

CITY COUNCIL REPORT

CITY CLERK DEPT.

POLICY AGENDA

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TO: David Cavazos  
City Manager

AGENDA DATE: March 26, 2013

FROM: Karen Peters  
Senior Executive Assistant to the  
City Manager

ITEM:5

SUBJECT: FEDERAL LEGISLATIVE UPDATE

This report seeks approval, guidance, and direction from the Mayor and City Council on federal legislation of interest to the City.

BACKGROUND

The Mayor and City Council adopted the City's 2013 federal legislative agenda in December 2012, encompassing four issue groups: Transportation; Public Safety; Community Development; and Water and Environment. In the area of transportation, the approved agenda seeks federal action to enhance border security and trade/tourism opportunities. Staff seeks additional direction pertaining to legislative proposals to accomplish comprehensive immigration reform.

THE ISSUE

***Immigration Reform Proposals***

On January 28, a group of eight Senators, including Senators John McCain (R-AZ), Jeff Flake (R-AZ), Lindsey Graham (R-SC), Marco Rubio (R-FL), Dick Durbin (D-IL), Chuck Schumer (D-NY), Bob Menendez (D-NJ), and Michael Bennet (D-CO), announced a bipartisan blueprint for immigration reform. On January 29, President Barack Obama unveiled his immigration proposal focused on keeping high-skilled immigrants in the country. Below is a comparison of the two approaches:

**Border Security**

Senate Proposal:

- Add unmanned drones, surveillance equipment, and more agents at and between ports of entry.
- Create an entry-exit system to track whether people in the U.S. on temporary visas have left as required.

Administration Proposal:

- Improve infrastructure at ports of entry and use public-private partnerships to boost investment in technology for foreign visitor processing.
- Create new criminal penalties for those who smuggle people, drugs, weapons, or money across the border, and crack down on passport and visa fraud.

- Deport convicted criminals at the end of their prison sentences and streamline the process for removing those who overstay their visas or pose a national security threat.

### **Legal Immigration**

#### **Senate Proposal:**

- Reduce backlogs in family and employment visas.
- Allow more lower-skilled immigrants to come to the country when the economy is creating jobs than when it's not.
- Permit workers who have succeeded in the workplace and contributed to their communities over years to earn green cards.
- Create an agricultural worker program and allow employers to hire immigrants if they can demonstrate that American workers aren't available.

#### **Administration Proposal:**

- Raise the annual cap for how many family-sponsored immigrants can come from any given country from 7 percent to 15 percent.
- Temporarily increase annual visa numbers by an unspecified amount.
- Create "start-up visa" for job-creating entrepreneurs and expand visa opportunities for those who invest in the U.S.
- Allow greater flexibility to add countries to the visa waiver program for tourists and let the State Department waive interview requirements for very low-risk visitors.

### **Path to Citizenship**

#### **Senate Proposal:**

- Create a path to citizenship for an estimated 11 million illegal immigrants already in the country, but not until increased border security measures are completed.
- Create a commission of lawmakers and border state community leaders to make a recommendation about when security measures are completed.
- While security measures are under way, illegal immigrants can register, pass background checks, and pay fines and back taxes to earn "probationary legal status."
- Once security measures are in place, immigrants on "probationary legal status" could apply for permanent residency behind other immigrants already in the system after they prove their employment history and learn English and civics.

#### **Administration Proposal:**

- Create a path to citizenship for an estimated 11 million illegal immigrants, with "provisional legal status" regardless of whether border security measures are completed.
- Illegal immigrants can earn "provisional legal status" by registering, submitting biometric data, passing background checks, and paying fees and penalties.
- Immigrants on "provisional legal status" could get in line for permanent residency (known as a "green card") behind other immigrants already in the system.
- Five years after receiving permanent residency, immigrants can apply for citizenship.

## **Underage Immigrants**

### **Senate Proposal:**

- People brought to the U.S. as children would have a quicker path to citizenship.

### **Administration Proposal:**

- People brought to the U.S. as children would have same path to citizenship, but could expedite that path by attending college or serving for two years in the military.

## **Same-Sex Couples**

### **Senate Proposal:**

- Does not include a provision allowing sponsorship of a same-sex partner.

### **Administration Proposal:**

- Allows U.S. citizens and permanent residents to sponsor a visa for a same-sex partner.

## **Agricultural Workers**

### **Senate Proposal:**

- Farm workers in the country illegally would have a quicker path to citizenship.

### **Administration Proposal:**

- Farm workers in the country illegally would have the same path to citizenship.

## **Employment Verification**

### **Senate Proposal:**

- Create a non-forgable electronic system for requiring prospective workers to demonstrate legal status and identity.
- Stiff fines and criminal penalties for employers who knowingly hire illegal immigrants.

### **Administration Proposal:**

- Create a fraud-resistant Social Security card and create non-forgable documents for those without Social Security cards.
- Increase penalties for employers who knowingly hire illegal immigrants.
- Over five years, phase in mandatory electronic employment verification, with exemptions for some small businesses.

## **Taxes**

### **Senate Proposal:**

- Requires undocumented individuals to pay back taxes and fines before receiving a probationary legal status. However, consistent with current law, those who receive a probationary legal status will not be entitled to federal benefits, including tax credits.

**Administration Proposal:**

- Requires undocumented workers to pay back taxes, as well as a penalty fee before obtaining a probationary legal status. Federal benefits, including tax credits, will not apply.

**Specialized Skills**

**Senate Proposal:**

- Awards a “green card” to immigrants who have received a Ph.D. or Master's degree in science, technology, engineering, or math from an American university.

**Administration Proposal:**

- Allow foreign entrepreneurs who attract financing from U.S. investors or revenue from U.S. customers to start and grow their businesses in the United States and to remain permanently if their companies grow further, create jobs for American workers, and strengthen our economy.
- Creates a start-up visas mechanism for foreign entrepreneurs. Foreigners who attract financing from either U.S. investors or revenue from U.S. customers to start businesses in the U.S. will be able to remain permanently if their companies grow further and create jobs for American workers.
- Creates a new visa category for a limited number of highly-skilled and specialized immigrants to work in federal science and technology laboratories on critical national security needs after being in the United States for two years and passing a rigorous national security and criminal background check.

In addition to the two proposals from Senate members and the Administration, House Republicans used the first hearing on immigration of the 113th Congress to seek a middle ground between “mass deportation” of illegal immigrants and the full path to citizenship that Democrats desire in a broad overhaul this year. The Senate Judiciary Committee has also held a hearing entitled “Comprehensive Immigration Reform.”

**RECOMMENDATION**

Staff recommends support for immigration reform legislation that offers border control and security for Arizona without imposing new mandates on local law enforcement, as well as an immigration system that fosters economic development, preservation of families, and allows all of the residents of Phoenix to fully participate in our economy and community.