

H.R.1772: Legal Workforce Act (Introduced 4/26/2013.....	10
H.R.2278: SAFE Act (Introduced 6/18/2013	14
Strengthen and Fortify Enforcement (SAFE) Act.....	14
H.R.1773: The Agricultural Guestworker Act (The “AG Act”) of 2013 (Introduced 4/26/2013.....	20
Introduced in House (04/26/2013)	20
H.R.1784: Domestic Refugee Resettlement Reform and Modernization Act of 2013 (Introduced 4/26/2013).....	23
H.R.406: To provide discretionary authority to an immigration judge to determine that an immigrant parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States (Introduced 1/23/2013).....	24
H.R. 1365: Refugee Protection Act of 2013 (Introduced: Mar 21, 2013)	25
H.R. 519: Uniting American Families Act of 2013 (Introduced on February 5, 2013.....	31
H.R. 1276 Immigration Oversight and Fairness Act (Introduced on February 13, 2013	34
<i>H.R.1276: Currency Reform for Fair Trade Act of 2013</i>	<i>34</i>
H.R.639 Immigration Oversight and Fairness Act - (Introduced 2/13/2013	35
H.R. 629: Violence Against Immigrant Women Act of 2013 (Introduced on February 13, 2013	36
H.R. 651: Strengthening Refugee Resettlement Act (Introduced on February 13, 2013	37
<i>Bills Passed in the U.S. Senate</i>	<i>38</i>
S. 744: Border Security, Economic Opportunity, and Immigration Modernization Act (Introduced Apr 17, 2013).....	38
S. 1614: Accuracy for Adoptees Act (Introduced on October 30, 2013.....	46
<i>Bills Pending in the U.S. Senate.....</i>	<i>46</i>
S. 1990: A bill to prohibit aliens who are not lawfully present in the United States from Being Eligible for Post Secondary Education Benefits that are not available to all citizens and nationals of the United States (Introduced February 4, 2014.....	46
S. 461: Filipino Veterans Family Reunification Act of 2013 (Introduced March 5, 2013.....	47
S. 527: Liberian Refugee Immigration Fairness Act of 2013 (Introduced on March 12, 2013)	48

S. 295: Indonesian Family Refugee Protection Act (Introduced on February 13, 2013)	48
S. 296: Uniting American Families Act of 2013 (Introduced on February 13, 2013).....	49
S. 645: Refugee Protection Act of 2013 (Introduced on March 21, 2013).....	49
S. 260: Immigration Enforcement Transparency Act (Introduced on February 7, 2013).....	49
California Bills.....	50
Assembly Bills	50
AB 4 Trust Act.....	50
SEC. 2.....	51
<i>With TRUST Act, California Blocks Key Deportation Tool.....</i>	<i>52</i>
AB 524	53
SECTION 1.	53
AB 35 54	
SEC. 1.....	54
SEC. 2.....	54
SEC. 3.....	56
AB 1024.....	57
THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:.....	57
SECTION 1.	57
AB 1159.....	57
SECTION 1.	59
AJR: 3: As Relative To Immigration (Introduced on April 1, 2013	61
SR: 25: Relative To Immigration (Introduced on January 23, 2014	62

FEDERAL BILLS¹

Bills Pending in the House of Representatives

As of February 2014, over 470 immigration-related bills have been introduced in the U.S. House of Representatives during the 113th Congress. The Center for Human Rights and Constitutional Law has identified the following bills as protective of the rights of low-income immigrants. We recognize that many of these bills will not become law. However, advocates or their clients may communicate with local Congressional representatives if certain provisions would positively benefit their clients. We believe that many of these provisions should become law whether by way of stand-alone legislation or a comprehensive immigration reform bill.

H.R.1417: Border Security Results Act of 2013 (Introduced on 4/9/2013)

Sponsor: Rep. Michael McCaul [R-TX10]

Bill Text: <https://www.govtrack.us/congress/bills/113/hr1417/text>

Summary:

The summary below was written by the Congressional Research Service, which is a nonpartisan division of the Library of Congress.

<http://thomas.loc.gov/cgi-bin/bdquery/z?d113:HR01417:@@@D&summ2=m&>

Border Security Results Act of 2013 - Directs the Secretary of Homeland Security (DHS) to:

(1) report, every 180 days, on the state of operational control of the international borders of the United States; and

(2) achieve situational awareness of such borders within two years.

Requires the Secretary to submit:

(1) a comprehensive strategy for gaining and maintaining operational control of high traffic areas of such borders within a two-year period,

(2) an implementation plan for each DHS border security component to carry out such strategy, and

(3) an updated strategy and implementation plan after submission of each Quadrennial Homeland Security Review. Requires such strategy to include:

(1) an assessment of principal border security threats,

(2) efforts to analyze and disseminate border security and threat information between DHS border security components,

(3) a comprehensive border security technology plan,

(4) Department of Defense (DOD) surveillance capabilities,

¹ All bills/resolutions introduced in the 113 CONGRESS: H.R. (32 bills); S. (23 bills); H.Con.Res. (1

- (5) the use of manned aircraft and unmanned aerial systems,
- (6) agreements with foreign governments that support U.S. border security efforts,
- (7) staffing requirements for all border security functions, and
- (8) specified metrics.

Requires the Government Accountability Office (GAO) to review and report on such implementation plan.

Directs the Secretary to:

- (1) implement metrics to measure the effectiveness of security between ports of entry, at ports of entry, and in the maritime environment;
- (2) request the head of a national laboratory within the DHS laboratory network with prior expertise in border security to provide an independent assessment of, and ensure statistical validity of, such metrics; and
- (3) make such assessment and the metrics data and methodology available to GAO for a report to Congress. Directs:

(1) the Secretary to submit a certification to Congress and the Comptroller General upon determining that operational control of such borders has been achieved, and

(2) the Comptroller General to verify the accuracy of such certification.

Directs the Comptroller General to submit a report addressing areas of overlap in responsibilities within DHS's border security functions.

Directs the Secretary to report annually on:

- (1) a resource allocation model for current and future year staffing requirements for optimal staffing levels at all land, air, and sea ports of entry;
- (2) detailed information on the level of manpower available at and between such ports of entry; and
- (3) detailed information describing the difference between such optimal and actual levels.

Status: Reported by the House Homeland Security – Border, Maritime, and Global Counterterrorism Committee on May 15, 2013

Press and Commentary:

REP. MILLER: BORDER SECURITY RESULTS ACT IS RIGHT PATH FORWARD TO REAL BORDER SECURITY

Also available at: <http://candicemiller.house.gov/press-release/rep-miller-border-security-results-act-right-path-forward-real-border-security>

July 13, 2013

WASHINGTON – U.S. Representative Candice Miller (MI-10), Vice Chair of the House Homeland Security Committee and Chairman of the Subcommittee on Border and Maritime Security, held a hearing today entitled, “[A Study in Contrasts: House and Senate Approaches to Border Security](#).” The hearing assessed the two disparate approaches to border security by the U.S. House of Representatives and U.S. Senate. During Miller’s hearing, members and witnesses discussed current legislation before Congress: H.R. 1417, the Border Security Results Act which Miller is an original cosponsor of in the House, as well as discussed S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act that passed the Senate.

H.R. 1417, the Border Security Results Act which passed both the House Committee on Homeland Security Border and Maritime Security Subcommittee and the full Committee with broad bipartisan support, first calls for a strategy and an implementation plan to secure our borders to be produced before additional resources are expended. It requires metrics to increase accountability, and applies a standard of no less than 90% effectiveness to for the first time, holding the Department of Homeland Security accountable to an achievable, yet tough standard of border security.

The hearing heard from witnesses, such as the Senator John Cornyn (R-TX) who provided testimony on the Senate's border security components and immigration approach, and heard from Representative Xavier Becerra (CA-34) on how he views the House should proceed. Additional witnesses included: Mr. Jayson Ahern, Former Acting Commissioner, U.S. Customs and Border Protection, Mr. Edward (Ted) Alden, Bernard L. Schwartz senior fellow at the Council on Foreign Relations and Mr. Rich Stana, Former Director, Homeland Security and Justice, Government Accountability Office.

Chairman Candice Miller Remarks as Delivered:

“Our nation is in the middle of a very robust debate on the best path to reform our broken immigration system. An essential part of that debate is how we secure the border, so that in 10 years or 15 years we do not need to debate again and again.

“We need to reduce the flow of people coming to this country illegally: this includes those who sneak across the border, across the desert, and those who overstay their visas. This is more than an immigration issue; it's a national security issue. We need to start by securing the southern border, but that is not the only that we have. All of our borders - our northern border, southern border and the maritime environment - are dynamic places, once we have secured a section of the border it is by no means secured forever. It can change.

“Without a nation-wide plan, the drug cartels and smugglers will continue to seek out the point of least resistance and succeed in coming into our country illegally by crossing our borders. The American people overwhelmingly agree that we need to secure the border – they have spoken out many times about that. It is something that unfortunately we failed to do in 1986, and immigration reform, in my mind, will not happen without the public – the American people – having a high degree of confidence that their Government is committed to enforcing the nation's immigration laws and following through on our border security promises.

“A real border security plan has to be able to answer these simple questions: what does a secure border look like; how do we get there; and most importantly how do we measure progress of getting there. Spending billions of dollars on border security without a way to assess progress is really what we have done that for the last 20 years without truly understanding how effective the additional resources have been or measuring them.

“I am disappointed that the Senate continued this flawed approach with their immigration bill – to the tune of \$46 billion dollars. I think without outcome-based metrics, accountability or a standard for success with real teeth, the Senate bill is more of the same – it's a Washington solution and that will not deliver results. I do think that additional resources will be needed to achieve situational awareness, operational control of the border and enhance security at the ports

of entry. But just spending additional resources without a strategy to secure the border or means to hold DHS accountable for a result creates conditions that are ripe for waste. Doubling the Border Patrol and tearing down hundreds of miles of fence just to rebuild it appears tough until you look deeper and ask the tough questions: Did the Chief of the Border Patrol say that's what they needed to get the job done, or did Senators come up with those nice round numbers to get additional votes?

“Here in the House Homeland Security Committee, we have taken a radically different approach that addresses security based on results and certifiable metrics—not on resources alone. On a bipartisan basis, we passed a bill that will put us on the road to achieving real, tangible and most importantly verifiable border security. The Border Security Results Act of 2013 calls on the Department of Homeland Security to finally develop and implement a serious plan to secure the border, to develop metrics, and to gain the situational awareness needed to understand how the threat at the border evolves.

“The strategy and implementation plan required by this legislation will consist of actual analysis to inform how and where we apply resources we send to the border. This strategy will eliminate the ad hoc nature of our spending, and in short, it will answer the question: what does a secure border look like? Metrics called for in the bill are long overdue, because the American people and the Congress have been frustrated by this administration – past administrations as well - and its inability to come to grips with the need to secure our border and how we do so in a measurable, transparent way.

“Through our bill, the National Labs and border stakeholders will be able to offer needed expertise, so that what the Department of Homeland Security produces actually measures border security. We cannot continue to rely on faulty measures like how many resources we send to the border or the number of people we apprehend. Instead border security can only be based on hard and verifiable facts vetted by independent experts. Third-party verification by outside experts is an important part of our approach to make sure that Congress and the American people aren't being misled and that promises made are promises kept.

“Every section of this bill was designed to give Congress and the American people a high degree of confidence that we are on the right path. This bill is about accountability and real results because DHS' border components must be held to account for success, or failure – progress or not. And this bill is the right way to move forward. We can and must secure the border – the American people deserve no less.”

BORDER SECURITY RESULTS ACT STRIKES A FAIR BALANCE BETWEEN BORDER ENFORCEMENT AND FISCAL RESPONSIBILITY

Also available At: <http://candicemiller.house.gov/border-security-results-act-strikes-fair-balance-between-border-enforcement-and-fiscal>

A shocker: House gets something right on immigration, the Border Security Results Act strikes a fair balance between border enforcement and fiscal responsibility.
The Los Angeles Times editorial board

It isn't often that the House gets it right on immigration reform, at least not in recent years. Yet it has done so with the Border Security Results Act of 2013, a sensible piece of legislation that has miraculously emerged from the Committee on Homeland Security and that strikes a fair balance between enforcement and fiscal responsibility.

Unlike the Senate's approach, which throws \$46 billion at the U.S.-Mexican border without any real strategy behind it, the House bill would require the Department of Homeland Security to provide a status report on illegal crossings and develop a strategy to thwart the vast majority of unauthorized entries.

The House and Senate bills share some of the same goals, including calling for a dramatic increase in surveillance of the border and ensuring that 90% of those attempting to cross illegally are either turned back or arrested. But the House bill would require far more analysis before spending billions for more boots on the ground and additional technology.

For example, the House bill calls on Homeland Security, as part of its status report, to identify high-traffic areas within three months of the bill becoming law. The department would have another 30 days to create metrics to measure the state of border security. Within nine months of the bill's approval, the department would have to have a border security strategy up and running. Only after those benchmarks were met would Congress provide additional funding for expanding the strategy across the entire border.

The bill also demands far more accountability from the department, including progress reports to Congress and Government Accountability Office oversight. Unlike the Senate bill, it does not tie the promise of a path to citizenship for millions of immigrants who are illegally in the U.S. to border security, which is outside their control.

Much of the credit for the bill belongs to Reps. Michael McCaul (R-Texas), the chairman of the committee, and Candice S. Miller (R-Mich.), the vice chair, both of whom worked across the aisle and consulted with academics and experts rather than give in to the arbitrary demands of some GOP House members who feel that nothing short of a U.S. version of the Great Wall of China will guarantee border security.

On Tuesday, the committee is scheduled to hold hearings to compare the House and Senate approaches to border security. We hope that McCaul and Miller continue to prove that some House Republicans are still capable of having a sane and credible discussion on immigration reform.

H.R.3921: IN STATE Act of 2013 (Introduced 1/16/2014)

Sponsor: Rep. Jared Polis (D-C02)

Bill Text: <https://www.govtrack.us/congress/bills/113/hr3921/text>

Summary:

To incentivize State support for postsecondary education and to promote increased access and affordability for higher education for students, including Dreamer students.

This bill may also be cited as Investing in States to Achieve Tuition Equality for Dreamers Act of 2014

The non-partisan Congressional Budget Office found that comprehensive immigration reform would reduce the national deficit by billions, strengthen Social Security solvency, increase the number of jobs, and raise Gross Domestic Product.

According to a report by the Partnership for a New American Economy, in 2010 more than 4 percent of Fortune 500 companies were founded by immigrants or their children, generating a combined revenue of \$4,200,000,000,000.

Thousands of deferred action childhood arrival students graduate from high schools in the United States every year but only a small fraction of those students enroll in higher education.

Many jobs in the 21st century economy require some form of postsecondary education

Education provides an important pathway to the middle class; college graduates have higher earnings

and lower unemployment rates than their less educated peers.

Since 2008, States are spending 28 percent less per student in higher education, and tuition and fees continue to rise. The increased costs are being shifted to students and student loan debt continues to grow.

Investments in higher education provide youth a ladder to achieving the American dream.

The purposes of this Act are to allow States to provide immigrant students timely and affordable access to higher education; incentivize States to maintain support for higher education; and\ promote increased access and affordability to postsecondary education for students through State need-based financial aid.

Bill Status: Referred to House committee. Referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

Press and Commentary: There have been no press releases nor public commentary at this time.

H.R.3732: Immigration Compliance Enforcement (ICE) Act (Introduced 4/12/2013)

Sponsor: Rep. Diane Black (R-TN6)

Bill Text: <https://www.govtrack.us/congress/bills/113/hr3732/text>

Summary:

The summary below was written by the Congressional Research Service, which is a nonpartisan division of the Library of Congress. Immigration Compliance

Enforcement (ICE) Act - Prohibits the use of federal funds for:
the position of Public Advocate within U.S. Immigration and Customs Enforcement (ICE);
the position of Deputy Assistant Director of Custody Programs and Community Outreach within ICE; or

any other position within ICE whose functions are substantially the same as those which as of March 26, 2013, were assigned to the position of Public Advocate within ICE, or as of the date of the enactment of this Act were assigned to the position of Deputy Assistant Director of Custody Programs and Community Outreach within ICE.

Press and Commentary: There have been no press releases nor public commentary at this time.

H.R. 3707 To Ensure the Emergency Protection of Iranian Dissidents Living in Camp Liberty/Hurriya to Provide for their admission as refugees to the United States (Introduced 12/11/13)

Sponsor: Rep. Dana Rohrabacher (R-CA 48)

Bill Text: <https://www.govtrack.us/congress/bills/113/hr3707/text>

Summary:

The summary below was written by the Congressional Research Service, which is a nonpartisan division of the Library of Congress.

Directs the United States to:

take all necessary and appropriate steps to ensure the safety of the residents of Camp Liberty/Hurriya in Iraq;

provide all necessary and appropriate assistance to the United Nations (U.N.) High Commissioner for Refugees to process refugee applications by the residents of Camp Liberty/Hurriya and to secure their safe resettlement outside of Iraq; and

admit the residents of Camp Liberty/Hurriya as refugees in the United States and not delay or bar such resettlement because any such resident is or has been a member of, or supports or has supported, organizations or groups that were subject to the Secretary of State's decision of September 21, 2012.

Directs the Secretary and the Secretary of the Department of Homeland Security (DHS) to report to Congress on U.S. efforts to guard the safety of Camp Liberty/Hurriya residents and secure their orderly resettlement.

Press and Commentary: There have been no press releases nor public commentary at this time.

H.R.2745: No Social Security for Illegal Immigrants Act of 2013 (Introduced on July 18, 2013)

Sponsor: Dana Rohrabacher (R-CA 48)

Bill Text: <https://www.govtrack.us/congress/bills/113/hr2745/text>

Summary:

- No Social Security for Illegal Immigrants Act of 2013 - Amends title II (Old Age, Survivors and Disability Insurance) (OASDI) of the Social Security Act to exclude from creditable wages and self-employment income any wages earned for services by aliens performed in the United States, and self-employment income derived from a trade or business conducted in the United States, while the alien was not authorized to be so employed or to perform a function or service in such a trade or business.

Press and Commentary:

AMAC Supports H.R. 2745 – No Social Security for Illegal Immigrants Act of 2013

Source: <http://amac.us/amac-supports-h-r-2745-no-social-security-for-illegal-immigrants-act-of-2013>

AMAC is proud to announce that a letter of support for H.R. 2745, the “No Social Security for Illegal Immigrants Act of 2013,” has been delivered to the office of Rep. Dana Rohrabacher (R-CA). This significant piece of legislation addresses critical concerns regarding the future of Social Security. Amending Sections 210 and 211 of the Social Security Act, H.R. 2745 prohibits aliens not authorized to work in the U.S. from receiving Social Security benefits. AMAC firmly believes this legislation helps to close the gap between Social Security and U.S. immigration laws by ensuring that those who violate our immigration laws are not rewarded for their actions. H.R. 2745 responsibly strengthens the laws of our country, while protecting Social Security benefits for hard-working citizens. As an organization deeply committed to advocating on behalf of mature Americans, AMAC urges Congress to adopt commonsense proposals to prevent further abuse of entitlements and to achieve solvency. Thanks to the leadership and attention of Rep. Rohrabacher, AMAC feels that H.R. 2745 can help restore accountability and stability within Social Security.

H.R.1525: Save America Comprehensive Immigration Act of 2013 (Introduced 4/12/2013)

Sponsor: Rep. Sheila Jackson Lee [D-TX18]

Bill Text: <https://www.govtrack.us/congress/bills/113/hr1525/text>

Summary:

Amends the Immigration and Nationality Act (INA) to provide increased protections and eligibility for family-sponsored immigrants.

Directs the Secretary of State to establish a Board of Family-based Visa Appeals within the Department of State.

Authorizes the Secretary of Homeland Security (Secretary) to deny a family-based immigration petition by a U.S. petitioner for an alien spouse or child if: (1) the petitioner is on the national sex offender registry for a conviction that resulted in more than one year's imprisonment, (2) the petitioner has failed to rebut such information within 90 days, and (3) granting the petition would put a spouse or child beneficiary in danger of sexual abuse.

Directs the Secretary to establish the Task Force to Rescue Immigrant Victims of American Sex Offenders.

Authorizes the Secretary to adjust the status of aliens who would otherwise be inadmissible (due to unlawful presence, document fraud, or other specified grounds of inadmissibility) if such aliens have been in the United States for at least five years and meet other requirements.

Authorizes the emergency deployment of Border Patrol agents to a requesting border state.

Sets forth provisions for Border Patrol acquisition and use of specified equipment.

Directs the Secretary to: (1) provide for additional detention space for illegal aliens; (2) increase Border Patrol agents, airport and land border immigration inspectors, immigration enforcement officers, and fraud and document fraud investigators; (3) enhance Border Patrol training and operational facilities; (4) establish immigration, customs, and agriculture inspector occupations within the Bureau of Customs and Border Protection; (5) reestablish the Border Patrol anti-smuggling unit; (6) establish criminal investigator occupations within the Department of Homeland Security (DHS); (7) increase Border Patrol agent and investigator pay; (8) require foreign language training for appropriate DHS employees; and (9) establish the Fraudulent Documents Task Force.

Redefines the term "law enforcement officer" under provisions of the Federal Employees Retirement System (FERS) and the Civil Service Retirement System (CSRS) to include: (1) federal employees not otherwise covered by such term whose duties include the investigation or apprehension of suspected or convicted individuals and who are authorized to carry a firearm, and (2) Internal Revenue Service (IRS) employees whose duties are primarily the collection of delinquent taxes and the securing of delinquent returns.

Authorizes S (witness or informant) nonimmigrant status for aliens in possession of critical reliable information concerning commercial alien smuggling or trafficking in immigration documents.

Establishes a reward program to assist in eliminating immigration-related commercial document fraud operations.

Sets forth unfair immigration-related employment practices.

Requires petitioners for nonimmigrant labor to describe their efforts to recruit lawful permanent residents or U.S. citizens.

Makes permanent an INA provision allowing adjustment of status of certain aliens for whom family-sponsored or employment-based applications or petitions were filed by a specified date.

Lessens immigration consequences for minor criminal offenses. Eliminates retroactive changes in grounds of inadmissibility and removal.

Amends criminal offense removal-related provisions.

Increases the worldwide level of diversity immigrants.

Authorizes adjustment of status for certain nationals or citizens of Haiti.

Eliminates mandatory detention in expedited removal proceedings.

Amends the Haitian Refugee Immigration Fairness Act of 1998 to: (1) waive document fraud as a ground of inadmissibility, and (2) address determinations with respect to children.

Eliminates the one-year filing requirement for asylum applicants. Includes gender persecution within the particular social group category of persecution.

Provides for the permanent resident status adjustment of certain temporary protected status persons.

Amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to eliminate a provision prohibiting restrictions on the communication of immigration status information by a government entity.

Replaces the existing fashion model H-1B visa classification with an O-visa classification.

Status: Referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Oversight and Government Reform as of April 30, 2013

H.R.1772: Legal Workforce Act (Introduced 4/26/2013)

Sponsor: Rep. Lamar Smith [R-TX21]

Bill Text: <http://www.gpo.gov/fdsys/pkg/BILLS-113hr1772ih/pdf/BILLS-113hr1772ih.pdf>

Summary:

The summary below was written by the Congressional Research Service, which is a nonpartisan division of the Library of Congress.

Legal Workforce Act - Amends the Immigration and Nationality Act to direct the Secretary of Homeland Security (DHS) to establish an employment eligibility verification system (EEVS), patterned after the E-Verify system.

(Eliminates the current paper-based I-9 system.) Requires an employer to attest, during the verification period and under penalty of perjury, that the employer has verified that an individual is not an unauthorized alien by:

- (1) obtaining and recording the individual's social security account number, and
- (2) examining specified documents that establish such individual's identity and employment authorization.

Requires an individual to attest that he or she is a U.S. citizen or national, a lawful permanent resident, or an alien authorized to work in the United States. Establishes a phased-in EEVS participation deadline (six months to two years) for different categories of employers, including agricultural employers.

Requires reverification of the following workers who have not been verified under E-verify:

- (1) federal, state, or local government employees;
- (2) certain employees who require a federal security clearance; and
- (3) certain employees assigned to work in the United States under a federal or state contract.

Authorizes an employer to voluntarily reverify employees.

(Requires any such reverification to be applied to all individuals so employed).

Includes employment recruitment and referral within the scope of EEVS. Requires EEVS use by union halls and nonprofit employment agencies.

Requires EEVS to provide employers with:

- (1) temporary verification or nonverification within 3 working days of an inquiry; and
- (2) in the case of nonverification, a final verification or nonverification within 10 working days.

Sets forth provisions regarding:

- (1) an employer utilizing a good faith defense,
- (2) preemption of state or local law,
- (3) employer penalties, and
- (4) worker remedies for EEVS errors.

Provides for the establishment of programs to:

- (1) block the use of misused social security numbers, and
- (2) suspend or limit the use of social security numbers of victims of identity fraud.

Directs the Secretary to:

- (1) establish a program under which parents or legal guardians may suspend or limit the use of the social security account number or other identifying information of a minor for the purposes of the employment eligibility verification system, and
- (2) establish an Identity Authentication Employment Eligibility Verification pilot program to provide employers with identity authentication and employment verification of enrolled new employees.

Status: Reported by Committees, House Education and the Workforce and House Ways and Means Committee: Jun 26, 2013

Press and Commentary:

http://judiciary.house.gov/news/2013/04262013_2.html

House Judiciary Committee Introduces Bill to Expand E-Verify

Released on April 26, 2013

Washington, D.C. – House Judiciary Committee Chairman Bob Goodlatte (R-Va.) today joined Congressman Lamar Smith (R-Texas) in introducing the *Legal Workforce Act* (H.R. 1772) a bipartisan bill that will discourage illegal immigration by ensuring jobs are only made available to those authorized to work in the U.S. The *Legal Workforce Act* is one of several bills the House Judiciary Committee plans to introduce to help address various issues within our immigration system.

E-Verify, created in 1996 and operated by U.S. Citizenship and Immigration Services, is a web-based program that checks the Social Security numbers or Alien Identification numbers of new hires against Social Security Administration and Department of Homeland Security records in order to eliminate fraudulent numbers and helps ensure that new hires are genuinely eligible to work in the U.S. The program quickly confirms 99.7% of work-eligible employees and takes less than two minutes to use. Today, nearly 450,000 American employers voluntarily use E-Verify. Outside evaluations have found that the vast majority of employers using E-Verify believe it to be an effective and reliable tool for checking the legal status of their employees. Below are statements from Chairman Goodlatte and Rep. Smith on the bill's introduction.

Chairman Goodlatte: "The future of immigration reform hinges on ensuring the American people that our immigration laws are enforced. In the past, politicians promised us tougher enforcement in exchange for the legalization of those unlawfully in the U.S., but these promises were never kept and today we are left with a broken immigration system.

"One way to make sure we discourage illegal immigration in the future is to expand the use of E-Verify across the country. This web-based program is a reliable and fast way for employers to check the work eligibility of newly hired employees. The *Legal Workforce Act* builds on E-Verify's success and makes a promise to the American people that it can deliver. By expanding E-Verify, it will be much more difficult for people to work illegally in the U.S. and will consequently help stop illegal immigration.

"It is also important to create enforcement laws that are actually enforced. *The Legal Workforce Act* empowers states to help enforce the law, ensuring that we don't continue to make the enforcement mistakes of the past where the President can 'turn-off' federal enforcement efforts unilaterally."

Congressman Smith: "Twenty-two million Americans are still struggling to find full-time employment. Meanwhile, seven million people work in the U.S. illegally. These jobs should go to legal workers.

"Illegal workers compete with American workers for jobs and drive down their wages. The nationwide use of E-Verify could increase wages and open up millions of jobs for unemployed and underemployed Americans. E-Verify will help ensure that jobs are reserved for citizens and legal workers.

"E-Verify is easy to use and has proved effective at helping employers avoid illegal workers. It takes just a few minutes and immediately confirms 99.7% percent of work-eligible employees." Original cosponsors of the *Legal Workforce Act* include Reps. Goodlatte (R-Va.), Gowdy (R-S.C.), Bishop (R-Utah), Blackburn (R-Tenn.), Burgess (R-Texas), Calvert (R-Calif.), Chaffetz (R-Utah), DeFazio (D-Oreg.), Farenthold (R-Texas), Forbes (R-Va.), Franks (R-Ariz.), Holding (R-N.C.), King (R-N.Y.), Labrador (R-Idaho), Lance (R-N.J.), Poe (R-Texas), Royce (R-Calif.), Schweikert (R-Ariz.), Sensenbrenner (R-Wisc.), Stivers (R-Ohio), and Westmoreland (R-Ga.).

Key Components of the *Legal Workforce Act*:

Repeals I-9 System: Repeals the current paper-based I-9 system and replaces it with a completely electronic work eligibility check, bringing the process into the 21st century.

Gradual Phase-In: Phases-in mandatory E-Verify participation for new hires in six month increments beginning on the date of enactment. Within six months of enactment, businesses having more than 10,000 employees are required to use E-Verify. Within 12 months of enactment, businesses having 500 to 9,999 employees are required to use E-Verify. Eighteen

months after enactment, businesses having 20 to 499 employees must use E-Verify. And 24 months after enactment, businesses having 1 to 19 employees must use E-Verify.

Agriculture: Requires that employees performing “agricultural labor or services” are only subject to an E-Verify check within 24 months of the date of enactment.

States as Partners: Preempts duplicative state laws mandating E-Verify use but retains the ability of states and localities to condition business licenses on the requirement that the employer use E-Verify in good faith under the federal law. In addition, the bill allows states to enforce the federal E-Verify requirement and incentivizes them to do so by letting them keep the fines they recover from employers who violate the law.

Protects Against Identity Theft: The bill allows individuals to lock their Social Security number (SSN) so that it can't be used by another person to get a job. It also allows parents or legal guardians to lock the SSN of their minor child. And if a SSN shows unusual multiple use, the Department of Homeland Security is required to lock the SSN and alert the owner that their personal information may have been compromised.

Safe Harbor: Grants employers a safe harbor from prosecution if they use the E-Verify program in good faith, and through no fault of theirs, receive an incorrect eligibility confirmation.

AILA Opposes Legal Workforce Act

Also Available at: <http://www.aila.org/content/default.aspx?docid=44910>

Released on June 26, 2013

Washington, DC - Today, the House Judiciary Committee marks up the Legal Workforce Act (H.R. 1772), which is one of several piecemeal measures they have considered. This bill will make mandatory the use of an electronic employment verification system that would replace the current voluntary E-Verify system. The American Immigration Lawyers Association (AILA) opposes the legislation because it will harm American workers and businesses and do nothing to fix the nation's immigration problems. Standing alone, this measure represents yet another fatally flawed enforcement-only effort.

"E-Verify or any new electronic employment verification system will be an important tool in the effort to address unauthorized employment," said AILA President Laura Lichter. She continued, "We must keep in mind however, if all U.S. employers were required to use E-Verify right now, at the current error rate we would see in the neighborhood of 1.7 million errors, potentially impacting lawful workers. That is simply too high. Furthermore, the bill would roll out this expanded verification system requiring all employers to use it in just 2 years. This is a recipe for disaster. Additionally, another crucial issue to resolve is how to create a system that can effectively deal with identity fraud without unnecessarily trampling our civil liberties."

As Congress is poised to address major immigration reforms, AILA believes that effective worksite enforcement is a logical component of any practical effort to fix the ills that plague our nation's immigration system. While real immigration reform can only be accomplished with a comprehensive approach, the key interests that an employment verification system must balance are individual worker rights and legitimate employer concerns. Any such system must:

- Be implemented in a way that minimizes the burdens on businesses, especially while the economy is recovering,

- Be effectively scalable - if E-Verify is made mandatory, employer usage will go rapidly from about 400,000 to 15 million,

Protect the interests of small businesses,
Provide the ability for businesses to correct paperwork errors,
Provide a realistic and effective safe harbor for businesses that make technical or harmless errors,
Provide mechanisms to suspend the rollout of the employment verification program if patterns of errors develop,
Be phased-in in a way to safeguard workers' due process rights, ensure safe working conditions, and prevent worker exploitation, and
Ensure that information is kept confidential and used only to determine work eligibility.

"Yes, this is a tall order and it certainly cannot be accomplished in a piecemeal fashion. With immigration reform within our grasp, the House of Representatives must focus on a reform package that includes a roadmap to lawful permanent status for the millions of undocumented immigrants currently living and working in the U.S., reforms to the legal immigration system in a way that will help businesses to grow, families to reunite and bring fairness to immigration enforcement," Ms. Lichter concluded.

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The American Immigration Lawyers Association is the national association of immigration lawyers established to promote justice, advocate for fair and reasonable immigration law and policy, advance the quality of immigration and nationality law and practice, and enhance the professional development of its members.

H.R.2278: SAFE Act (Introduced 6/18/2013)

Sponsor: Rep. Trey Gowdy [R-SC4]

Bill Text: <http://www.gpo.gov/fdsys/pkg/BILLS-113hr2278ih/pdf/BILLS-113hr2278ih.pdf>

Summary: By National Immigration Law Center (NILC)
www.nilc.org/safeactsummary.html

Strengthen and Fortify Enforcement (SAFE) Act

The SAFE Act was introduced in June 2013 by the chair of the House of Representatives' Immigration Subcommittee, Rep. Trey Gowdy (R-SC), with the support of the chair of the House Judiciary Committee, Rep. Bob Goodlatte (R-VA). On June 18, 2013, the Judiciary Committee approved the legislation by a vote of 20-15. If enacted, the SAFE Act's single-minded focus on immigration enforcement will increase detentions and deportations, and will create an environment of rampant racial profiling and unconstitutional detentions without fixing the immigration system's problems. Key provisions of the SAFE Act, as approved by the Judiciary Committee, include the following:

Grants states and localities full authority to create, implement, and enforce their own criminal and civil penalties for federal immigration violations so long as the penalties applied do not exceed those under federal law. This provision would directly overturn the Supreme Court's decision last year in *Arizona v. United States*, 132 S. Ct. 2492 (2012), which reaffirmed that states may not enact their own criminal penalties for violations of federal immigration law, even when the state

law mirrors the federal provision. Allowing all the 50 states and many localities to enact their own immigration enforcement laws is unworkable, and it will decrease public safety and adversely impact our nation's relations with other countries.

Allows state and local law enforcement to investigate, identify, apprehend, arrest, and detain people in violation of immigration laws and to transfer them to federal immigration authorities. This is an unfettered delegation of immigration enforcement authority to localities, allowing them to arrest and detain people based on nothing more than mere suspicion that a person has committed a civil immigration violation. Local officers with minimal training in the complexities of immigration law cannot be expected to implement federal immigration law appropriately or uniformly.

Eliminates the administration's ability to implement its Deferred Action for Childhood Arrivals (DACA) policy and other policies related to reviewing otherwise deportable people's immigration cases to determine if they should be allowed to remain in the U.S. Also eliminates the use of current guidance on detainers (often referred to as "immigration holds") issued by the U.S. Department of Homeland Security (DHS). As a result of this provision, many more immigrants who would otherwise qualify for temporary relief, particularly those who entered the U.S. as children, would be deported. During the Judiciary Committee's consideration of the bill, Rep. Steve King (R-Iowa) sponsored the amendment that added this language.

Requires the federal government to assume custody over every person identified by a state or local government as inadmissible or deportable upon request by such agency. Such persons must be held in detention in a federal, contract, state, or local prison, jail, detention center, or other facility. This section would strip the DHS secretary of the discretion to decide whether to release a person on bond, under an order of supervision, or on his or her own recognizance rather than continue to detain the person.

Allows states or localities to detain inadmissible or deportable people for 14 days after they complete their jail or prison sentences, in order to transfer them to ICE custody. This unprecedented and unconstitutional expansion of detention authority hinges on an untrained local officer's determination of whether a person is inadmissible or deportable. This section also allows state and local law enforcement officers, untrained in federal immigration law, to issue an immigration hold (detainer) for a person and to detain the person indefinitely until DHS assumes custody. This completely unchecked authority to detain people in prison for 14 days or longer will result in the prolonged detention of U.S. citizens and lawfully present immigrants.

Makes changes that would expand the failed 287(g) program. This provision strips away federal control by requiring that DHS accede to any state or local jurisdiction's request to participate in the 287(g) program, except where a "compelling reason" exists to refuse participation. Under current law, either DHS or the state or local party to the 287(g) agreement may terminate the agreement for any reason; however, this provision restricts DHS's ability to terminate. This is particularly problematic, given the many documented abuses by deputized state and local officers that have occurred under the program.

Requires state and local law enforcement agencies to provide extensive information regarding every noncitizen "apprehended" who is "believed to be inadmissible or deportable." This

provision represents a dramatic expansion of existing law (8 U.S.C. §§ 1373 and 1644) by requiring extensive information sharing, which will tax local law enforcement resources and drive a wedge between communities and the police.

Requires that the National Crime Information Center (NCIC) database be filled with millions of noncriminal records pertaining to noncitizens who have overstayed visas, received voluntary departure or final orders of removal, or have had their visas revoked. This would clutter up the NCIC, a critical tool for law enforcement, and local law enforcement officers using the system would have to waste precious time deciding whether a “hit” in the system merited action. Law enforcement chiefs and associations oppose such changes.

Prohibits states and localities from limiting compliance with U.S. Immigration and Customs Enforcement (ICE) detainer requests and from issuing policies, resolutions, or ordinances that restrict local cooperation with federal law enforcement. This section is a direct response to a number of jurisdictions — most prominently Cook County, Illinois — that have adopted policies or ordinances setting guidelines for when local law enforcement will extend the detention of a person based on an ICE detainer request. This undermines the ability of state and local agencies to direct their policing resources based upon the public safety needs of the communities they serve.

Expands the crime of illegal entry and criminalizes overstaying a visa. This section removes the traditional limit on the crime of illegal entry, which currently criminalizes only people apprehended while entering the U.S., and instead makes illegal entry a continuing offense until the time the person is discovered by federal officials. The section also criminalizes overstaying a visa, even by a single day and regardless of any compelling circumstances.

Attempts to authorize the indefinite detention of people who have been ordered removed. In *Zadvydas v. Davis*, 33 U.S. 678 (2001), the Supreme Court held that indefinite detention of a noncitizen who has been ordered removed, but whose removal is not significantly likely to occur in the reasonably foreseeable future, would raise serious constitutional concerns. This section attempts to overturn the *Zadvydas* decision, except for a narrow category of cases. Worse, the provision also appears to restrict court review of indefinite detention for individuals who cannot be removed and limits the decision to continue to detain solely to the discretion of DHS.

Creates new grounds of inadmissibility and deportability for people whom DHS knows or “has reason to believe” are current or former members of a criminal gang. Such people would be subject to mandatory detention and barred from receiving asylum and temporary protected status (TPS). This would sweep in people who have never been convicted of a crime and are merely suspected of being in a gang, as well as people who are erroneously listed on gang databases because they live in neighborhoods where gangs are active.

Institutes harsh consequences for anyone convicted of a driving-under-the-influence (DUI) offense, even a misdemeanor offense. Undocumented immigrants with one DUI conviction would never be eligible to legalize their status. Immigrants with legal status would be deportable after two DUI convictions, regardless of whether the convictions occurred long ago or were minor misdemeanor offenses. This language was added during the Judiciary Committee’s consideration of the bill.

Subjects anyone who transports or “harbors” a person with the knowledge that the person is undocumented to severe criminal penalties. The mere act of driving an undocumented sibling, parent, parishioner, or neighbor to a job could be considered a criminal offense under the “alien smuggling” provision. There is a limited exception for religious organizations assisting an undocumented minister or missionary who serves in a voluntary capacity. This language was added during the Judiciary Committee’s consideration of the bill.

Status: Reported by the following Committees on Jun 18, 2013

Energy and Forestry, House Judiciary – Border and Maritime Security, House Judiciary – Public Lands and Environmental Regulation, House Natural Resources – Public Lands and Environmental Regulation, House Homeland Security – Border, Maritime, and Global Counterterrorism, House Natural Resources, House Agriculture, and House Homeland Security.

Press and Commentary:

*Statement of House Judiciary Committee Chairman Bob Goodlatte
Markup of H.R. 2278, “The Strengthen and Fortify Enforcement Act (the SAFE Act)”*

Released on June 18, 2013

<http://judiciary.house.gov/news/2013/06182013.html>

Chairman Goodlatte: Today the House Judiciary Committee will mark up its first immigration bill. Over the past six months, the Committee has convened numerous hearings on immigration and introduced several pieces of legislation that address many of the issues plaguing our immigration system. We have, and will continue, to take a step by step approach to immigration reform, thoroughly examining each piece in detail. Today's markup is important to the immigration debate and the future enforcement of our laws, but it's important to note that it's one component of the larger process. There are still many issues left to address.

In 1986, Americans were promised vigorous interior enforcement but that promise was never kept. Today, nearly 30 years later, this Committee is marking up an immigration bill which delivers the robust interior enforcement that Americans demand. It is a fulfillment of our longstanding promise to the American people.

Successful immigration reform must address effective interior enforcement. This is an integral piece of the puzzle. We can't just be fixated on securing the border, which undoubtedly is an issue of paramount concern. We must also focus on what to do with aliens who make it past the border and legal immigrants who violate the terms of their visas.

As many members of the law enforcement community have told us, any real immigration reform effort must guarantee that our laws will be enforced within the U.S., so that future generations do not have to once again grapple with these issues.

H.R. 2278, the immigration enforcement bill introduced by Trey Gowdy, Chairman of the Subcommittee on Immigration and Border Security, decisively strengthens federal immigration enforcement.

The primary reason why our immigration system is broken today is because the present and past administrations have largely ignored the enforcement of our immigration laws. If we want to

avoid the mistakes of the past, we cannot allow the President to continue shutting down federal immigration enforcement efforts unilaterally. The SAFE Act will not permit that to happen. Any enforcement provisions Congress passes are subject to implementation by the current Administration, which fails to enforce the laws already on the books. DHS has released thousands of illegal and criminal immigrant detainees while providing ever-changing numbers to Congress regarding the same. DHS is forbidding ICE officers from enforcing the laws they are bound to uphold. One federal judge has already ruled DHS's actions are likely in violation of federal law. DHS is placing whole classes of unlawful immigrants in enforcement free zones in violation of congressional intent. DHS claims to be removing more aliens than any other administration, but has to generate bogus numbers in order to do so.

The American people have little trust that an administration which has not enforced the law in the past will do so in the future. Real immigration reform needs to have mechanisms to ensure that the President cannot simply turn off the switch on immigration enforcement.

Mr. Gowdy's bill contains such a mechanism. Not only does the bill strengthen immigration enforcement by giving the Federal government the tools it needs to enforce our laws but it also ensures that where the federal government fails to act, states can pick up the slack.

The SAFE Act provides states and localities with specific congressional authorization to assist in the enforcement of Federal immigration law. States and localities can also enact and enforce their own immigration laws as long as they are consistent with federal law. The SAFE Act shows how to avoid the mistakes of the past with regard to immigration law enforcement, especially the 1986 immigration law.

The bill expands the types of serious criminal activity for which we can remove aliens, including criminal gang membership, drunk driving, manslaughter, rape, and failure to register as a sex offender. The bill would help people like Jamiel Shaw, whose son was a star high-school football player gunned down by an illegal alien gang member. The bill would do so by enabling DHS to deport alien gang members.

Additionally, as Chris Crane, the head of the ICE Union indicated, the SAFE Act lives up to its name and provides much needed assistance to help U.S. Immigration and Customs Enforcement officers carry out their jobs of enforcing federal immigration laws while keeping them safe.

Unfortunately, the Senate bill actually weakens interior enforcement in many areas or is simply ineffectual. The Senate bill allows aggravated felons who are currently subject to mandatory detention to be released in the care of advocacy organizations. The Senate bill directs DHS to ignore criminal convictions under state laws for crimes such as human smuggling, harboring, trafficking, and gang crimes when adjudicating applications for legalization.

The SAFE Act provides a robust interior enforcement strategy that will maintain the integrity of our immigration system for the long term.

I will be offering a manager's amendment to strengthen and clarify some of the provisions in this bill. Most importantly, my amendment is designed to ensure that liberal federal judges cannot undermine the ability of states and localities to assist with the enforcement of immigration laws.

And it provides that illegal immigrants convicted of DUIs will be detained so that they cannot continue to imperil innocent lives.

This legislation is being considered through an open process in which members will have the opportunity to fully vet it and offer improvements through amendments. We welcome all ideas and suggestions to improve our immigration system. To be clear, the Committee is engaged in a step-by-step process to methodically look at each piece of immigration reform in detail. We also intend to look at proposals to reform our legal immigration laws and to address the millions of individuals currently living unlawfully in the U.S.

Today we review a game-changing piece of legislation, and I thank Mr. Gowdy for introducing it.

CAMBIO Rejects H.R. 2278, The “SAFE” Act

No date on Press Release

<http://unitedwedream.org/press-releases/cambio-rejects-h-r-2278-safe-act/>

WASHINGTON – CAMBIO, the Campaign for an Accountable, Moral, Balanced Immigration Overhaul, has declared its non-negotiable opposition to H.R. 2278, the SAFE Act. All members of the CAMBIO campaign are unified in this opposition and are committed to defeating the SAFE Act — and any other legislation that seeks to include it. CAMBIO represents a variety of organizations committed to ensuring federal immigration reform restores and expands due process protections and fairness in the country’s immigration system.

CAMBIO’s blanket rejection of the SAFE Act, centers on the following unacceptable elements in this bill:

Rather than ending the indefinite and arbitrary detention of immigrants, H.R. 2278 exponentially expands it. It’s not fair and it’s not right. And it would waste millions of taxpayer dollars.

Rather than banning racial profiling by federal, state and local police and law enforcement agencies, the SAFE Act encourages it.

Rather than ensuring that judges are able to weigh all the circumstances of a case – seriousness of an offense, a defendant’s age, and the time they’ve already served – before making a judgment, it ties the hands of justice.

“Proponents of this hateful piece of legislation have forgotten that discrimination and racial profiling go against our shared American values,” said **Cristina Jimenez**, managing director of United We Dream, a CAMBIO member organization. “We’re here today to make it clear that if this is the type of ‘reform’ the House is offering, we will not accept it. DREAMers will not accept proposals that would lead to mass detentions, deportations, and abuses.”

Similar to notoriously anti-immigrant laws in Arizona and Alabama, the SAFE Act charges local law enforcement with enforcing federal immigration laws. Prominent members of law enforcement and faith communities have echoed the concerns raised by CAMBIO.

In a statement, the Major Cities Chiefs Association warned that such legislation would “undermine the trust and cooperation between police officers and the immigrant community.”

The House is expected to address the SAFE Act, along with other enforcement-only pieces of legislation, this fall. Like the majority of Americans, CAMBIO supports immigration reform that includes a road to citizenship for 11 million aspiring citizens.

CAMBIO is a diverse group of organizations advocating for laws and policies that create a fair system for immigrants to become citizens; bans indefinite detention; guarantees due process for everyone in the United States; makes enforcement systems accountable; protects civil and human rights; encourages a better border to protect the quality of life in the borderlands, prevents the abuse of vulnerable Americans; and keeps families together.

CAMBIO’s members include the American Civil Liberties Union, the ACLU Regional Center for Border Rights, the Border Network for Human Rights, Detention Watch Network, National Day Laborer Organizing Network, National Domestic Workers Alliance, the National Guestworker Alliance, the National Immigration Law Center, Rights Working Group, Southern Border Communities Coalition, Immigrant Justice Network, Northern Borders Coalition, and United We Dream.

H.R.1773: The Agricultural Guestworker Act (The “AG Act”) of 2013 (Introduced 4/26/2013)

Sponsor: Rep Goodlatte, Bob [VA-6]

Bill Text: <http://www.gpo.gov/fdsys/pkg/BILLS-113hr1773ih/pdf/BILLS-113hr1773ih.pdf>

Summary:

<http://beta.congress.gov/bill/113th/house-bill/1773>

Introduced in House (04/26/2013)

Agricultural Guestworker Act or the AG Act - Amends the Immigration and Nationality Act to establish an H-2C nonimmigrant visa for an alien having a residence in a foreign country which he or she has no intention of abandoning and who is coming temporarily to the United States to perform agricultural labor or services.

Requires an employer to file an H-2C petition with the Department of Agriculture (USDA) which shall include specified employment-related attestations.

Sets forth provisions regarding: (1) penalties; (2) working conditions, wages, and transportation reimbursement; (3) admissions and extensions of stay; (4) abandonment of employment and worker replacement; (5) protection of U.S. workers; (6) legal assistance; (7) fees; and (8) arbitration and mediation.

Requires the Secretary of Agriculture to conduct investigations and random audits of employer work sites. Requires an employer to guarantee to offer the worker employment for the hourly equivalent of at least 50% of the work hours during the total anticipated period of employment. Makes an alien who is unlawfully present in the United States on April 25, 2013, eligible to adjust to H-2C status.

Establishes in the Treasury a trust fund to provide a monetary incentive for H-2C workers to return to their country of origin upon expiration of their visas.

Permits an H-2C worker to perform agricultural labor or services for any "registered agricultural employer" if such worker: (1) is already lawfully present in the United States as an H-2C worker; and (2) has completed the period of employment specified in the job offer the worker accepted, or the employer has terminated the worker's employment.

Limits the number of annual fiscal year H-2C admissions. Prohibits the admission of spouses and children of H-2C workers. Extends coverage under the Migrant and Seasonal Agricultural Worker Protection Act to H-2C workers. Sets forth limitations on federal benefits and tax credits. Terminates authority to petition for H-2A temporary agricultural workers two years after enactment of this Act.

Status: 4/26/2013 Referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Ways and Means.

Press and Commentary:

Official Press Release – Rep. Goodlatte

GOODLATTE INTRODUCES AG GUESTWORKER BILL

WASHINGTON, DC – House Judiciary Committee Chairman Bob Goodlatte today introduced the Agricultural Guestworker “AG” Act (H.R. 1773) a bill to provide American farmers with a workable temporary agricultural guestworker program that will help provide access to a reliable workforce. Chairman Goodlatte released the following statement on the bill’s introduction:

“Today’s introduction of the AG Act is one piece that brings us closer to solving the immigration puzzle. While it is important that we reform our immigration system as a whole, we must look at each of the individual issues within the larger system to ensure that we get immigration reform right. If we fail to examine each issue methodically, we risk making the same mistakes of the past that have created the problems we face today.

“One component that needs fixing is our temporary agricultural guestworker program, which American farmers avoid using altogether since it exposes them to frivolous litigation and burdens them with excessive regulations. The new guestworker program created under the AG Act remedies this problem by removing red tape, streamlining access to a reliable workforce, and protecting farmers from abusive lawsuits. It also allows more participation in the guestworker program by opening it up to dairies and food processors, both of which often need access to foreign labor. In addition, the AG Act is good for those seeking a better life for their families by providing opportunities to earn a living while temporarily working in agricultural jobs U.S. citizens are not willing to do.

“By putting farmers in the driver’s seat rather than Washington bureaucrats, they will be better equipped to compete in the global economy and continue growing our crops. It is vital that American farmers have access to a workable guestworker program now so that they can continue putting food on Americans’ tables. We have to get this right so that farmers aren’t burdened with another failed guestworker program for decades to come.”

Original cosponsors of the AG Act include Reps. Trey Gowdy (R-S.C.), Blake Farenthold (R-Texas), George Holding (R-N.C.), Ted Poe (R-Texas), Lamar Smith (R-Texas), and Lynn Westmoreland (R-Ga.).

Key Components of H.R. 1773:

- **Eliminates Excessive Red Tape:** The new temporary agricultural guestworker program removes barriers and excessive paperwork farmers face in hiring foreign workers. If a grower is designated as a registered agricultural employer by USDA and agrees to the terms and obligations of participating in the program, then they can easily hire guestworkers already admitted to the U.S. without having to file yet another petition for the individual worker. The new guestworker program's petition process is also attestation based, meaning that the grower simply has to promise to meet the program's standards rather than having to prove in advance that they will.
- **Protects Farmers from Abusive Litigation:** In order to discourage frivolous and abusive litigation against growers, growers may require as a condition of employment that guestworkers be subject to binding arbitration and mediation of any grievances in relation to the employment relationship. This bill also eliminates special treatment for the Legal Services Corporation.
- **Enacts Market-Based Approach to Meet Demand and Supply:** The bill eliminates the artificial government-imposed wage rate that is part of the current temporary agricultural guestworker program and replaces it with the prevailing wage rate or the state minimum wage—whichever is greater. And while the cap for the new program is set at 500,000, the Secretary of Agriculture has the authority to raise or lower the cap based on the demands and needs of the market.
- **Helps American Farmers Keep Up with Global Competitors:** The new guestworker program will allow American growers to better compete in the global economy by removing the exorbitant costs associated with abusive litigation, excessive regulation, and artificially high, government-imposed wage rates.
- **Farmer Friendly:** The bill designates the Department of Agriculture to administer the new guestworker program rather than the Department of Labor. USDA is better equipped to help farmers and better understands their needs.
- **Protects Taxpayers:** Under the new program, guestworkers are not eligible for Obamacare, the Earned Income Tax Credit, the Child Tax Credit, or other welfare programs.

A summary of the bill can be found [here](#) and a copy of the legislation can be found [here](#).

*More than 200 Organizations Sign on to Letter Opposing Rep. Goodlatte's Immigration Bill
Cite Damaging Implications of the Bill's Guestworker Program in a Letter Sent to House Members*

Available at: http://www.farmworkerjustice.org/sites/default/files/press_downloads/10-15GoodlatteOppositionLetter.pdf

Released on October 15, 2013

WASHINGTON, DC – Farmworker Justice and the United Farm Workers, with more than 200 other organizations, sent a letter to House members today stating their opposition to the anti-immigrant and anti-worker approach to immigration reform in Representative Bob Goodlatte’s Agricultural Guestworker Act, HR 1773.

“We strongly oppose Chairman Goodlatte’s HR 1773 as an unworkable, anti-immigrant and anti-worker approach to our nation’s immigration problems. Relegating hard-working farmworkers to a permanent second class status apart from their families is contrary to our nation’s core values of freedom, equality and family unity,” reads the letter.

Goodlatte’s bill would allow employers to bring as many as 500,000 new agricultural workers into the country every year for seasonal as well as year-round work. The program offers minimal protections to U.S. workers against competition from these foreign workers, while imposing low wages and poor working conditions on guestworkers, who would have minimal legal remedies for violations of program requirements. The bill is fundamentally flawed because it fails to provide a roadmap to citizenship for undocumented farmworkers and their families.

“This bill stands in stark opposition to the Senate-passed bill which includes the balanced agricultural stakeholder agreement reached by the United Farm Workers and the Agricultural Workforce coalition, with the support of a bipartisan group of Senators. The hard-fought stakeholder agreement represents a win for agricultural employers, for farmworkers and for our national interest in a secure, safe food supply.”

Farmworker Justice and the United Farm Workers urge members of the House to oppose Goodlatte’s bill and instead support comprehensive immigration reform that includes the agricultural stakeholder agreement and a path to citizenship for the 11 million undocumented people in the United States.

Farmworker Justice, based in Washington, D.C., is a nonprofit organization that seeks to empower migrant and seasonal farmworkers to improve their living and working conditions, immigration status, health, occupational safety and access to justice. United Farm Workers of America founded in 1962 by Cesar Chavez, is the nation's first successful and largest farm workers union currently active in 10 states. The UFW continues to organize in major agricultural industries across the nation. Many recent UFW-sponsored laws and regulations aide farm workers; in California, the first state regulation in the U.S. prevents further heat deaths of farm workers. The UFW is also pushing its historic bipartisan and broadly backed immigration reform bill.

H.R.1784: Domestic Refugee Resettlement Reform and Modernization Act of 2013 (Introduced 4/26/2013)

Sponsor: Rep. Gary Peters [D-MI14]

Bill Text: <http://www.opencongress.org/bill/113-h1784/text>

Summary:

Directs the Comptroller General (GAO) to conduct a study regarding the effectiveness of the Office of Refugee Resettlement's domestic refugee resettlement programs. Amends the Immigration and Nationality Act to establish as head of the Office an Assistant Secretary of Health and Human Services for Refugee and Asylee Resettlement. (Currently, the head of such Office is a Director.) Revises the refugee grant and contract assistance allocation formula.

Directs the Assistant Secretary to:

- (1) report to Congress regarding states experiencing departures and arrivals due to secondary migration; and
- (2) expand the Office's data analysis, collection, and sharing activities to include data on mental and physical medical cases, housing needs, and refugee employment.

Directs the Secretary of State and the Secretary of Health and Human Services (HHS) to provide refugee resettlement guidance to appropriate national, state, and local entities.

Status: Referred to the Subcommittee on Immigration and Border Security On June 15, 2013

H.R.406: To provide discretionary authority to an immigration judge to determine that an immigrant parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States (Introduced 1/23/2013)

Sponsor: Rep Serrano, Jose E. [NY-15] Cosponsors (None)

Bill text: [http://thomas.loc.gov/cgi-bin/query/z?c113:H.R.406:](http://thomas.loc.gov/cgi-bin/query/z?c113:H.R.406)

Summary:

- Amends the Immigration and Nationality Act, in the case of an immigrant subject to removal, deportation, or exclusion and who is the parent of a U.S. citizen child, to authorize an immigration judge to decline to order such removal if the judge determines such action to be against the child's best interests.
- States that such discretion shall not apply to an immigrant when the judge determines that the immigrant: (1) is excludable or deportable on security grounds, or (2) has engaged in sex trafficking or severe forms of trafficking in persons.

Status: 1/23/2013: Referred to the House Committee on the Judiciary.
2/28/2013: Referred to the Subcommittee on Immigration And Border Security.

CHRCL believes that this provision should be enacted into law whether as part of this bill, another bill, or in any comprehensive immigration reform bill. Allowing immigration judges to consider the impact of deporting an immigrant parent upon a U.S. citizen child promotes family unity and is in the best interests of the child. CHRCL agrees with Representative Serrano, who has said with respect to a similar bill introduced in 2009, that “[m]ore than any single issue, family unity must be at the heart of any reform efforts We cannot sanction splitting families up by blindly deporting the parents of children born in this nation. . . . [C]itizen children should not be disproportionately punished for their mistakes their parents made. . . . “[T]his measure because it is the compassionate, fair, and American thing to do.”

H.R. 1365: Refugee Protection Act of 2013 (Introduced: Mar 21, 2013)

Sponsor: Rep. Zoe Lofgren [D-CA19] Cosponsors (6)

Companion Legislation: S. 645 **Sponsor:** Sen. Patrick Leahy [D-VT]

Bill Text: [http://thomas.loc.gov/cgi-bin/query/z?c113:H.R.1365:](http://thomas.loc.gov/cgi-bin/query/z?c113:H.R.1365)

Summary:

- Amends the Immigration and Nationality Act to: (1) eliminate the one-year time limit for filing an asylum claim; and (2) permit, and set forth the requirements for, reopening a claim that was denied because of failure to file within one year.
- Revises: (1) the definition of refugee, and (2) the criteria for granting asylum.
- Authorizes the Attorney General to appoint counsel to represent an immigrant in a removal proceeding.
- Prohibits an immigrant from being removed during the 30-day petition for review period unless the immigrant indicates in writing that he or she wishes to be removed before the expiration of such period.
- Makes discretionary certain currently required detention provisions regarding arriving immigrants who request asylum.
- Directs the Secretary of Homeland Security (DHS) to: (1) establish a secure alternatives to detention program, (2) establish specified conditions of detention, (3) file notice of immigration charges with the court and the individual within 48 hours of detention, and (4) establish procedures to ensure the accuracy of statements taken by DHS employees exercising expedited removal authority.
- Authorizes the United States Commission on International Religious Freedom to conduct a study to determine whether certain immigration officers are properly handling asylum and removal/detention authority with regard to immigrants apprehended after entering the United States.
- Authorizes waiver of the continuous one-year presence requirement for permanent resident status adjustment for a qualifying refugee/asylee who: (1) is or was employed by the U.S. government or a U.S. government contractor for not more than one year overseas and worked on behalf of the U.S. government for such time, and (2) returns immediately to the United States upon such employment's conclusion.
- Exempts immigrants under the age of 18 from certain restrictions on applying for asylum.

- Sets forth protections for: (1) refugees; (2) immigrants interdicted at sea; and (2) stateless persons in the United States, including mechanisms for regularizing status.
- Authorizes the President to designate refugee groups.
- Permits applicants for refugee admission to simultaneously pursue other forms of admission.
- Authorizes the spouse or child of a refugee or asylee to bring his or her accompanying or following child into the United States as a refugee or asylee.
- States that if the President does not issue a refugee allocation determination before the beginning of a fiscal year the number of refugees that may be admitted in each quarter shall be 25% of the number of refugees admissible during the previous fiscal year.
- Directs the Secretary of State to notify Congress regarding the amount of funds that will be provided in Reception and Placement Grants in the coming fiscal year.
- Amends the National Defense Authorization Act for Fiscal Year 2006, with respect to naturalization of an Afghan or Iraqi translator who is a lawful permanent resident, to count a period of absence from the United States working as a translator for the United States or a U.S. contractor in Afghanistan or Iraq towards the accumulation of the required U.S. physical presence.
- Directs the Comptroller General to conduct a study of the Office of Refugee Resettlement's domestic refugee resettlement programs.
- Directs the Assistant Secretary of Health and Human Services for Refugee and Asylee Resettlement (HHS) to: (1) report to Congress regarding states experiencing departures and arrivals due to secondary migration; and (2) expand the Office's data analysis, collection, and sharing activities to include data on mental and physical medical cases, housing needs, and refugee employment.
- Amends the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to extend the eligibility for supplemental security income (SSI) assistance to certain immigrants (including asylees and refugees) and trafficking victims.

Status: 3/21/2013 Referred to House Committee on the Judiciary, and in addition to the Committees on Ways and Means, and the Budget.

Press and Commentary:

Official Press Release

Leahy And Lofgren Lead Bicameral Introduction Of Refugee Protection Act
<http://www.leahy.senate.gov/press/leahy-and-lofgren-lead-bicameral-introduction-of-refugee-protection-act>
 March 21, 2013

WASHINGTON – Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.) and Rep. Zoe Lofgren (D-Calif.) introduced companion legislation in the Senate and House of Representatives Thursday that would improve the Nation’s immigration laws to ensure the longstanding American tradition of protecting refugees and asylum seekers fleeing persecution in their home countries.

The Refugee Protection Act responds to shortfalls in current immigration law by repealing some of the most harsh, inefficient and unnecessary hurdles facing refugees and asylum seekers. The bill, which mirrors legislation Leahy and Lofgren have advanced previously in recent years, reaffirms the commitments made in ratifying the 1951 Refugee Convention, and will help to restore the United States to its rightful role as a safe and welcoming home for those suffering from persecution around the world. The Senate bill is cosponsored by Senators Carl Levin (D-Mich.), Richard Blumenthal (D-Conn.), and Mazie Hirono (D-Hawaii). The House bill is cosponsored by Reps. John Conyers (D-Mich.), Keith Ellison (D-Minn.), Jared Polis (D-Colo.), Jan Schakowsky (D-Ill.), Eric Swalwell (D-Calif.), and Peter Welch (D-Vt.).

“The Senate will soon turn to comprehensive immigration reform and the changes to the refugee system contained in this bill are a critical component of fixing our broken immigration system,” said Leahy, who noted that Vermont has welcomed many refugees and asylum seekers. “As we address the many complex issues that face our immigration system, we must ensure that America upholds its longstanding commitment to refugee protection.”

Lofgren said: “Americans have long been a compassionate people, offering a safe harbor to victims of devastating calamities and survivors of tortuous, brutal regimes. The legislation we're introducing today not only continues that proud tradition, it makes several needed improvements to ensure we can help those seeking freedom from persecution and oppression abroad.”

The Refugee Protection Act will improve protections for refugees and asylum seekers, and make important reforms to the expedited removal process for asylum seekers pursuing their claims before the Asylum Office of the Department of Homeland Security. The legislation requires the immigration detention system to adhere to basic humane treatment for asylum seekers and others with access to counsel, religious practice, and visits from family. The bill also strengthens the law so those with actual ties to terrorist activities will continue to be denied entry to the United States, and it protects innocent asylum seekers and refugees from being unfairly denied protection as a result of overly broad terrorism bars that, over time, have inadvertently had the effect of sweeping in those who were actually victimized by terrorists.

*Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
On The Introduction Of The Refugee Protection Act Of 2013
March 21, 2013*

Today, I am pleased to reintroduce the Refugee Protection Act. The Senate will soon turn to comprehensive immigration reform and the changes to the refugee system contained in this bill are a critical component of fixing our broken immigration system. As we address the many complex immigration issues facing our country, we must ensure that America upholds its longstanding commitment to refugee protection.

The Refugee Protection Act of 2013 reaffirms the commitments we made in ratifying the 1951 Refugee Convention, and will help to restore the United States as a global leader on human rights. This legislation seeks to repeal the most harsh, inefficient, and unnecessary elements of

current law, and restore the United States to its rightful role as a safe and welcoming home for those suffering from persecution around the world.

During this challenging economic time, it can be tempting to look inward rather than to fulfill our global humanitarian commitments. I believe this bill is needed more now than ever. Millions of refugees remain displaced and warehoused in refugee camps in Eastern Africa, Southeast Asia, and other parts of the world. Ongoing political struggles in the Middle East and North Africa are causing dislocation of significant populations. We will continue to see genuine refugees who are in dire need of protection. The Refugee Protection Act helps ensure that America will continue to be a haven for these individuals and their families, just as it has been historically.

Since passage of the landmark Refugee Act of 1980, more than 2.6 million refugees and asylum seekers have been granted protection in the United States. In my home state of Vermont, I have seen how the admission of these refugees and asylum seekers – almost 5,600 in the last 20 years - has revitalized and enriched communities, resulting in the creation of new businesses, safer neighborhoods, and stronger schools. We are fortunate to have the Vermont Refugee Resettlement Program, with its decades of experience and award-winning volunteer program, leading this effort. Over the last five years, many of these new Vermonters have come from Bhutan, Burma, and the Congo. As they become small business owners, nurses, and soccer coaches, they contribute to the well-being of our communities and their culture enriches my historically Anglo-Saxon and French-Canadian state.

In addition to support and improvement of the resettlement program, this bill concerns several areas of domestic asylum adjudication that are in need of significant reform. This bill would repeal the one-year filing deadline for asylum seekers, removing an unnecessary barrier to protection. The bill would allow arriving immigrants and minors to seek asylum first before the Asylum Office, rather than referring those cases immediately to immigration court.

The Asylum Office is well trained to screen for fraud and is able to handle a slight increase in its caseload. Meanwhile, as we have heard from many immigration experts, the immigration courts are overburdened, under-resourced, and facing steady increases in their caseloads.

The Refugee Protection Act ensures that persons who were victims of terrorism or persecution by terrorist groups will not be doubly victimized with a denial of protection in the United States. Vermont Immigration and Asylum Advocates, a legal aid provider and a collaborator in the New England Survivor of Torture and Trauma program, continues to see cases where persons granted asylum are later blocked from bringing their families to the United States or from applying for permanent residency by overly broad definitions in current law. This bill would help such persons prove their cases without taking any shortcuts that could harm national security. The bill also gives the President the authority to designate certain particularly vulnerable groups for expedited consideration. All refugees would still have to complete security and background checks prior to entry to the United States.

Finally, the bill recognizes the need to treat genuine asylum seekers as persons in need of protection, not as criminals. It calls for asylum seekers who can prove their identities and who

pose no threat to the United States to be released from immigration detention. Vermont Immigration and Asylum Advocates, like other legal aid providers across the Nation, struggle to visit detention facilities located at great distance, or to reach clients who have been transferred to far away locations. I appreciate efforts made by the Obama administration to parole eligible asylum seekers and to improve the conditions of detention overall, but more must be done. The Refugee Protection Act will improve access to counsel so that asylum seekers with genuine claims can gain legal assistance in presenting their claims. It will require the Government to codify detention standards to ensure that reforms are meaningful and enforceable. These reforms are humane and fair, but they will also save taxpayer dollars because of the high costs associated with unnecessary detentions.

Center for Victims of Torture Press Release

Thursday, March 21, 2013

St. Paul, MN – The Center for Victims of Torture™ (CVT) welcomes the Refugee Protection Act of 2013 introduced today by Senator Patrick Leahy and Representative Zoe Lofgren and hopes that critical reforms to the U.S. asylum system will be included in any immigration reform bill considered in Congress this year. <http://www.cvt.org/news-events/press-releases/cvt-welcomes-refugee-protection-act-2013>

“As a rehabilitation center providing healing services to torture survivors, CVT sees first-hand the ways in which extended delays and other obstacles in the U.S. asylum process exacerbate the severe mental health symptoms our clients are suffering,” said Curt Goering, executive director of CVT. “We are grateful to Senator Leahy and Representative Lofgren for sponsoring the Refugee Protection Act and for continuously working on behalf of refugees.”

The Refugee Protection Act would address some of the more significant legal challenges facing CVT clients who are seeking asylum, including:

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- **Eliminating the filing deadline for asylum-seekers** so that claims to asylum can be decided based on an applicant’s fear of persecution rather than the timeliness of when s/he filed an application. This technical filing requirement prevents legitimate asylum-seekers from having their asylum cases adjudicated on the merits and leads bona fide applicants, including survivors of torture, to be denied the protection they need and for which they are otherwise eligible.
- **Refining the Terrorism Related Inadmissibility Grounds (TRIG) to target actual terrorists** instead of mislabeling asylum seekers and refugees—who are not guilty of any wrongdoing and do not pose any threat to the US, our security or our communities—as “terrorists” because the definitions of “terrorist” activity, “terrorist” organization and what constitutes “material support” to terrorism in the immigration laws were written so broadly. For many individuals whose cases have been ensnared by these overly broad definitions, the circumstances triggering their ineligibility are their very basis for seeking asylum or refugee protection.
- **Reforming the immigration detention system** by expanding secure alternatives to detention programs, improving conditions of detention, and enhancing due process protections to avoid

unnecessary or prolonged detention.

“For survivors of torture—many of whom understand first-hand the horrors of actual terrorism—, being mislabeled a ‘terrorist’ by the U.S. government is shameful, threatening and can be highly retraumatizing,” said Goering. “Similarly, for those whose torture occurred while in a confinement setting, the immigration detention experience may lead survivors to relive their horrid experiences of torture, contributing to further psychological damage. These experiences are particularly detrimental to survivors of torture who may already be struggling with severe anxiety, depression, sleep abnormalities, medical conditions, physical pain, and/or posttraumatic stress disorder and are facing the possibility of deportation to country where they were tortured and where they fear being tortured again.”

Human Rights First Press Release

Washington, D.C. – Human Rights First welcomes the introduction of the Refugee Protection Act of 2013, legislation the group notes would repair many of the most severe problems in the U.S. asylum and refugee systems and strengthen the U.S. commitment to providing refuge to victims of religious, political, ethnic and other forms of persecution. The group notes that the bill should be included in the final immigration reform package expected to emerge this year. Notably, like the president’s immigration reform principles, this bill eliminates the asylum filing deadline and makes improvements to our nation’s immigration courts.

<http://www.humanrightsfirst.org/2013/03/22/leahy-bill-would-restore-america%E2%80%99s-commitment-to-refugee-protection/>

“Immigration reform offers an important opportunity to consider and enact the Refugee Protection Act. Refugee protection is an essential element of U.S. immigration policy, and despite this country’s strong tradition of protecting refugees from persecution, a barrage of laws, policies and practices have badly damaged our asylum system over the years,” said Human Rights First’s Eleanor Acer. “These flaws have led the United States to deny its protection to refugees who have fled from serious political, religious and other forms of persecution. The Refugee Protection Act would address many of these concerns and help restore our nation’s commitment to protecting vulnerable refugees.” The bill was also introduced in the 112th and 111th Congresses.

Human Rights First notes that asylum seekers are sometimes detained in the United States without basic due process safeguards, and their access to asylum has been limited because of a technical filing deadline, lack of legal counsel, overly-broad exclusion provisions and maritime interdiction polices. Even refugees with well-founded fears of persecution are denied asylum due to these flawed laws and policies.

In some cases, their asylum requests are delayed for years due to inefficiencies and delays in the system. The Refugee Protection Act of 2013 is championed in the Senate by Senator Patrick Leahy (D-VT) and co-sponsored by Senator Carl Levin (D-MI). Representative Zoe Lofgren (D-CA) introduced a companion bill in the House that is co-sponsored by Representatives John Conyers (D-MI), Keith Ellison (D-MN), Jared Polis

(D-CO), Jan Schakowsky (D-IL), Eric Swalwell (D-CA), and Peter Welch (D-VT). The bill includes provisions that would:

- Eliminate the asylum filing deadline that bars refugees with well-founded fears of persecution from asylum;
- Require a secure alternatives to detention program with individualized case management and referrals to community based organizations;
- Authorize the appointment of counsel where fair resolution or effective adjudication would be served;
- Clarify the requirements for asylum so that the asylum requests of vulnerable individuals, including women fleeing gender-based persecution, are adjudicated fairly and consistently; and
- Protect refugees from inappropriate exclusion by refining immigration law definitions to target actual terrorists, as opposed to hurting thousands of legitimate refugees who are not guilty of any wrongdoing and pose no threat to American security.

“The Refugee Protection Act would restore – and renew – not only our commitment to protect the persecuted but also our moral authority to lead the global community in addressing the plight of persecuted and displaced people around the world,” concluded Acer. “It will also improve the efficiency and effectiveness of this country’s process for adjudicating asylum cases.”

Read [Human Rights First’s summary of the Refugee Protection Act](#).

http://www.humanrightsfirst.org/wp-content/uploads/pdf/HRF_factsheet_refugee_protection_act.pdf

H.R. 519: Uniting American Families Act of 2013 (Introduced on February 5, 2013)

Sponsor: Rep. Jerrold Nadler [D-NY10]

Bill Text: <https://www.govtrack.us/congress/bills/113/hr519/text>

Companion Legislation: S. 296: Uniting American Families Act of 2013
Sponsor: Sen. Patrick Leahy [D-VT]

Summary:

Uniting American Families Act of 2013 – Amends the Immigration and Nationality Act to include “permanent partner” within the scope of such Act. Defines a “permanent partner” as an individual 18 or older who: (1) is in a committed, intimate relationship with another individual 18 or older in which both

individuals intend a lifelong commitment; (2) is financially interdependent with the other individual; (3) is not married to, or in a permanent partnership with, anyone other than the individual; (4) is unable to contract with the other individual a marriage cognizable under this act; and (5) is not a first, second, or third degree blood relation of the other individual.

Defines: (1) "permanent partnership" as the relationship existing between two permanent partners, and (2) "alien permanent partner" as the individual in a permanent partnership who is being sponsored for a visa.

Human Rights Campaign summary

Also Available at: <http://www.hrc.org/resources/entry/uniting-american-families-act>

Uniting American Families Act

H.R. 519; S. 296

Under the U.S. Immigration and Nationality Act, U.S. citizens and legal permanent residents may sponsor their spouses (and other immediate family members) for immigration purposes. But same-sex partners of U.S. citizens and permanent residents are not considered "spouses," and their partners cannot sponsor them for family-based immigration. Consequently, many same-sex, bi-national couples are kept apart or torn apart.

What is the Uniting American Families Act?

The Uniting American Families Act (UAFA) would remedy this injustice and allow U.S. citizens and permanent residents to sponsor their same-sex partners (called "permanent partners" in UAFA) for family-based immigration.

The legislation amends the definitions sections of the Immigration and Nationality Act to include definitions for "permanent partner" and "permanent partnership." UAFA defines "permanent partner" as an individual who is at least 18 years of age who is in a committed relationship with another individual at least 18 years of age who is not a first, second or third-degree blood relative, with the intent that this be a lifelong commitment. The individual must be financially interdependent with his or her partner, cannot be married or in another permanent partnership and must be unable to enter into a marriage recognized under the INA with the partner.

UAFA will provide lesbian and gay individuals the same opportunity as different-sex, married couples to sponsor their partner. Like different-sex couples, there are requirements such as providing proof of the relationship — including affidavits from friends and family or evidence of financial support. As with current immigration laws for married couples, UAFA would impose harsh penalties for fraud, including up to five years in prison and as much as \$250,000 in fines.

Countries that have Embraced Immigration Equality

The United States lags behind many other countries that recognize same-sex couples for immigration purposes, including Andorra, Argentina, Australia, Austria, Belgium, Brazil, Canada, Colombia, Denmark, Finland, France, Germany, Greenland, Hungary, Iceland, Israel, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Switzerland and the United Kingdom. None of these countries has reported fraud problems associated with its decision to allow immigration equality for its citizens.

What is the Current Status of the Bill?

UAFA was reintroduced in the 113th Congress in the House by Rep. Jerrold Nadler (D-NY) on February 5, 2013 and in the Senate by Sens. Patrick Leahy (D-VT) and Susan Collins (R-ME) on February 13, 2013.

Last Updated: February 14, 2013

Leahy And Collins Introduce Bipartisan Uniting American Families Act
Legislation Will Bring Equality To Same-Sex Couples Under Immigration Law
February 13, 2013

Status: Referred to Committee Subcommittee on Immigration And Border Security
Feb 05, 2013

Press and Commentary:

Official Press Release

WASHINGTON – Senator Patrick Leahy and Senator Susan Collins (R-Maine) on Wednesday introduced bipartisan legislation to update U.S. immigration law to permit American citizens to sponsor same-sex “permanent partners” applying for legal residency in the United States.

The Uniting American Families Act (UAFA) would allow American citizens who are in long term committed relationships to sponsor their foreign partners for green cards under the family immigration system, just as heterosexual married couples are currently allowed to do under the law. Leahy has championed the proposal since 2003, when he first introduced legislation, and welcomed Collins as the first Republican cosponsor of UAFA last year. In the 113th Congress, Collins joins Leahy as an original cosponsor of the legislation.

“Preserving family unity is central to our immigration policy,” Leahy said. “President Obama understands that, which is why I was so pleased to see that he included UAFA as a core tenet of the immigration principles he outlined last month.”

Leahy noted that existing Federal law “forces many Americans to choose between the country they love and being with the people they love.” By allowing qualifying binational couples to keep their families together the bipartisan UAFA bill would prevent American citizens from being faced with such a choice.

"This legislation would update our nation's immigration laws to treat bi-national couples equally," Collins said. "More than two dozen countries recognize same-sex couples for immigration purposes. This important civil rights legislation would help prevent committed, loving families from being forced to choose between leaving their family or leaving their country."

Under the legislation, the same restrictions and penalties applied to heterosexual couples under the Immigration and Naturalization Act for cases of fraud and abuse would also apply to same-sex couples. Any individual found to have entered into a fraudulent, permanent partnership for the purposes of obtaining a visa for another individual would be subject to the same penalties: maximum five-year imprisonment, a \$250,000 fine, or both. The legislation also requires

binational couples to provide proof that they meet the definition of “permanent partners” as defined in the bill.

H.R. 1276 Immigration Oversight and Fairness Act (Introduced on February 13, 2013)

Sponsor: Rep Roybal-Allard, Lucille [CA-40] (introduced 2/13/2013) Cosponsors (None)

Bill Text: <https://www.govtrack.us/congress/bills/113/hr639/text>

Summary:

Immigration Oversight and Fairness Act - Sets forth detention standards for immigration detention facilities.

- Directs the Secretary of Homeland Security (DHS) to: (1) convene a detention advisory committee; (2) promulgate regulations regarding detainee care and custody; (3) implement secure alternatives to detention programs under which eligible immigrants are released under supervision, assistance, and monitoring that ensure their appearance at all immigration interviews, appointments, and hearings; and (4) provide protective detention alternatives for specified categories of vulnerable immigrants.

Status: 4/8/2013 Referred to House subcommittee. Status: Referred to the Subcommittee on Ways and Means

Official Press Release

H.R.1276: CURRENCY REFORM FOR FAIR TRADE ACT OF 2013

Also Available at: <http://democrats.waysandmeans.house.gov/bill/hr1276-currency-reform-fair-trade-act-2013>

Ways and Means Committee Ranking Member Sander Levin (D-Mich.) joined a bipartisan group of members from the House to introduce legislation to crack down on currency manipulation by China and other nations. The House legislation already has 101 Democratic and Republican co-sponsors.

The Currency Reform for Fair Trade Act of 2013 seeks to level the playing field for American workers and businesses by providing the administration the necessary tools to address the issue of undervaluation of currency by our trading partners. A nearly identical bill garnered 234 co-sponsors in the 112th Congress.

Background

Currency manipulation policies are a drag on U.S. economic growth and job creation, making exports from various countries cheaper than they would otherwise be. The Peterson

Institute for International Economics, in a December 2012 [report](#), noted that “half or more of excess US unemployment — the extent to which current joblessness exceeds the full employment level—is attributable to currency manipulation by foreign governments.” As a general matter, under the U.S. countervailing duty law, remedial tariffs can be imposed on imports benefitting from foreign government subsidies for export, if it is shown that imports benefitting from such subsidies cause or threaten injury to a U.S. industry producing the same or similar products. To date, the Department of Commerce has declined to investigate any foreign government’s currency practices as a countervailable subsidy.

The Currency Reform for Fair Trade Act ends a long-standing Commerce practice that is far more restrictive than required under U.S. law and WTO disciplines. In the past, Commerce has resisted finding an export subsidy if the subsidy is not limited exclusively to circumstances of export (i.e., when non-exporters may benefit). The Currency Reform for Fair Trade Act precludes Commerce from imposing this bright-line rule and, instead, requires Commerce to consider all the facts in making its determination of export contingency. The Currency Reform for Fair Trade Act also provides important guidance to Commerce in assessing whether a “benefit” exists in circumstances involving material currency undervaluation resulting from government intervention. Specifically, Commerce is directed to assess “benefit” in terms of the additional currency the exporter receives as a result of the undervaluation and to use widely-accepted IMF methods for determining the level of undervaluation.\

H.R.639 Immigration Oversight and Fairness Act - (Introduced 2/13/2013)

Sponsor: Rep Roybal-Allard, Lucille [CA-40] (introduced 2/13/2013) Cosponsors (None)

Bill Text: <https://www.govtrack.us/congress/bills/113/hr639/text>

Summary:

Directs the Secretary of Homeland Security (DHS) to: (1) convene a detention advisory committee; (2) promulgate regulations regarding detainee care and custody; (3) implement secure alternatives to detention programs under which eligible immigrants are released under supervision, assistance, and monitoring that ensure their appearance at all immigration interviews, appointments, and hearings; and (4) provide protective detention alternatives for specified categories of vulnerable immigrants. Immigration Oversight and Fairness Act - Sets forth detention standards for immigration detention facilities.

Status: Referred to House subcommittee. Status: Referred to the Subcommittee on Immigration And Border Security on April 8, 2013.

Press and Commentary:

Official Press Release

<http://roybal-allard.house.gov/issues/issue/?IssueID=4980>

In addition, I have introduced legislation—HR 933, the Immigration Fairness and Oversight Act—to combat the widespread pattern of abuse in America’s immigrant detention system. This bill will strengthen and codify existing detention standards, ensuring that every detainee has access to legal advice and necessary medical care. It will also bring robust oversight and new accountability to a system that for too long has escaped close scrutiny.

H.R. 629: Violence Against Immigrant Women Act of 2013 (Introduced on February 13, 2013)

Sponsor: Rep. Janice “Jan” Schakowsky [D-IL9]

Bill Text: <https://www.govtrack.us/congress/bills/113/hr629/text>

Summary:

<http://beta.congress.gov/bill/113th/house-bill/629>

Violence Against Immigrant Women Act of 2013 - Amends provisions regarding violence against immigrant women in the following areas: (1) employment of Violence Against Women Act (VAWA) and U-visa (victims of certain crimes) nonimmigrant aliens, (2) self-petitioning, (3) protections for children and family members from traffickers and criminals, (4) recapture of unused U-visas, (5) battered spouse and family member protections, (6) asylum, (7) removal, (8) naturalization, (9) VAWA confidentiality, (10) services for trafficking victims, (11) fiancée/fiance protections and marriage broker regulation, and (12) sexual abuse in custodial settings.

Status: 04/08/2013 Referred to the Subcommittee on Crime, Terrorism, Homeland Security, And Investigations on April 8, 2013

Press and Commentary:

Reps. Schakowsky and Chu Introduce Legislation Protecting Immigrant Women from Domestic Abusers

Also Available at:

http://schakowsky.house.gov/index.php?option=com_content&view=article&id=3264:reps-schakowsky-and-chu-introduce-legislation-protecting-immigrant-women-from-domestic-abusers&catid=59:2013-press-releases&highlight=YToxNDp7aTowO3M6ODoidmlvbGVuY2UiO2k6MTtzOjc6ImFnYWluc3QiO2k6MjtzOjk6ImltbWlncmFudCI7aTozO3M6NToid29tZW4iO2k6NDtzOjc6IndvbWVuJ3MiO2k6NTtzOjM6ImFjdCI7aTo2O2k6MjAxMztpOjc7czoxNjoidmlvbGVuY2UgYWdhaW5zdCI7aTo4O3M6MjY6InZpb2xlbmNlIGFnYWluc3QgaW1taWdyYW50IjtpOjk7czoxNzoiYWdhaW5zdCBpbW1pZ3JhbnQiO2k6MTA7czoyMzoiYWdhaW5zdCBpbW1pZ3JhbnQgd29tZW4iO2k6MTE7czoxNToiaw1taWdyYW50IH

Washington, DC (February 13, 2013) – Representatives Jan Schakowsky (IL-09) and Judy Chu (CA-27) reintroduced the Violence Against Immigrant Women Act (VAIWA), legislation providing greater protections for battered immigrant women:

The Violence Against Immigrant Women Act (VAIWA) would provide greater protections for battered immigrant women. Temporary immigration status or lack of status makes immigrant women particularly vulnerable to crimes of domestic and sexual violence. Battered immigrant women often stay silent and remain with their abusers, fearing threats of deportation, separation from children, or coming out of the shadows.

"Battered immigrant women are one of the most vulnerable populations in this country. Women should not feel forced to stay in violent, life-threatening relationships because of their tenuous immigration status," said Rep. Schakowsky. "Battered immigrant women should have access to safety and protections that will enable them to take care of themselves and their children. We must remain firm in our commitment to protect all victims of domestic violence, including vulnerable immigrant women."

"Battered immigrants are often the most vulnerable among us – financial dependence, social isolation, and cultural and linguistic barriers allow abusers to trap immigrants into cycles of violence. This bill breaks the abuser's grip on their victim, providing opportunities to escape torment and rebuild lives. The GOP's refusal to join Democrats in reauthorizing VAWA last year left countless women unnecessarily exposed to domestic violence. This year, either through VAWA or immigration reform legislation, we must ensure immigrant women are protected. That is exactly what this bill does, and it is why I am proud to reintroduce it with Congresswoman Schakowsky today," said Rep. Judy Chu.

The Violence Against Women Act has strengthened communities and provided critical, life-saving support to victims, including immigrant victims, of domestic violence, sexual assault, dating violence, and stalking. VAIWA will build on that success to provide greater protections for battered immigrant women. These include streamlining processing of VAWA cases, ensuring that greater numbers of immigrant victims of domestic violence and sexual assault receive U visa protection, and allowing victims of stalking, elder abuse, and child abuse to access these important services.

CHRCCL believes that expanded protections for immigrant victims of domestic violence should be included in a comprehensive immigration reform bill.

H.R. 651: Strengthening Refugee Resettlement Act (Introduced on February 13, 2013)

Sponsor: Rep. Keith Ellison [D-MN5]

Bill Text: <https://www.govtrack.us/congress/bills/113/hr651/text>

Summary:

- Strengthening Refugee Resettlement Act - Directs the Secretary of Homeland Security (DHS) to work with the heads of other relevant federal agencies to conduct a review of refugee processing with the goal of streamlining processing, consistent with maintaining security.
- Directs the Secretary of State (Secretary) to establish overseas refugee English language and work orientation training programs prior to the departure for the United States of refugees who have been approved for U.S. admission.
- Permits: (1) refugees (and their spouses and children) to be admitted to the United States as lawful permanent residents, and (2) asylum seekers (and their spouses and children) to be granted lawful permanent residency.
- Directs the Secretary when setting the amount of reception and placement grants to: (1) adjust the grant amount to account for anticipated initial refugee resettlement needs, and (2) ensure that funding is provided to national resettlement agencies at the beginning of the fiscal year.
- Expresses the sense of the Congress that the President should appoint a White House Coordinator on Refugee Protection.
- Requires the Director of the Office of Refugee Resettlement (Director) to make grants to national resettlement agencies to operate a case management system to assist individuals access eligible services, benefits, and assistance provided by the Office, federal, state, or local agencies, and private or nonprofit organizations.
- Requires the Office, subject to available appropriations, to provide refugees with a minimum of 12 months' assistance and social services for employment, health, and living expenses.
- Authorizes the Director to award grants to community-based organizations, nonprofit organizations, and resettlement agencies for programs to assist newcomers integrate into U.S. civic life.
- Expands eligibility for, and participation in, the refugee matching grant program (federal-private refugee assistance).
- Establishes a Domestic Emergency Refugee Resettlement Fund to meet unanticipated refugee resettlement needs.
- Makes SSI (supplemental security income) benefits available to qualified immigrants, U-visa immigrants (victim of criminal activity), or certain T-visa immigrants (victims of trafficking in persons) who were ineligible for such benefits because of their failure to acquire citizenship within seven years.
- Makes a child who has been granted special immigrant status as a victim of criminal activity (U-visa) eligible for specified refugee benefits.

Status: Referred to House subcommittee on Immigration And Border Security March 8, 2013

Bills Introduced in or Passed by the U.S. Senate

S. 744: Border Security, Economic Opportunity, and Immigration Modernization Act (Introduced Apr 17, 2013)

Sponsor: Sen Schumer, Charles E. [NY]

Bill text: available at <http://www.gpo.gov/fdsys/pkg/BILLS-113s744es/pdf/BILLS-113s744es.pdf>.

Co-sponsors: Sen. Michael Bennet, Sen. Richard Durbin, Sen. Jeff Flake, Sen. Lindsey Graham, Sen. John McCain, Sen. Robert Menendez, Sen. Marco Rubio

Summary:

Democratic Policy & Communications Center Summary of Border Security, Economic Opportunity, and Immigration Modernization Act Of 2013

Also Available at: <http://www.dpcc.senate.gov/?p=news&id=235>

Title I. Border Security

This Title provides for border security measures that will achieve and maintain effective control along the Southern border.

The bill creates five additional steps to be taken on border security before undocumented immigrants could move from provisional status to legal permanent residency, no sooner than 10 years after the bill's passage. It would require 20,000 additional border patrol agents to be hired and placed, and 700 miles of double-layered fence along the U.S.-Mexico border. Businesses nationwide would be required to use E-Verify, a system to check whether a would-be employee is legally allowed to work in the United States. The government would have to implement an entry-exit system at additional airports and sea ports, and put more funding into technology to monitor the border.

Border Plan: Stage one requires the DHS Secretary to develop a Comprehensive Border Security Strategy and Southern Border Fencing Strategy within six months before the registration period for Registered Provisional Immigrant status (RPI) begins. These strategies must be designed to achieve persistent surveillance of the border and a 90% effectiveness rate for apprehensions and returns in high risk border sectors. The bill appropriates \$3 billion for this plan which will include technology, personnel and other resources.

Triggers: The Secretary's border plan must be operational before any RPIs may apply for adjustment of status. The Secretary must develop and implement a fencing plan (\$1.5 billion); E-Verify must be mandatory and operational; and a biographic entry-exit system at air and seaports must be implemented before RPIs may adjust to permanent residence.

Additional Resources: To further ensure completion of these targets, Customs and Border Patrol personnel and resources will be increased, additional funding for border prosecutions in the Tucson sector are funded, and the authority of the National Guard to assist in border security operations is codified.

DHS Oversight: To protect the integrity of the system, additional resources and training will be devoted to implementing a DHS-wide use of force policy and associated training in appropriate use of

force and the impact of federal operations on border communities. A Border Oversight Taskforce is established to take testimony and conduct hearings in order to review and recommend changes to existing border policies. The current duties of the USCIS Ombudsman's office will be expanded to encompass all DHS immigration functions. DHS will be required to issue regulations on racial profiling that are based on a study analyzing individualized data on DHS officers enforcement activity.

Title II. Legalization (Registered Provisional Immigrant program) and Legal Immigration

This title provides a path to citizenship for the 11.5 undocumented immigrants in the United States. It establishes a new framework for future legal immigration by revamping the current family and employment based systems and creating two additional merit-based immigration systems.

SubPart A. Creation of Registered Provisional Immigrant program

Registration Requirements: Immigrants who entered the United States before December 31, 2011 and have been physically present in the U.S. since that time will be eligible to apply for Registered Provisional Immigrant (RPI) status provided they pass a background check, have not been convicted of a serious crime, pay any assessed tax liability, and pay appropriate fees and a \$500 fine.

Initial registration will be valid for six years. It provides for work and travel authorization, and includes spouses and children in the United States on the same application.

Renewal: RPIs applying for renewal will be subject to a new background check, payment of processing fees, payment of taxes, and a \$500 fine. RPIs must provide evidence of having been 1) regularly employed while meeting a requirement that he/she is not likely to become a public charge or 2) having resources to demonstrate 100% of the poverty level.

Adjustment of Status to Permanent Residency: At the end of ten years, RPIs may apply for adjustment of status, provided that they demonstrate: 1) they are admissible, 2) pay an additional \$1000 fine per adult plus application fees; 3) prove they are learning English; 4) pay their taxes; 5) pass a background check and 6) demonstrate compliance with the employment requirement. Specifically, they must show: 1) they have regularly worked in the U.S. such that they are not likely to become a public charge or 2) they have resources to meet 125% of the Federal Poverty Level. Under the revamped legal immigration system, individuals present in the U.S. for 10 years in lawful status can adjust status to lawful permanent residence including RPIs and other legal immigrants. RPIs may apply for naturalization after an additional three year wait, making the total path to citizenship about 13 years. The bill includes a "back of the line" requirement: RPIs may not adjust status until the family and employment backlogs are cleared.

Timeline: DHS has 12 months to issue regulations. Then there is a one year initial application period which can be extended by the Secretary for up to 18 months.

DREAM Act: Individuals who entered the U.S. before the age of 16 and who have completed high school or obtained a GED in the U.S. may register for RPI status through the DREAM Act. There is no age cap for the program. Individuals who received Deferred Action for Childhood Arrivals are

grandfathered into RPI status. DREAM RPIs are exempted from penalties and the triggers. Five years after registration, DREAM RPIs may apply for adjustment of status; their time in RPI status will count towards eligibility for naturalization, allowing them to become citizens immediately after receiving their green card. Children under age 16 have a five year path to citizenship and are exempted from certain requirements. The bill heightens child welfare protections to ensure parental rights are not terminated on the basis of a parent's immigration status alone.

Agricultural program: Undocumented farm workers who can demonstrate a minimum of 100 work days or 575 hours in the two years prior to the date of enactment would be eligible for an Agricultural Card. Workers who work at least 100 days a year for five years or workers who perform at least 150 days a year for three years can adjust status to permanent residency. To be eligible for permanent residence, agricultural workers must show that they have paid all taxes, have not been convicted of any serious crime, and pay a \$400 fine.

Integration: Creates an Office of New Americans, a New Americans taskforce and additional initiatives to help immigrants learn English, American civics and integrate into local communities. Provides funding for programs to help non-profits and local government with these initiatives.

SubPart B. Legal Immigration Reforms

New Merit-Based System: Creates a "Track One" merit based visa which will initially allocate 120,000 visas annually based on a points system, with the possibility of increasing the allotment by 5% (up to 250,000) in any year when unemployment is under 8.5%. Points will be awarded for factors such as education, employment, family in the U.S. and length of residence in the U.S. Half of the merit visas will be set aside for high skilled individuals and half of the cap will be for lower skilled workers.

A new "Track Two" merit-based system is created to clear the employment and family backlogs. In addition, this system allows individuals who are lawfully present in the U.S. for over ten years with work authorization to adjust status to permanent residence.

Lawful Permanent Residents' spouses and children: The current family based categories will be revised to permit the spouses and children of lawful permanent residents to immigrate immediately.

Additional changes to the current family system: The current sibling category will be eliminated 18 months after enactment. The 3rd preference family category (adult married children of U.S. citizens) will have an age cap of 31 beginning 18 months after enactment. The backlog reduction program will include processing of petitions in phased-out family categories. U.S. citizens can petition for a sibling for up to 18 months after enactment.

New Family "V" Visa: Creates a new nonimmigrant visa for families with approved petitions to work and live in the U.S. while waiting for their green card. Allows other family members including siblings to visit the U.S. for up to 60 days per year.

Employment-Based Reforms: Spouses and children of employment based visa applicants, STEM graduates with doctoral degrees, certain other professionals, and certain foreign doctors are exempt from

the employment visa cap. The cap on low-skilled workers is raised.

Additional Backlog Reduction and Improvements: Additional provisions to streamline processing and reduce backlogs include elimination of employment based country caps, an increase in family based country limits, and recapture of unused visa numbers. Popular programs for foreign doctors (Conrad-30), religious worker recruitment, and EB-5 investors are permanently reauthorized. Numerous other technical fixes to improve and streamline current visa programs are included (additional protections for stepchildren, widows, and other family members.)

Judicial Discretion: Expands the authority of immigration judges and DHS to waive removal on humanitarian grounds.

Title Three. Interior Enforcement.

This title mandates E-Verify, provides additional worker protections, reforms the immigration court system and provides additional measures related to interior enforcement.

Five year phase-in of mandatory E-Verify: An electronic employment verification system (E-verify) will cover all employers within a five year period, beginning with federal contractors and critical infrastructure employers. It requires identity verification through use of enhanced fraud-proof documents. Specifically prohibits creation of a national ID card.

Anti-fraud measures: Expands ability to protect against identity theft of Social Security numbers by allowing employees to block their social security number and gives employees access to personal E-verify history. It provides for an expansion of the photo identification mechanism as a component of E-verify and encourages states to provide photos to DHS.

Due Process: Expands due process protections for employees to ensure that legal workers are not prevented from working due to errors in the system or because of employer negligence or misconduct. Provides for back-pay if an employee loses work unfairly due to system or employer error. Provides a stay of termination of employment to give the worker time to correct any errors in the system.

Worker Protections: Includes protections for employers and employees, including pre-emption of state verification laws, expansion of U visas in employer abuse situations, and program funding. The bill also cracks down on labor recruitment abuse.

Refugee/Asylum Issues: Streamlines processing in refugee and asylum cases by eliminating one year asylum filing deadline, eliminating family reunification barriers for asylees and refugees, authorizing streamlined processing of certain high risk refugee groups, authorizing asylum officers to grant asylum for eligible applicants during credible fear interviews, and permits qualified stateless individuals to apply for lawful permanent resident status.

Immigration Court Improvements: Authorizes increase in immigration court personnel, additional resources, and more training for judges and other staff; access to counsel for vulnerable populations to improve efficiency of courts, and permanently codifies Board of Immigration Appeals and legal orientation programs.

Interior Enforcement: Tightens certain grounds of inadmissibility relating to document and passport fraud, driving while intoxicated following three convictions, conviction for gang related activities, convictions related to domestic violence, child abuse, stalking, violation of protection orders and failing to register as a sex offender. Prohibits and or increases penalties for abusive smuggling, illegal entry, and re-entry. Creates a mandatory exit verification system.

Detention Reform: Increases oversight of detention facilities, expands the ability of immigration judges to conduct bond hearings, and expands alternatives to detention.

Title IV. Reforms to Non Immigrant Visa Programs.

This Title reforms current non-immigrant visa programs and creates a new worker visa that melds greater employer flexibility with worker protections and ability to apply for permanent residence.

H-1B: Changes to the H-1B high skilled visa program include expanding the current cap from 65,000 to 110,000 with an option to ultimately increase the cap to 180,000 visas annually based on a High Skilled Jobs Demand Index. Allows for work authorization for spouses and children. Increases requirements for recruiting and offering jobs to U.S. workers at higher wages prior to hiring foreign workers. Increases fines and wage requirements for companies that are heavy-users of H-1B visas. After 3 years, companies whose workforce is more than fifty percent H-1Bs are barred.

Deterring Abuse: Establishes significant new authorities and penalties to prevent, detect, and deter fraud and abuse of the H-1B and L-1 visa systems by fraudulent employers. Increases wages for foreign workers to help protect Americans.

H-2B: Makes permanent the H-2B returning worker provision.

New Worker Program (W Visa): Establishes a new nonimmigrant W classification for lesser-skilled foreign workers performing services or labor for a registered employer in a registered position. Spouses and minor children are included and are work-authorized. It is a three year visa with three year renewal periods. Initially, 20,000 W visas will be made available, rising to 75,000 visas in four years. The visa program cap can rise to 200,000 depending on a formula based on unemployment, job openings, number of applications and the recommendations of a newly established Bureau of Immigration and Labor Market Research. Shortage occupation employers can hire workers outside the cap. W visa holders may switch from one registered employer to another without penalty and apply for the merits-based lawful permanent residence program or the Employment-Based system.

Agriculture: A new agricultural guest worker visa program would be established to provide a more stable agricultural workforce. A portable, at-will employment based visa (W-3 visa) and a contract-based visa (W-2 visa) administered by the Department of Agriculture would replace the current H-2A program. It will provide growers with a streamlined process to petition for worker while ensuring critical worker protections. The H-2A program would sunset after the new guest worker visa program is operational.

INVEST Visa: This bill creates a new INVEST visa for foreign entrepreneurs who seek to come to the U.S. to start their own companies. This 3-year visa would be available to immigrant entrepreneurs

who have a qualifying investor in the US and can be renewed if it can demonstrate certain benchmarks related to the number of jobs it creates and revenue it produces.

Status: Passed Senate with an amendment by Yea-Nay Vote. 68 – 3 on June 27, 2013

Resources

<http://americasvoiceonline.org/research/resources-for-s-744-senate-immigration-bill/>

<http://nilc.org/irsenate2013.html>

<http://www.aila.org/content/default.aspx?docid=43157>

<http://www.americanprogress.org/issues/immigration/news/2013/06/27/68338/the-top-5-things-the-senate-immigration-reform-bill-accomplishes/>

Press and Commentary:

Excerpts from Peter Schey's *Analysis of Senate Bill 744's Pathway to Legalization and Citizenship*

<http://www.centerforhumanrights.org/6-18-13%20CHRCL-Peter%20Schey%20Analysis%20Senate%20Bill%20Legalization%20Program.pdf>

Title II of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, includes a pathway to legalization for millions of undocumented immigrants. It allows immigrants who meet certain requirements to apply for Registered Provisional Immigrant (RPI) status (Subtitle A, Sec. 2101), and RPI's after 10 years may have the opportunity to apply for lawful permanent residence. (Subtitle A, Sec. 2102.)

Missing from the current debate on comprehensive immigration reform has been a rigorous analysis by advocates of the likely impact of the proposed legalization program on immigrants and their communities if S. 744 is enacted in roughly its present form.

Because of several provisions in the Senate bill (discussed below) that create significant obstacles to legalization for these 9 million immigrants, once implemented on the ground over the next 10 to 20 years, it is likely that approximately four to five million mostly low-income immigrants will not have discretion favorably exercised in their cases by USCIS agents who will ultimately be responsible for adjudicating the vast majority of applications for provisional status and later for permanent resident status.

The proposed program for 9 million undocumented immigrants is so complex, costly, drawn out over time, and burdened with obstacles that its implementation will likely legalize no more than half of the remaining 9 million undocumented immigrants now living in the U.S. Below Within my work, I address the likely impacts of (1) the indeterminate "Back-of-the-Line" requirement, (2) the Average Income requirement, (3) the Continuous Employment requirement, (4) the Payment of Taxes requirement, (5) the thirteen to twenty-year waiting period and "Triggers", (6) fees and penalties for program participation, (7) ineligibility for public benefits, (8) the discretionary Grant Program to assist eligible applicants, and (9) the disqualification of non-immigrants

About 4 to 5 million immigrants will most likely be left facing an extremely harsh and unforgiving set of laws almost certain to eventually force their detention and deportation (if detected) or more likely leave them in undocumented status for the rest of their lives (if undetected).

At the same time, the “continuous employment” provisions of the Senate bill will perpetuate and possibly increase opportunities for unscrupulous employers to violate health and safety, anti-discrimination, and wage and hour laws over the next ten to twenty years.

Ultimately, the meaning of comprehensive immigration “reform” depends on one’s political, social, economic and cultural values. For many elected officials, immigration “reform” is fairly well limited to massive new enforcement along the U.S.-Mexico border, along with some additional interior enforcement. To other elected officials, immigration “reform” mainly involves how to promptly and fairly legalize the largest number of undocumented immigrants living in the U.S. as possible.

This bi-polar environment in which strongly held views see the problem through very different lenses and adopt very different solutions may or may not offer the best time to fix a broken system. Many experienced advocates (both pro-immigrant and pro-enforcement) believe that in the present environment the country and immigrant communities would be best served by (1) reconsidering draconian provisions of law adopted in 1996 that have blocked millions of long-term residents with close family ties in the US from legalizing their status, and (2) promptly and efficiently legalizing *targeted groups* of longer-term residents and those with special equities or skills (without the obstacles to legalization imposed by the Senate bill). Others seek to move forward now, believing that an imperfect law will make things better than the status quo. Regardless of the approach, this analysis will hopefully inform advocates how implementation of the SB 744 will likely play out in the real world of millions of immigrant families dealing directly with thousands of USCIS adjudication agents over the next 10 to 20 years.

Reid Tells House to Pass Senate Immigration Bill

<http://www.washingtontimes.com/news/2013/jul/8/reid-tells-house-pass-senate-immigration-bill/>

Senate Majority Leader Harry Reid challenged House Republicans to forgo their own debate and pass the Senate’s immigration bill instead, telling Speaker John A. Boehner to ignore his Republican colleagues in order to get a bill done.

In remarks kicking off Congress’ stretch run to its August summer vacation, Mr. Reid said the Senate’s 68-32 vote in late June to pass its immigration bill should be a beacon for the House.

“Our responsibility didn’t end with that vote. Now it’s our responsibility to convince our colleagues in the House they should vote with us,” said Mr. Reid, Nevada Democrat.

Last month’s Senate vote is increasingly looking like the high point for immigration advocates, who fear the House bill will be stricter on enforcement and less generous in its legalization of illegal immigrants — and may not even produce a bill at all, which would doom the issue yet again.

That's what happened in 2006, when the Senate passed a broad bill combining legalization and stricter enforcement while the House passed an enforcement-only bill. The two measures were so different that the two sides never bothered to go to conference to try to work out a compromise.

This year, several key differences have emerged between the House and Senate, with the most important one being different approaches to a pathway to citizenship.

In the Senate most Republicans, including even those who voted against the bill, said they believe a pathway citizenship is needed, but disagreed over what conditions to attach to it. That view is decidedly not a universal position among House Republicans, many of whom say that granting illegal immigrants citizenship amounts to an amnesty for breaking the law.

S. 1614: Accuracy for Adoptees Act (Introduced on October 30, 2013)

Sponsor: Sen. Amy Klobuchar (D- MN)

Bill Text: <https://www.govtrack.us/congress/bills/113/s1614/text>

Summary:

Accuracy for Adoptees Act - Amends the Immigration and Nationality Act to require that a certificate

of citizenship or other federal document issued, or requested to be amended, reflect the child's name and date of birth as indicated on a state court order, birth certificate, certificate of foreign birth, certificate of birth abroad, or similar state vital records document issued by the child's U.S. state of residence after the child has been adopted or readopted in that state.

Recognition of State court determinations of name and birth date

Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended by adding at the end the following: A Certificate of Citizenship or other Federal document issued or requested to be amended under this section shall reflect the child's name and date of birth as indicated on a State court order, birth certificate, certificate of foreign birth, certificate of birth abroad, or similar State vital records document issued by the child's State of residence in the United States after the child has been adopted or readopted in that State.

Press and Commentary: There is no press or commentary at this time.

Bills Pending in the U.S. Senate

S. 1990: A bill to prohibit aliens who are not lawfully present in the United States from Being Eligible for Post Secondary Education Benefits that are not available to all citizens and nationals of the United States (Introduced February 4, 2014)

Sponsor: Sen. David Vitter (R-LA)

Bill Text: <https://www.govtrack.us/congress/bills/113/s1990/text>

Summary:

- Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended to read as follows:
 - Ineligibility for aliens not lawfully present in the United States to receive preferential postsecondary education benefits In general
 - An alien who is not lawfully present in the United States shall not be eligible for any postsecondary education benefit unless every citizen and national of the United States is eligible to receive such a benefit (in no less an amount, duration, and scope). Enforcement through civil action. In general: Any citizen or national of the United States who is enrolled at a postsecondary educational institution in the United States that is alleged to have violated *subsection (a)* may petition the district court of the United States in which such institution is located to enforce the restriction described in such subsection by commencing a civil action, on his or her own behalf, in such court against any State official that oversees such institution.
 - Relief: If the plaintiff in a civil action commenced under *paragraph (1)* proves by a preponderance of the evidence that the postsecondary educational institution in which the plaintiff was enrolled violated *subsection (a)*, the court shall—
 - provide all appropriate relief to the plaintiff, including damages equal to the monetary value of any benefit provided to an alien who is not lawfully present in the United States that was denied to the plaintiff; and (B) award attorneys' fees and court costs to the plaintiff.

Press and Commentary: There is no press or commentary at this time.

S. 461: Filipino Veterans Family Reunification Act of 2013 (Introduced March 5, 2013)

Sponsor: Sen. Mazie Hirono [D-HI]

Bill Text: <https://www.govtrack.us/congress/bills/113/s461/text>

Summary:

Amends the Immigration and Nationality Act to exempt from worldwide or numerical limitations on immigrant visas the sons and daughters of Filipino World War II veterans who were naturalized under the Immigration Act of 1990 or other specified federal law.

According to the office of Senator Hirono,

Thousands of Filipino veterans were granted citizenship in recognition of their service to the United States in World War II. Their children, however, were not granted citizenship. As a result, the veterans who came to the United States could only sponsor their children by filing a petition and “getting in line.” The backlogs affecting Filipino immigration applications are over

twenty years in some cases, and these veterans, now in their 80s and 90s, have had to wait in the U.S. without their children for many years.

The American Coalition of Filipino Veterans estimates that 20,000 sons and daughters of U.S. Filipino World War II veterans will directly benefit from Hirono's legislation.

The Filipino American community is the second largest Asian American group in the United States with a population of over 3.4 million as of the 2010 US Census. "ASIAN ALONE OR IN COMBINATION WITH ONE OR MORE OTHER RACES, AND WITH ONE OR MORE ASIAN CATEGORIES FOR SELECTED GROUPS". 2010 Census. U.S. Census Bureau.

In 2008, one out of every four Filipino Americans make their home in Southern California, numbering over 1 million.^[65] The 2010 Census, confirmed that Filipino Americans had grown to become the largest Asian American population in the state, totaling 1,474,707 persons;^[66] 43% of all Filipino Americans live in California. Of these persons 1,195,580 were not Multiracial Filipino Americans.^[67]

Status: Referred to Senate Judiciary Committee on Mar 5, 2013

S. 527: Liberian Refugee Immigration Fairness Act of 2013 (Introduced on March 12, 2013)

Sponsor: Sen. John "Jack" Reed [D-RI]

Bill Text: <https://www.govtrack.us/congress/bills/113/s527/text>

Companion Legislation: H.R. 1087: Liberian Refugee Immigration Fairness Act of 2013 Sponsor: Sen. Mazie Hirono [D-HI]

Status: Referred to Senate Judiciary Committee on Mar 12, 2013

S. 295: Indonesian Family Refugee Protection Act (Introduced on February 13, 2013)

Sponsor: Sen. Frank Lautenberg [D-NJ]

Bill Text: <https://www.govtrack.us/congress/bills/113/s295/text>

Summary:

Authorizes a qualifying Indonesian citizen whose asylum claim was denied solely upon a failure to meet the one-year application filing deadline to file a motion to reopen such claim.

Requires that such motion be filed during the two-year period beginning on the date of enactment of this Act.

According to the bill's sponsors,

In the late 1990s and early 2000s, many Indonesian Christians came to the U.S. on tourist visas when religious persecution in Indonesia escalated, resulting in extreme violence and destruction of Christian churches. Many of these families have lived, worked, and paid taxes in the U.S. for years and now have children who are U.S. citizens. A number of these families have settled in areas surrounding Highland Park, New Jersey, where they have become a part of the community.

At the request of the U.S. government, many of these Indonesians registered with the government under a program requiring the registration of non-citizen males from certain countries following the terrorist attacks on September 11, 2001. Following this registration, the government began deportation proceedings against some Indonesians who had overstayed their visas. These deportations and threatened deportations have caused fear in the Indonesian community that family members will have to return to Indonesia, where they could again face religious persecution.

Status: Referred to Senate Judiciary Committee Feb 13, 2013

S. 296: Uniting American Families Act of 2013 (Introduced on February 13, 2013)

Sponsor: Sen. Patrick Leahy [D-VT]

Bill Text: <https://www.govtrack.us/congress/bills/113/s296/text>

Status Referred to Senate Judiciary Committee on Feb 13, 2013

Companion Legislation: H.R. 519: Uniting American Families Act of 2013
Sponsor: Rep. Jerrold Nadler [D-NY10]

S. 645: Refugee Protection Act of 2013 (Introduced on March 21, 2013)

Sponsor: Sen. Patrick Leahy [D-VT]

Bill Text: <https://www.govtrack.us/congress/bills/113/s645/text>

Status: Referred to Senate Judiciary Committee Mar 21, 2013

Companion Legislation: H.R. 1365: Refugee Protection Act of 2013 (Introduced: Mar 21, 2013) Sponsor: Rep. Zoe Lofgren [D-CA19] Cosponsors (6)

S. 260: Immigration Enforcement Transparency Act (Introduced on February 7, 2013)

Sponsor: Sen. Kirsten Gillibrand [D-NY]

Bill Text: <https://www.govtrack.us/congress/bills/113/s260/text>

Summary:

Requires a law enforcement official enforcing an immigration law to collect specified data, including: (1) the basis for such enforcement action; (2) the individual's identifying characteristics, including race, gender, ethnicity, and age; (3) how long a stop or search lasted and whether consent was obtained; (4) a description of any items seized; (5) whether an arrest or detention was made, the justification for such arrest or detention, and the ultimate disposition of such arrest or detention; (6) the individual's immigration status and whether removal proceedings were subsequently initiated against that individual; and (7) whether the individual filed a complaint.

Requires the Secretary of Homeland Security (DHS) to compile such data and submit a related report to Congress annually.

Status: Referred to Senate Judiciary Committee on Feb 07, 2013

CALIFORNIA BILLS

The 2013–2014 session is the current session of the California State Legislature. *Below is the list of the most relevant bills that have become law.*

Assembly Bills

AB 4 Trust Act

Sponsor: Tom Ammiano

This bill was signed by Governor Brown on October 5, 2013.

Bill Text: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB4

Relevant Excerpts Today's Law as Amended

SECTION 1.

The Legislature finds and declares all of the following:

(a) The United States Immigration and Customs Enforcement's (ICE) Secure Communities program shifts the burden of federal civil immigration enforcement onto local law enforcement. To operate the Secure Communities program, ICE relies on voluntary requests, known as ICE holds or detainers, to local law enforcement to hold individuals in local jails for additional time beyond when they would be eligible for release in a criminal matter.

(b) State and local law enforcement agencies are not reimbursed by the federal government for the full cost of responding to a detainer, which can include, but is not limited to, extended detention time and the administrative costs of tracking and responding to detainees.

(c) Unlike criminal detainees, which are supported by a warrant and require probable cause, there is no requirement for a warrant and no established standard of proof, such as reasonable suspicion or probable cause, for issuing an ICE detainer request. Immigration detainees have erroneously been placed on United States citizens, as well as immigrants who are not deportable.

(d) The Secure Communities program and immigration detainees harm community policing efforts because immigrant residents who are victims of or witnesses to crime, including domestic violence, are less likely to report crime or cooperate with law enforcement when any contact with law enforcement could result in deportation. The program can result in a person being held and transferred into immigration detention without regard to whether the arrest is the result of a mistake, or merely a routine practice of questioning individuals involved in a dispute without pressing charges. Victims or witnesses to crimes may otherwise have recourse to lawful status (such as U-visas or T-visas) that detention resulting from the Secure Communities program obstructs.

(e) It is the intent of the Legislature that this act shall not be construed as providing, expanding, or ratifying the legal authority for any state or local law enforcement agency to detain an individual on an immigration hold.

SEC. 2.

CHAPTER 17.1. Standards for Responding to United States Immigration and Customs Enforcement Holds

(a) A law enforcement official shall have discretion to cooperate with federal immigration officials by detaining an individual on the basis of an immigration hold after that individual becomes eligible for release from custody only if the continued detention of the individual on the basis of the immigration hold would not violate any federal, state, or local law, or any local policy, and only under any of the following circumstances:

(1) The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code.

(2) The individual has been convicted of a felony punishable by imprisonment in the state prison.

(3) The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted at any time of a felony for, any of the following offenses:

(A) Assault, (B) Battery, (C) Use of threats, (D) Sexual abuse (E) Child abuse or endangerment, (F) Burglary, robbery, theft, fraud, forgery, or embezzlement, (G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.(H) Obstruction of justice (I) Bribery, (J) Escape, (K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, (L) Possession of an unlawful deadly weapon,(M) An offense involving the

felony possession, sale, distribution, manufacture, or trafficking of controlled substances.(N) Vandalism with prior convictions, (O) Gang-related offenses, (P) An attempt, (Q) A crime resulting in death, (R) Possession or use of a firearm in the commission of an offense. (S) An offense that would require the individual to register as a sex offender pursuant (T) False imprisonment, slavery, and human trafficking, as specified in, (U) Criminal profiteering and money laundering, (V) Torture and mayhem, (W) A crime threatening the (X) Elder and dependent adult abuse,(Y) A hate crime, as specified in (Z) Stalking, (AA) Soliciting the commission of a crime, (AB) An offense committed while on bail or released on his or her own recognizance., (AC) Rape, sodomy, oral copulation, or sexual penetration, (2 (AD) Kidnapping, (4) The individual is a current registrant on the California Sex and Arson Registry. (5) The individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (6) The individual has been convicted of a federal crime that meets the definition of an aggravated felony

Press and Commentary:

WITH TRUST ACT, CALIFORNIA BLOCKS KEY DEPORTATION TOOL

<http://www.kpbs.org/news/2013/oct/07/trust-act-california-blocks-key-deportation-tool/>

Monday, October 7, 2013

By Jill Replogle

While Congress has put comprehensive immigration reform on the back burner, California has moved to block a key federal program that deports immigrants living in the country illegally.

California Gov. Jerry Brown signed the Trust Act into law over the weekend. The law prohibits sheriff's deputies and police officers from complying with requests from immigration authorities to keep people in jail for extra time.

U.S. Immigration and Customs Enforcement requests such holds when it suspects a person could be deportable — even if they're in custody for minor crimes. The holds are ICE's primary tool used to deport immigrants under its Secure Communities program.

But opponents of the program said it discourages immigrants from reporting crimes and runs contrary to the federal government's stated mission to focus on deporting serious criminals.

Angela Chan, a bill supporter and senior staff attorney at Advancing Justice - Asian Law Caucus, estimates that 10,000-20,000 people might avoid deportation because of the new law.

"These are people who either do not have any criminal convictions whatsoever or are arrested on lesser offenses like traffic violations," Chan said.

The California State Sheriff's Association opposes the law, although sheriffs in some large counties — like Los Angeles County Sheriff Lee Baca — have come around to supporting the bill.

A spokeswoman for San Diego County Sheriff Bill Gore said he wanted to talk to the department's federal partners at ICE before commenting on the new law.

Last week, former Homeland Security Secretary and current University of California president Janet Napolitano told students she supported the TRUST Act.

California is the first state to explicitly prohibit local law enforcement from complying with ICE hold requests. Brown signed several other bills over the weekend supported by immigration advocacy groups, including two designed to protect immigrants from fraudsters offering legal help with immigration status. On Monday, the governor vetoed a bill that would have made legal permanent residents eligible for jury duty.

AB 524

Introduced by Assembly Member Mullin
(Coauthor(s): Assembly Member Ting)
(Coauthor(s): Senator Yee)

This law was signed into law by Governor Brown on October 5, 2013.

Bill Text: <http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml>

Today's Law as Amended

SECTION 1.

Section 519 of the Penal Code is amended to read:

Fear, such as will constitute extortion, may be induced by a threat, either:

1. To do an unlawful injury to the person or property of the individual threatened or of a third person; or,
2. To accuse the individual threatened, or a relative of, his or her, or member of his or her family, of a crime; or,
3. To expose, or to impute to him, her, or them a deformity, disgrace, or crime; or,
4. To expose a secret affecting him, her, or them; or,
5. To report his, her, or their immigration status or suspected immigration status.

SEC. 2.

The Legislature finds and declares that the amendments to Section 519 of the Penal Code made by this act are intended to clarify existing law.

SEC. 3.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Sponsor: Roger Hernandez, Democrat, District 48

This bill was signed into law by Governor Brown October 5, 2013

Bill Text: <http://sanbenito.networkofcare.org/mh/legislate/state-bill-detail.aspx?bill=AB%2035>

Law As Amended Today:

SEC. 1.

Section 22449 is added to the Business and Professions Code, to read:

(a) Immigration consultants, attorneys, notaries public, and organizations accredited by the United States Board of Immigration Appeals shall be the only individuals authorized to charge clients or prospective clients fees for providing consultations, legal advice, or notary public services, respectively, associated with filing an application under the federal Deferred Action for Childhood Arrivals program announced by the United States Secretary of Homeland Security on June 15, 2012.

(b) (1) Immigration consultants, attorneys, notaries public, and organizations accredited by the United States Board of Immigration Appeals shall be prohibited from participating in practices that amount to price gouging when a client or prospective client solicits services associated with filing an application for deferred action for childhood arrivals as described in subdivision (a).

(2) For the purposes of this section, “price gouging” means any practice that has the effect of pressuring the client or prospective client to purchase services immediately because purchasing them at a later time will result in the client or prospective client paying a higher price for the same services.

(c) (1) In addition to the civil and criminal penalties described in Section 22445, a violation of this section by an attorney shall be cause for discipline by the State Bar pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(2) In addition to the civil and criminal penalties described in Section 22445, a violation of this section by a notary public shall be cause for the revocation or suspension of his or her commission as a notary public by the Secretary of State and the application of any other applicable penalties pursuant to Chapter 3 (commencing with Section 8200) of Division 1 of Title 2 of the Government Code.

SEC. 2.

Section 1264 of the Unemployment Insurance Code is amended to read:

1264.

(a) (1) Unemployment compensation benefits, extended duration benefits, and federal-state extended benefits shall not be payable on the basis of services performed by an alien unless the alien is an

individual who was lawfully admitted for permanent residence at the time the services were performed, was lawfully present for purposes of performing the services, or was permanently residing in the United States under color of law at the time the services were performed, including an alien who was lawfully present in the United States as a result of the application of the provisions of Section 203(a)(7) or Section 212(d)(5) of the Immigration and Nationality Act.

(2) For purposes of paragraph (1), and only to the extent authorized by federal law, an alien who (A) is the subject of a notice of decision from the federal government granting deferred action under the federal Deferred Action for Childhood Arrivals program announced by the United States Secretary of Homeland Security on June 15, 2012, and (B) performed the services while he or she was in receipt of a valid employment authorization from the federal government, is a person who was lawfully present for purposes of performing those services.

(b) Any data or information required of individuals applying for benefits specified by subdivision (a) to determine whether these benefits are not payable to them because of their alien status shall be uniformly required from all applicants for these benefits.

(c) In the case of an individual whose application for benefits specified by subdivision (a) would otherwise be approved, no determination by the department, an administrative law judge, or the appeals board that these benefits to the individual are not payable because of his or her alien status shall be made except upon a preponderance of the evidence.

(d) If an alien presents evidence that the Immigration and Naturalization Service has granted the alien employment authorization as a result of the alien's application for temporary residence status under the federal Immigration Reform and Control Act of 1986 (Public Law 99-603), pending a final determination on this application the department shall not do either of the following:

(1) Commence or continue to pursue any administrative or judicial action to collect benefits where there has been a final determination that these benefits have been overpaid or chargeable to the alien, because of the alien's immigration status at the time he or she performed the services compensated by his or her base period wages.

(2) Determine that the alien was overpaid benefits in the current benefit year or in any prior benefit year, if the basis for the determination is the assumption that because the alien is an applicant for temporary resident status he or she was not, while performing the services compensated by base period wages, lawfully admitted for permanent residence, lawfully present for purposes of performing the services that were compensated by his or her base period wages, or permanently residing in the United States under color of law.

(e) If the Immigration and Naturalization Service grants the application and adjusts the alien's status to that of lawful temporary resident, the department shall not take any action described in paragraph (1) of subdivision (d) or make any determination described in paragraph (2) of subdivision (d). If an alien is not in the status of being lawfully admitted for permanent residence, lawfully present for the purpose of performing the services compensated by his or her base period wages, or permanently residing in the United States under color of law, at the time the alien's lawful temporary permanent status terminates, then compensation shall not be payable on the basis of services performed by the alien after the termination.

(f) Nothing in subdivision (d) shall be construed to require the department to do any of the following:

(1) Repay any amounts collected under any present or past action as described in paragraph (1) of subdivision (d).

(2) Redetermine the eligibility for unemployment compensation benefits of any alien who the department originally determined to be ineligible because of the alien's status at the time he or she performed the services compensated by his or her base period wages and with respect to whom the determination has become final.

(3) Apply subdivision (d) or (e) retroactively.

(g) If the United States Secretary of Labor finds that subdivisions (d) and (e) are not in conformity with the federal Unemployment Tax Act, and effective as of the date that this finding becomes final, subdivisions (d), (e), and (f) shall be inoperative and of no legal force or effect.

(h) Unless subdivisions (d), (e), and (f) have earlier become inoperative and of no legal force or effect pursuant to a finding by the Secretary of Labor under subdivision (g), subdivisions (d), (e), (f), and (g) shall remain in effect only until September 30, 1990, and as of that date shall become inoperative, unless a later enacted statute which is chaptered before September 30, 1990, deletes or extends that date. Notwithstanding this subdivision, however, the department shall not take any action to collect benefits from an individual when the collection against that individual was suspended pursuant to subdivision (e) prior to September 30, 1990.

SEC. 3.

Section 13001 is added to the Vehicle Code, to read:

(a) Any federal document demonstrating favorable action by the federal government for acceptance of a person into the federal Deferred Action for Childhood Arrivals program shall satisfy the requirement that the applicant submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(b) The department may issue an original identification card to the person who submits proof of presence in the United States as authorized under federal law pursuant to subdivision (a) and either a social security account number or ineligibility for a social security account number.

SEC. 4.

The provisions of this act are declarative of existing law.

SEC. 5.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

AB 1024

Sponsor: Lorena Gonzalez, Democrat from San Diego

Signed into law by Governor Brown on October 5, 2013.

Bill Text: <http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml>
Law As Amended Today

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 6064 of the Business and Professions Code is amended to read:
6064.

(a) Upon certification by the examining committee that the applicant has fulfilled the requirements for admission to practice law, the Supreme Court may admit the applicant as an attorney at law in all the courts of this state and may direct an order to be entered upon its records to that effect. A certificate of admission thereupon shall be given to the applicant by the clerk of the court.

(b) Upon certification by the examining committee that an applicant who is not lawfully present in the United States has fulfilled the requirements for admission to practice law, the Supreme Court may admit that applicant as an attorney at law in all the courts of this state and may direct an order to be entered upon its records to that effect. A certificate of admission thereupon shall be given to the applicant by the clerk of the court.

AB 1159

Sponsor: Assembly member Lorena Gonzales (Democrat from San Diego)

This bill was signed into law by Governor Brown on October 5, 2013.

Bill Text: <http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml>

Summary:

<http://www.legtrack.com/bill.html?bill=201320140AB1159>

Existing law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation.

This bill would make it a violation of specified provisions of law relating to the unauthorized practice of law for any person who is not an attorney to literally translate from English into another language the phrases “notary public,” “notary,” “licensed,” “attorney,” “lawyer,” or any other terms that imply that the person is an attorney. The bill would prescribe penalties, not to exceed \$1,000 per day for each

violation, for a person who violates these provisions. The bill would authorize these penalties to be allocated to a specified fund for purposes of providing free legal services related to immigration reform act services to clients of limited means, or to a fund for the purposes of mitigating unpaid claims of injured immigrant clients, as specified, as directed by the Board of Trustees of the State Bar. The bill would require the Board of Trustees of the State Bar to annually report any collection and expenditure of these moneys to the Assembly and Senate Committees on Judiciary.

This bill would require, when a contract for legal services is required in writing pursuant to specified provisions of law, that an attorney providing immigration reform act services, as defined, provide a written notice informing the client that he or she may report complaints to specified entities. The bill would make these provisions operative when the State Bar posts the form and specified translations of the form on its Internet Web site, but no later than 45 days after the effective date of the bill.

Existing law provides for the regulation of a person engaged in the business or acting in the capacity of an immigration consultant, and provides that a violation of these provisions is a crime. Existing law requires an immigration consultant to provide a client with a written contract containing specified information prior to providing services. Existing law requires an immigration consultant to file a bond of \$50,000 with the Secretary of State in accordance with specified provisions of law. This bill would, commencing July 1, 2014, increase the amount of this bond to \$100,000. The bill would require that the written contract contain additional information relating to an explanation of the purpose of each service to be performed. The bill would require an immigration consultant to establish a client trust account and to deposit in this account any funds received from the client prior to performing immigration reform act services, as defined, for that client, and would impose certain requirements relating to the expenditure of funds from this trust account.

The bill would prohibit an attorney or an immigration consultant from demanding or accepting the advance payment of any funds from a person before the enactment of an immigration reform act, as defined, and would require any funds received after the effective date of this bill, but before the enactment of an immigration reform act, to be refunded to the client promptly, but no later than 30 days after the receipt of any funds. The bill would require any funds that were received before the effective date of the bill for services not rendered before the effective date of the bill to be either refunded to the client or deposited in a client trust fund in accordance with specified provisions. The bill would prescribe penalties, not to exceed \$1,000 per day for each violation, for immigration consultants who violate these provisions.

Existing law prohibits an immigration consultant from literally translating the phrase “notary public” into Spanish. This bill would provide that a violation of these provisions constitutes a violation of specified provisions of law relating to the unauthorized practice of law. The bill also would prescribe penalties, not to exceed \$1,000 per day for each violation, for immigration consultants who violate these provisions.

Because a violation of these provisions by an immigration consultant would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that

reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason. This bill would declare that it is to take effect immediately as an urgency statute.

SB 141

Sponsor: Senator Lou Correa (Democrat from Santa Ana, California).

This bill was signed into law on October 5, 2013 by Governor Brown.

Bill Text: <http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml>

Summary

Exempts a student who meets specified requirements, including having a parent who was deported or was permitted to depart voluntarily, from nonresident tuition at the California Community Colleges and the California State University. Requests the Regents to enact regulations and procedures to exempt similarly situated students at the University of California. Exempts students who are citizens residing in a foreign country who meet specified requirements.

SB 150

Sponsor: Senator Ricardo Lara (Democrat from Bell Gardens)

This bill was signed into law on October 5, 2013.

Bill Text: <http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml>

Relevant Excerpts of the Law Today:

SECTION 1.

Section 76140 of the Education Code, as added by Section 66 of Chapter 38 of the Statutes of 2012, is amended to read:

(a) A community college district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee any person described in paragraph (1), (2), (3), or (4):

(1) All nonresidents who enroll for six or fewer units. Exemptions made pursuant to this paragraph shall not be made on an individual basis.

(2) Any nonresident who is both a citizen and resident of a foreign country, if the nonresident has demonstrated a financial need for the exemption. Not more than 10 percent of the nonresident foreign students attending any community college district may be so exempted. Exemptions made pursuant to this paragraph may be made on an individual basis.

(3) (A) A student who, as of August 29, 2005, was enrolled, or admitted with an intention to enroll, in the fall term of the 2005–06 academic year in a regionally accredited institution of higher education in Alabama, Louisiana, or Mississippi, and who could not continue his or her attendance at that institution as a direct consequence of damage sustained by that institution as a result of Hurricane Katrina.

(B) The chancellor shall develop guidelines for the implementation of this paragraph. These guidelines shall include standards for appropriate documentation of student eligibility to the extent feasible.

SB 666

Sponsor: Darrell Steinberg, Democrat District 6

This bill was signed into law by Governor Brown on October 5, 2013.

Bill Text: <http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml>

Summary:

Existing law establishes grounds for suspension or revocation of certain business and professional licenses.

This bill would subject those business licenses to suspension or revocation if a current, former, or prospective employee of the licensee attempts to exercise a right related to his or her employment or any terms, conditions, or benefits of that employment protected by state law and, in reaction, the licensee threatens to retaliate or retaliates based on the employee's citizenship or immigration status.

This provides for a suspension or revocation of an employer's business license for retaliation against employees and others on the basis of citizenship and immigration status, and establishes a civil penalty up to \$10,000 per violation.

This bill makes it a cause for suspension, disbarment, or other discipline for any member of the State Bar to report immigration status or threaten to report immigration status of a witness or party to a civil or administrative action or his or her family member, as defined, to a federal, state, or local agency because the witness or party exercises or has exercised a right related to his or her employment. Existing law establishes various rights and protections relating to employment and civil rights that may be enforced by civil action.

This bill provides that it is not necessary to exhaust administrative remedies or procedures in order to bring a civil action enforcing designated rights. Under the bill, reporting or threatening to report an employee's, former employee's, or prospective employee's citizenship or immigration status, or the citizenship or immigration status of the employee's or former employee's family member, as defined, to a federal, state, or local agency because the employee or former employee exercises a designated right would constitute an adverse employment action for purposes of establishing a violation of the designated right. Because a violation of certain of those designated rights is a misdemeanor, this bill would impose a state-mandated local program by changing the definition of a crime.

Existing law prohibits an employer from discharging an employee or in any manner discriminating against any employee or applicant for employment because the employee or applicant has engaged in prescribed protected conduct relating to the enforcement of the employee's or applicant's rights. Existing law makes it a misdemeanor for an employer to take adverse employment action against employees who file bona fide complaints.

This bill would also prohibit an employer from retaliating or taking adverse action against any employee or applicant for employment because the employee or applicant has engaged in protected conduct. The bill would expand the protected conduct to include a written or oral complaint by an employee that he or she is owed unpaid wages. The bill would subject an employer that is a corporation or limited liability company to a civil penalty of up to \$10,000 per violation of these provisions.

Existing law prohibits an employer from making, adopting, or enforcing any rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation or noncompliance with a state or federal rule or regulation. Existing law further prohibits an employer from retaliating against an employee for such a disclosure. Under existing law, a violation of these provisions by an employer is a crime.

This bill would additionally prohibit any person acting on behalf of the employer from making, adopting, or enforcing any rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency, as provided, and would extend those prohibitions to preventing an employee from, or retaliating against an employee for, providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry. Because a violation of these provisions by an employer would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

California Pending Bills

AJR: 3: As Relative To Immigration (Introduced on April 1, 2013)

Sponsor: Assembly Member Alejo

Bill Text: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_0001-0050/ajr_3_bill_20130815_chaptered.html

Summary: This measure would specify goals for the reform of the nation's immigration system, and would urge Congress and the President of the United States to take a humane and just approach to solving the nation's broken immigration system.

Press and Commentary: There is presently no press or commentary at this time.

SR: 25: Relative To Immigration (Introduced on January 23, 2014)

Sponsor: Senator Calderon

Bill Text: http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0001-0050/sr_25_bill_20140123_introduced.html

Summary:

- WHEREAS, According to the Pew Hispanic Center, in 2011, there were 11.1 million unauthorized immigrants living in the United States; and WHEREAS, Deportations have reached record levels under President Obama, rising to an annual average of nearly 400,000 since 2009; and WHEREAS, According to Congress members Raul M. Grijalva and Yvette Clarke, although the Obama Administration reportedly prioritized deporting only criminals, many individuals with no criminal history have been consistently deported; and WHEREAS, Increased deportations and a continuously broken immigration system exacerbate the living conditions of United States citizen children whose parents have been deported; and WHEREAS, Separation of children from their parents, irrespective of immigration status, always results in severe consequences for young children who are left with no parental guidance or care and a highly unstable financial situation; and
 - WHEREAS, As immigration continues to be at the center of a national debate, President Obama and Congress must implement a more humanitarian immigration policy that keeps families together; and
 - WHEREAS, California is home to approximately 10.3 million immigrants of which approximately 2.6 million are unauthorized to live in the United States; and
 - WHEREAS, Many members of Congress recently signed a letter requesting President Obama to suspend any further deportations; and
 - WHEREAS, California is home to a large number of unauthorized immigrants from all parts of the world, this state should therefore make it a priority to keep families together and continue to press President Obama and Congress for a solution to our broke federal immigration system; now, therefore, be it Resolved by the Senate of the State of California, That the Senate urges President Obama to take executive action to suspend any further deportations of unauthorized individuals with no serious criminal history; and be it further
 - Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.