

H.R. 1645: The Security Through Regularized Immigration and a Vibrant Economy Act of 2007
Position of the U.S. Conference of Catholic Bishops

On March 22, 2007, Representatives Jeff Flake (R-Az) and Luis Gutierrez (D-Ill.) introduced the Security through Regularized Immigration and a Vibrant Economy Act of 2007 (STRIVE Act). Below is an analysis of the proposal in comparison to the principles laid out by the U.S. Bishops.

1. Broad legalization for the undocumented (Title VI)

The legislation requires six years of work, a fine, back taxes, English and civics requirements, and a “legal re-entry” requirement in order to qualify for permanent residency. In order to qualify for conditional residency, you must attest to previous work (a generous June 1, 2006, cut off date) and not have committed a crime, etc. The title also includes AgJOBS and DREAM Acts.

Analysis: The requirements here are the same as McCain-Kennedy of last year, absent the “legal re-entry,” or “touch back” provision. The test here is that any earned legalization program should not be so onerous as to discourage participation and must be fair, workable, and achievable. The formula here meets this test, provided that the “touch back” provision, which only requires leaving the U.S. briefly and re-entering, does not change. Since it is only leaving the country while being processed here, and it can be done over a 6 year period, it is achievable and workable. We do not want to embrace the touch back wholeheartedly, though, for fear that it would be made worse during the legislative process.

2. Temporary worker program with protections, wages, portability, path to citizenship, etc. (Title IV)

Creates an H-2C visa which is valid for three years and is renewable, with an initial cap of 400,000. Prevailing wage, with Davis-Bacon protections for certain industries, portability, the ability to travel between countries, family unity, worker protections as U.S. workers, and opportunity to apply for permanent residency after five years in the program. Also contains a provision which requires enforcement of labor protections.

Analysis: The worker program contains all the elements outlined by the bishops, except Social Security savings.

3. Family-based immigration reform and backlog reduction (Title V)

This is identical to McCain-Kennedy of last year, in which immediate relatives of U.S. citizens is moved outside the numerical limit of 480,000, and the per-country limit is raised. It would eliminate the backlogs in family categories in five years, prior to anyone from the undocumented population getting in line. It doubles the number of employment-based green cards in the system.

Analysis: This comports with USCCB position on eliminating family-based backlogs.

4. Restoration of Due Process Protections (Titles I, II, and III)

The legislation authorizes an increase in border patrol agents, immigration enforcement officers, and the federal detention space available in this country. In addition, it requires that the Secretary of Homeland Security report to the President and Congress on the status of border surveillance technology, the implementation of tamper-resistant immigration documents, and the implementation of an *Electronic Employment Verification System*, before any temporary worker program or legalization provisions may be adjudicated.

The legislation expands the class of individuals who are subject to expedited removal proceedings, would amend the grounds of inadmissibility and would subject certain vulnerable populations to criminal and civil penalties for certain acts, including refugee who misuse immigration documents and certain individuals who transport or harbor undocumented aliens.

On the positive side, a Legal Orientation Program would be required for all detained non-citizens in removal and asylum proceedings. The legislation further requires the use of less-restrictive detention facilities and secure-alternatives to detention.

The legislation would require the development and implementation of an Electronic Employment Verification System that would be used by U.S.-based employers for the recruitment and regulation of foreign workers. The system includes anti-discrimination clauses to prevent workers from being exploited under the system.

Analysis: While many of the provisions in these titles seem harsh, they have been watered down significantly from S. 2611, the Senate-passed bill, from last year. Nevertheless, they prevent MRS/USCCB from fully endorsing the STRIVE Act, particularly because there are no due process protections restored under the bill, including restoration of judicial review. These provisions could be improved, however, during the legislative process.

5. Addressing the Root Causes of Migration

The legislation requires the Secretary of State to assist the Mexican government to develop economic opportunities and provide job training for citizens and nationals of Mexico, to implement programs for border security and reduce gang-related crimes and human-trafficking, and to provide education for Mexican nationals and citizens about U.S. immigration laws and practices.

MRS/USCCB POSITION: MRS/USCCB generally supports the STRIVE Act as a good starting point for the immigration debate, but will seek improvements in the enforcement provisions and will work to ensure that any legalization program is kept workable, fair, and achievable so the maximum number of undocumented persons are given relief. (See talking points)