.</li> <li>- Compensation for lost wages and attorney fees in case of government error.</li> </ul>	<ul style="list-style-type: none"> <li>- Administration review of final nonconfirmation (15 days).</li> <li>- DHS may stay nonconfirmation pending review.</li> <li>- Judicial review (30 days) following dismissal after nonconfirmation.</li> <li>- No compensation in case of government error.</li> </ul>	<ul style="list-style-type: none"> <li>- Administrative review (30 days) and judicial review (90 days) of final nonconfirmation.</li> <li>- DHS may stay nonconfirmation pending reviews.</li> <li>- Compensation for lost wages and attorney fees for government error.</li> </ul>
<b>Personnel</b>	11,000 new ICE agents, 25% devoted to worksite enforcement	4,500 DHS agents dedicated primarily to worksite enforcement	/
<b>Identity and eligibility documents</b>	<ul style="list-style-type: none"> <li>- Passport or REAL ID license for US citizens.</li> <li>- Green card for legal permanent residents (LPRs)</li> <li>- Employment authorization document (EAD) for other noncitizens.</li> </ul>	<ul style="list-style-type: none"> <li>- Passport, green card, or other DHS document.</li> <li>- REAL ID plus Social Security card.</li> <li>- DHS Secretary may require workers to obtain new Social Security card.</li> <li>- SSA must issue hardened SSA cards within 2 years.</li> </ul>	Retains use of documents eligible through current I-9 document list.

<b>Issue</b>	<b>2006 S.2611 (as amended)</b>	<b>2007 S.1639</b>	<b>2009 CIR ASAP (H.R. 4321)</b>
<b>Penalties for employing unauthorized immigrant</b>	<ul style="list-style-type: none"> <li>- Civil penalties: \$500 - \$20,000.</li> <li>- Record-keeping: \$200 - \$6,000.</li> <li>- Pattern and practice: \$20,000 and/or 3-year prison sentence.</li> <li>- Loss of government contracts.</li> </ul>	<ul style="list-style-type: none"> <li>- Civil penalties: \$500 - \$75,000.</li> <li>- Record-keeping: \$1,000 - \$15,000.</li> <li>- Pattern and practice: \$75,000 and/or 6-month prison sentence.</li> <li>- Loss of government contracts.</li> <li>- DHS may file liens to collect.</li> </ul>	<ul style="list-style-type: none"> <li>- Civil penalties: \$500 - \$20,000.</li> <li>- Record-keeping: \$200 - \$6,000.</li> <li>- Pattern and practice: \$20,000 and/or 3-year prison sentence.</li> <li>- Loss of government contracts.</li> </ul>
<b>Privacy protections</b>	<ul style="list-style-type: none"> <li>- Prohibits collection (misdemeanor) and use (felony) of data for other purposes.</li> <li>- Requires procedure for SSN blocking.</li> </ul>	<ul style="list-style-type: none"> <li>- Prohibits use of data for other purposes.</li> <li>- Civil penalties up to \$50,000 for unauthorized use or disclosure.</li> </ul>	<ul style="list-style-type: none"> <li>- Felony penalties against misuse of system and ID theft.</li> <li>- Prohibits use of data for other purposes.</li> <li>- Requires SSN blocking procedure.</li> </ul>
<b>Self-verification</b>	Workers may check and correct system records	/	Workers may check and correct system records
<b>Enhanced verification</b>	/	Voluntary program to allow employers to collect and verify workers' fingerprint data for identity authentication.	Voluntary program to allow workers to block SSN with PIN number; register phone number or email; receive single-use encrypted code to be used in place of I-9 documents; and be eligible for expedited review of TNC.
<b>Accuracy standards</b>	Annual Government Accountability Office (GAO) report on accuracy, integrity, and impact of system; certification of accuracy rates prior to elimination of default confirmation.	/	<ul style="list-style-type: none"> <li>- Annual GAO report on accuracy, integrity, impact of system; certification of accuracy rates prior to expansion of EEVS mandate.</li> <li>- Employment Verification Advisory Panel to recommend accuracy standards, best practices.</li> </ul>
<b>Information sharing</b>	SSA provides DHS with information about likely cases of identity fraud, subject to 6103 tax code privacy protections. Information sharing sunsets after 3 years.	SSA provides DHS with all records, not subject to 6103 protections. No penalties for unauthorized disclosures.	/

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<b>Preemption</b>	Existing preemption of state/local employment verification laws.	Existing preemption of state/local employment verification laws.	Strengthens preemption of state/local employment verification laws.
<b>Labor protections</b>	/	/	Unauthorized immigrants eligible for back pay and other remedies for unlawful employment practices (overturns <i>Hoffman Plastics</i> decision).
<b>SSA no-match</b>	/	DHS and SSA authorized to develop regulations requiring response to SSA no-match letter	/
<b>Title III: Visa Reforms</b>			
<b>Summary</b>	<ul style="list-style-type: none"> <li>- Short-term visa surge for backlog reduction.</li> <li>- Expansion of family- and employment-based visas.</li> <li>- Exempts citizens' families from quotas.</li> <li>- New low-skilled green card (87,000).</li> <li>- New low-skilled conditional visa (200,000).</li> <li>- Expands high-skilled visas.</li> </ul>	<ul style="list-style-type: none"> <li>- Short-term visa surge for backlog reduction.</li> <li>- Expands employment-based visas.</li> <li>- Eliminates most existing family- and employment-based categories; creates merit-based point system.</li> <li>- New low-skilled green card (10,000).</li> <li>- New low-skilled temporary visa (200,000).</li> <li>- Expands H-2B program (renamed Y-2).</li> <li>- Expands high-skilled visas.</li> </ul>	<ul style="list-style-type: none"> <li>- Visa re-capture for backlog reduction.</li> <li>- Expansion of employment-based visas.</li> <li>- Exempts immediate family members of LPRs from quotas.</li> <li>- Expands high-skilled visas.</li> <li>- New visa to absorb existing unauthorized inflows (100,000 for each of next 3 years).</li> <li>- Expands judicial relief from removal.</li> </ul>
<b>Reduction of existing backlogs</b>	<ul style="list-style-type: none"> <li>- Permits recapture of unused family and employment-based visas from 2001-2005.</li> <li>- Sets 450,000 employment-based visa quota for 10 years.</li> <li>- Raises per-country limits.</li> </ul>	<ul style="list-style-type: none"> <li>- Sets 440,000 family-based visa quota until backlogs eliminated.</li> <li>- Sets 90,000 employment-based visa quota until backlogs ended.</li> <li>- Raises per-country limits.</li> </ul>	<ul style="list-style-type: none"> <li>- Permits recapture of unused family and employment-based visas from 1992-2008.</li> <li>- Raises per-country limits.</li> </ul>

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<b>Future flow - family</b>	<ul style="list-style-type: none"> <li>- Spouses and children of LPRs treated as non-quota immediate relatives.</li> <li>- Changes preference categories.</li> </ul>	<ul style="list-style-type: none"> <li>- Eliminates existing family preference categories except for spouses and children of LPRs. (87,000 visas) and parents of adult US citizens (40,000 visas).</li> </ul>	<ul style="list-style-type: none"> <li>- Future unused visas roll over to following year.</li> <li>- Spouses, children of LPRs treated as non-quota immediate relatives.</li> <li>- Children of Filipino WWII vets exempt from caps.</li> </ul>
<b>Future flow – employment-based green cards</b>	<ul style="list-style-type: none"> <li>- 290,000 visas.</li> <li>- New low-skilled EB visa.</li> <li>- Exemptions for shortage occupations.</li> <li>- Exemptions for STEM degrees.</li> </ul>	<ul style="list-style-type: none"> <li>- 380,000 visas.</li> <li>- Eliminates existing system; establishes merit-based point system favoring highly skilled + 10,000 visas to legalize immigrants.</li> </ul>	<ul style="list-style-type: none"> <li>- 290,000 visas (plus recapture).</li> <li>- New exemptions from caps for highly skilled immigrants.</li> </ul>
<b>Future flow – employment-based nonimmigrants and conditional immigrants</b>	<p><i>H-2C conditional visas:</i></p> <ul style="list-style-type: none"> <li>- 200,000 visas.</li> <li>- No visas if unemployment &gt; 9%.</li> <li>- 3-year visa; may be renewed once; dual intent permitted + self-petition after 4 years.</li> <li>- Visa portability.</li> </ul>	<p><i>Y-1 nonimmigrant visas:</i></p> <ul style="list-style-type: none"> <li>- 200,000 visas.</li> <li>- No visas if unemployment &gt; 7%.</li> <li>- 2-year visa; may be renewed twice with one year intervening; no dual intent.</li> </ul> <p><i>Y-2 nonimmigrant visas:</i></p> <ul style="list-style-type: none"> <li>- 100,000 visas with market escalator.</li> <li>- 10-month visa; renewable after 2 months intervening; no dual intent.</li> </ul>	<ul style="list-style-type: none"> <li>- Skilled nonimmigrant eligible for bridge visa while employment-based LPR visa pending.</li> </ul>
<b>Future flow – other</b>	<ul style="list-style-type: none"> <li>Reduces diversity visa to 18,333; allocates 36,667 to noncitizens with advanced degrees.</li> </ul>	<ul style="list-style-type: none"> <li>Eliminates diversity visa.</li> </ul>	<ul style="list-style-type: none"> <li>Creates Prevent Unauthorized Migration (PUM) visa: 100,000 conditional visas per year for three years; distributed by lottery to immigrants from countries with large numbers of unauthorized immigrants; eligible for adjustment to LPR status after 3 years.</li> </ul>

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<b>Other relief</b>	<ul style="list-style-type: none"> <li>- Relief for widows and orphans.</li> <li>- Extension of Haitian Refugee Immigration Fairness Act (HRIFA) benefits.</li> <li>- Relief for victims of Hurricane Katrina.</li> </ul>	/	<ul style="list-style-type: none"> <li>- Surviving widows and children retain eligibility after death of primary applicant.</li> <li>- Restores discretionary cancellation of removal.</li> <li>- No removal of asylees.</li> <li>- Protection against age-outs by minors.</li> <li>- Discretionary relief for parents of minor citizens.</li> <li>- Extension of HRIFA benefits.</li> <li>- Sponsorship affidavit of support requirement = 100% of federal poverty level.</li> <li>- permits LPR travel for humanitarian purposes.</li> </ul>

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<b>Title IV: Earned Legalization of Unauthorized Immigrants</b>			
<b>Summary</b>	<ul style="list-style-type: none"> <li>- Two legalization programs for those present &gt; 5 years or &gt; 2 years.</li> <li>- Immediate conditional status followed by earned legalization; &gt; 2-year group must re-enter on new visa.</li> <li>- Retrospective and prospective proof of employment required.</li> <li>- Touch-back requirement and limits on adjustment for &gt; 2-year group.</li> <li>- Penalties and fees total about \$3,000 - \$7,000.</li> <li>- Restrictions on grounds for exclusion; waivers available.</li> <li>- Learn English; pay back taxes prior to adjustment to LPR status.</li> </ul>	<ul style="list-style-type: none"> <li>- One legalization program; presence since Jan. 1, 2007.</li> <li>- Immediate conditional status followed by earned legalization; but no definite path to LPR status (must qualify through points system).</li> <li>- Retrospective and prospective proof of employment required.</li> <li>- Touch-back requirement for all.</li> <li>- Penalties and fees total about \$10,000.</li> <li>- Tighter restrictions on grounds for exclusion; fewer waivers available; mandatory USCIS interview.</li> <li>- Learn English; pay back taxes prior to adjustment to LPR status.</li> </ul>	<ul style="list-style-type: none"> <li>- One legalization program; presence since year of introduction.</li> <li>- Immediate conditional status followed by earned legalization.</li> <li>- Retrospective and prospective attestation of employment, education, or service required.</li> <li>- No touch-back requirement.</li> <li>- Penalties total \$1,000 + processing fees.</li> <li>- Fewer grounds for exclusion; broader waivers authority available.</li> <li>- Learn English or graduate US high school; pay back taxes.</li> </ul>
<b>Requirements for registration/conditional nonimmigrant status</b>			
<b>General qualification for registration</b>	<ul style="list-style-type: none"> <li>- Continuous presence for 5 years (earned legalization, or EL) or 2 years (Deferred Mandatory Departure, or DMD).</li> <li>- Evidence of employment for 3 of 5 years (EL) or continuously since 2004 (DMD).</li> </ul>	<ul style="list-style-type: none"> <li>- Continuous presence since year of enactment.</li> <li>- Evidence of employment for 3 of 5 previous years.</li> </ul>	<ul style="list-style-type: none"> <li>- Continuous presence since date of introduction.</li> <li>- Attest to employment, education, military or community service (exemptions permitted).</li> </ul>
<b>Grounds for exclusion – waiver permitted</b>	Most grounds for exclusion do not apply, do not apply if solely related to immigration offenses, or may be waived if removal would result in undue hardship to family member.	DHS Secretary may waive standard grounds for exclusion on basis of undue hardship to noncitizen or immediate family.	DHS Secretary may waive standard grounds for exclusion for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

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<b>Grounds for exclusion – no waiver permitted</b>	Security, criminal, health, polygamy, child abductors.	Security, criminal, health, polygamy, child abductors. Also: Unlawful voters, hate crimes, serious crime outside the US, 1 felony or 3 misdemeanors, aggravated felony, illegal entry after January 2007.	Security, criminal, hate crimes, persecutors, polygamists, 1 felony or 3 misdemeanors, serious conviction in US, serious crime outside the US.
<b>Security clearance</b>	- Fingerprints and name check within 90 days.	-Fingerprints and name check within 24 hours. -Mandatory interview.	Fingerprints and name check.
<b>Fees and fines (family of 2)</b>	- Earned Legalization: about \$1,200 - DMD: \$2,300 - \$5,300	About \$5,000	\$500 + processing fees; waived for minors/DREAM Act beneficiaries.
<b><i>Requirements for adjustment to LPR status</i></b>			
<b>Back taxes</b>	Pay back taxes; no receipt of Earned Income Tax Credit (EITC) or other credit.	Pay back taxes; no EITC or other credit.	Pay back taxes.
<b>Additional fees and fines (family of 2)</b>	\$2,000	\$5,500	\$500 + processing fee
<b>Touch back</b>	Touch-back for DMD only; undue hardship waiver for noncitizen/family.	Touch-back for everyone.	None required.
<b>Work requirements</b>	EL: Continuous employment for 6 years; waivers permitted. DMD: Continuous employment until adjustment; waivers permitted.	Continuous employment required; limited waivers permitted.	Employment, education, military service, or community service.
<b>English/civics requirements</b>	Naturalization test; exceptions for disability or over 65.	Naturalization test; exceptions for disability or over 65.	Naturalization test, high school degree or GED, or course of study. Exceptions for disability or over 65.
<b>Back of the line</b>	No adjustment until DHS Secretary determines current backlogs cleared.	Adjustment of status during 5-year period after pre-2005 backlogs cleared.	No adjustment to LPR for 6 years or after backlogs cleared, whichever is first.
<b>Path to LPR</b>	Non-quotas visas available	May only adjust to LPR on basis of additional petition or through points system.	Non-quotas visas available.

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<b>Confidentiality</b>	Confidentiality except in cases of criminal/security investigation.	Confidentiality of legalization applications <i>except if</i> criminal/security investigation or if inadmissible for one of the non-waiver reasons above or fraudulent application.	Confidentiality except in cases of criminal/security investigation.
<b>AGJOBS</b>	Included as subtitle	Included as subtitle	Included as subtitle
<b>DREAM Act</b>	Included as subtitle	Included as subtitle	<ul style="list-style-type: none"> <li>- Expedited processing and reduced fees for noncitizens described by DREAM; not a separate subtitle.</li> <li>- State discretion to determine residency for higher ed benefits.</li> </ul>
<b>Title V: Strengthening the US Economy and Workforce</b>			
<b>Summary</b>	<ul style="list-style-type: none"> <li>- Commission to make nonbinding recommendations on number of H-2C visas.</li> <li>- New electronic job registry.</li> <li>- Expansion of H-1B quotas.</li> <li>- Modest restrictions on L visas.</li> </ul>	<ul style="list-style-type: none"> <li>- Commission to study nonimmigrant visa limits.</li> <li>- New electronic job registry.</li> <li>- Expansion of H-1B quotas + new programs to reduce fraud, favor US workers, and restrict H-1B-dependent firms.</li> <li>- Modest restrictions on L visas + new complaint and enforcement procedures.</li> </ul>	<ul style="list-style-type: none"> <li>- Commission to make binding recommendations on all employment-based quotas, subject to congressional override, + other recommendations.</li> <li>- New electronic job registry, employment matching service, and workforce development.</li> <li>- New oversight and enforcement of foreign worker labor rights.</li> <li>- New programs to reduce H-1B fraud, favor US workers, restrict H-1B-dependent firms; and strengthen H-1B enforcement.</li> <li>- DOL oversight of H-2B program; new restrictions on recruitment and wages.</li> <li>- Stricter restrictions on L visas + new complaint and enforcement procedures.</li> <li>- Expansion of EB-5 investor visas.</li> </ul>

<b>Issue</b>	<b>2006 S.2611 (as amended)</b>	<b>2007 S.1639</b>	<b>2009 CIR ASAP (H.R. 4321)</b>
<b>Future changes to visa system</b>	- Establishes a Temporary Guestworker Visa Program Task Force to make recommendations regarding the number of H-2C visas.	- Establishes a Standing Commission on Immigration and Labor Markets to study nonimmigrant programs and numerical limits. - Y-2 visa with market-based adjustment mechanism may increase to 200,000/year.	Establishes Commission on Immigration and Labor Markets. Commission will develop methodology for adjusting quotas, recommend annual changes to numerical limits which go into effect unless Congress overrides, and make other recommendations for reforms to visa system.
<b>Programs for dislocated US workers</b>	- Establishes electronic job registry; jobs must be listed prior to H-2C recruitment.	- Establishes electronic job registry; jobs must be listed prior to Y-1 or Y-2 recruitment.	- American Worker Recruit and Match System: State workforce agencies manage electronic job listing/matching service; funded by earned legalization fines and fees. - Funding for Workforce Investment Act (WIA) training and employment services.
<b>Protection for foreign workers</b>	- Regulation of foreign labor contractors.	- Regulation of foreign labor contractors.	- Notification of foreign workers of their labor rights - Regulation of foreign labor contractors; - Primary employer held liable for recruiter violations - Establishes civil penalties up to \$10,000

Issue	2006 S.2611 (as amended)	2007 S.1639	2009 CIR ASAP (H.R. 4321)
<b>H1-B Visa</b>	<ul style="list-style-type: none"> <li>- Increases cap to 115,000 with market-based escalator.</li> <li>- New quota exemptions.</li> </ul>	<ul style="list-style-type: none"> <li>- Increases cap to 115,000 with market-based escalator.</li> <li>- Positive recruitment requirements.</li> <li>- No more than 50% of employees may be H-1B (firms of 50 or more).</li> <li>- New anti-fraud measures.</li> </ul>	<ul style="list-style-type: none"> <li>- Strengthens prevailing wage requirement.</li> <li>- No displacement of native workers/positive recruitment requirements/no outsourcing.</li> <li>- More oversight and enforcement of wages.</li> <li>- New penalties for labor violations.</li> <li>- New anti-fraud measures.</li> <li>- No more than 50% of employees may be H-1B (firms of 50 or more).</li> <li>- Right of action for US workers.</li> </ul>
<b>H-2B Visa</b>	/	Replaced by Y-2 visa; see above	<ul style="list-style-type: none"> <li>- DOL enforcement authority.</li> <li>- Private right of action for US workers.</li> <li>- New recruitment requirements.</li> <li>- New fees.</li> <li>- New prevailing wage requirements.</li> <li>- Restrictions on subcontracting.</li> </ul>
<b>L Visa</b>	<ul style="list-style-type: none"> <li>- Authorizes extension of L visa if certification/application pending.</li> <li>- Restrictions on new offices.</li> </ul>	<ul style="list-style-type: none"> <li>- Restrictions on new offices.</li> <li>- New complaint procedures and enforcement mechanisms.</li> <li>- Whistleblower protections.</li> </ul>	<ul style="list-style-type: none"> <li>- Restrictions on subcontracting and new offices.</li> <li>- New complaint procedures and enforcement mechanisms.</li> <li>- Whistleblower protections.</li> <li>- Prevailing wage requirements.</li> <li>- New penalties for labor violations.</li> </ul>
<b>EB-5 Visa</b>	/	/	<ul style="list-style-type: none"> <li>- Permanent reauthorization of 10,000 visas.</li> <li>- Expansion of Targeted Employment Areas.</li> </ul>
<b>Personnel</b>	Authorizes 2,000 new DOL inspectors	/	/

Issue	2006 S.2611 (as amended)	2007 S.1639	2009 CIR ASAP (H.R. 4321)
<b>Title VI: Integration of New Americans</b>			
<b>Summary</b>	<ul style="list-style-type: none"> <li>- Reforms to immigration court system.</li> <li>- Establishes State Impact Assistance grant program (funded by legalization fees) to fund health and education services by states and localities.</li> </ul>	<ul style="list-style-type: none"> <li>- Reforms to immigration court system.</li> <li>- Establishes State Impact Assistance grant program (funded by legalization fees) to fund health and education services by states and localities.</li> </ul>	<ul style="list-style-type: none"> <li>- Restrictions on immigration fee increases.</li> <li>- Uniform naturalization exam + lower age exemption.</li> <li>- Community citizenship-promotion and naturalization-assistance grants.</li> <li>- US high school graduation satisfies naturalization language/civics requirement.</li> </ul>
<b>Naturalization process</b>	/	/	<ul style="list-style-type: none"> <li>- Uniform naturalization exam.</li> <li>- Lowers age requirement for language exemption.</li> <li>- Timely background checks.</li> </ul>
<b>Promoting naturalization</b>	/	/	<ul style="list-style-type: none"> <li>- High school graduation satisfies English/civics requirement.</li> <li>- Incentives to support English education classes.</li> <li>- USCIS funds for naturalization ceremonies.</li> </ul>
<b>Immigration courts</b>	<ul style="list-style-type: none"> <li>- Increases number immigration judges.</li> <li>- Restructures Bureau of Immigration Appeals (BIA).</li> <li>- Federal grants for court interpreters.</li> </ul>	<ul style="list-style-type: none"> <li>- Increases number of Office of Immigration Litigation attorneys.</li> <li>- Increases immigration judges.</li> <li>- Expands BIA.</li> </ul>	/

Issue	2006 S.2611 (as amended)	2007 S.1639	2009 CIR ASAP (H.R. 4321)
<b>Integration and naturalization grants</b>	Establishes State Impact Assistance grant program (funded by legalization fees) to fund health and education services by states and localities.	Establishes State Impact Assistance grant program (funded by legalization fees) to fund health and education services by states and localities.	<ul style="list-style-type: none"> <li>- USCIS grant program to non-profit organizations for English language classes, legal assistance, outreach activities, and assistance with legalization applications</li> <li>- Department of Justice grant program to nonprofit community organizations for public education and legal representation and to discourage the use of unauthorized legal advisors</li> <li>- USCIS “Initial Entry, Adjustment, and Citizenship Assistance” grant program to community-based organizations for assistance with legalization applications, naturalization process, and proficiency tests.</li> <li>- Office of Citizenship and Immigrant Integration grant program to State New American Councils made up of diverse stakeholders to promote English acquisition, civics education, and community integration</li> </ul>

\* Titles used in table are from the 2009 House legislation, Comprehensive Immigration Reform for America's Security and Prosperity Act (H.R. 4321).