

American Immigration Lawyers Association

A Comparison Between the McCain/Kennedy and Cornyn/Kyl Immigration Reform Proposals

	Kennedy/McCain (S. 1033)	Cornyn/Kyl (S. 1438)
Guest Worker Program for Persons Present in U.S. Without Authorization	<p><u>Title VII</u> of S. 1033 provides a mechanism by which eligible undocumented immigrants present in the U.S. on the date of the bill's introduction can adjust to temporary nonimmigrant (H-5B) status with an initial period of stay of 6 years.</p> <ul style="list-style-type: none"> • <u>Process:</u> Applicants are required to undergo criminal and security background checks, submit fingerprints and other data, pay an initial fine of \$1,000 in addition to application fees, and establish a previous work history in the U.S. • <u>Spouses and children:</u> are also be eligible for adjustment and employment authorization under this section. • <u>Students:</u> Aliens under 21 may satisfy the employment requirements by full-time attendance at an institution of higher education or a secondary school. • <u>Duration:</u> The period of authorized stay for an H-5B nonimmigrant is 6 years, during which time the Secretary of Homeland Security may not authorize a change from H-5B classification to any other nonimmigrant or immigrant classification. An extension of such status may be granted only to accommodate the processing of an application for adjustment of status under INA §245B, as added by this legislation. • <u>Portability:</u> H-5B nonimmigrants may change employers at will and may travel abroad. • <u>Unemployment rule:</u> None. • <u>Path to permanent residence:</u> The bill provides a subsequent mechanism by which H-5B nonimmigrants could adjust to 	<p><u>Title VI</u> of S. 1438 creates a new Deferred Mandatory Departure (DMD) status for eligible undocumented immigrants present in the U.S. on the date of the bill's introduction.</p> <ul style="list-style-type: none"> • <u>Process:</u> Applicants must establish that they were employed in the U.S. prior to the bill's introduction and have been employed since that date. In addition, they are required to undergo criminal and security background checks, submit fingerprints and other biometric data, pay an initial fine of \$1,000 in addition to application fees, and establish a previous work history in the U.S. Applications must be filed within 6 months of the bill's enactment. • <u>Spouses and children:</u> Spouses and children of DMD aliens are subject to the same terms and conditions as the principal alien but are not authorized to work. Must pay a \$500 fee in addition to any other application fees. • <u>Students:</u> No provision for school in lieu of employment requirements. • <u>Duration:</u> Provides incentives for aliens to depart the U.S. immediately, but all aliens are required to depart prior to 5 years. An alien who fails to depart during the Mandatory Departure period is ineligible for any immigration benefit or relief, other than asylum or protection claims, for a period of 10 years. An alien who departs the U.S. and surrenders to DHS his or her Mandatory Departure status within one year of enactment is not subject to any fine when applying for reentry through legal means. After the first year, an alien is subject to a

	<p>permanent residence status upon meeting a prospective work requirement, paying an additional \$1,000 fine, and fulfilling additional eligibility criteria. Spouses and children would again be eligible for such adjustment.</p> <ul style="list-style-type: none"> • <u>Waiver of rights:</u> None required. • <u>Employer protections:</u> Employers of aliens who apply for adjustment of status under this section (either initially, to H-5B status, or from H-5B to permanent resident status) shall not be subject to civil or criminal tax liability relating to the employment of the alien prior to his or her receiving employment authorization. • <u>Review:</u> The bill requires the Secretary of Homeland Security to establish an appellate authority within USCIS to provide for a single level of administrative appellate review with respect to applications for adjustment to H-5B status and also provides for judicial review in the federal courts. • <u>Confidentiality:</u> The bill provides for the confidentiality of information furnished by H-5B applicants and provides for criminal penalties for violations of the confidentiality provisions. 	<p>\$2000 penalty for each year that the alien fails to depart the U.S., and those fines increase each subsequent year. An alien who fails to depart for several years will not be eligible for a full 6-year period of “W” temporary worker status (as described in the next section).</p> <ul style="list-style-type: none"> • <u>Portability:</u> A DMD alien may only be employed by employers authorized to participate in the program. Program participants would be permitted to travel in and out of the U.S. and will not be subject to the grounds of inadmissibility associated with unlawful presence accrued prior to the grant of DMD status. • <u>Unemployment rule:</u> If an alien is unemployed for more than 30 consecutive days, the period of authorized admission terminates and the alien is ineligible for hire until he or she departs the U.S. and reenters in W status. The DHS Secretary, in his sole discretion, may reauthorize the alien’s employment without requiring the alien’s departure. • <u>Path to permanent residence:</u> The bill provides no legalization mechanism. • <u>Waiver of rights:</u> The Secretary of Homeland Security shall require applicants for DMD status, in exchange for such status, to agree to waive any right: to administrative or judicial review; to appeal an immigration officer’s determination as to the alien’s admissibility; to contest any removal action other than on the basis of an asylum application or similar relief. The applicant must authorize the release of any information contained in the application and any attached evidence for law enforcement purposes. • <u>Acknowledgement of Unlawful Presence:</u> An applicant for DMD status must acknowledge in writing and under oath that the alien is unlawfully present and subject to removal or deportation, and that he or she understands the terms of DMD status. The alien must also submit any social security numbers or cards used and any false or fraudulent documents in his or her possession. • <u>Employer protections:</u> None.
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<p>Guest Worker Program for Aliens Outside the U.S.</p>	<p><u>Title III</u> of the bill would establish a new essential worker visa program with the following characteristics:</p> <ul style="list-style-type: none"> • H-5A Visa: A new temporary (H-5A) visa would allow foreign workers to enter the U.S. and fill available jobs that require few or no skills. • Process: Applicants would be required to demonstrate the availability of a job in the U.S., pay a \$500 fee in addition to application fees, and clear all security, medical, and other checks. • Duration: The H-5A visa would be valid for 3 years, and could be renewed one time for a total of 6 years. At the end of the visa period the worker would have to return home or be in the pipeline for a green card. • Portability: The visa would be portable to any employer in the U.S. and the H-5A nonimmigrant would be permitted to travel in and out of the U.S. • Unemployment rule: If an alien is unemployed for more than 45 consecutive days,¹ the period of authorized admission terminates and he or she would have to return home, but could subsequently reenter the U.S. on the same visa. • Cap: The initial cap on H-5A visas would be set at 400,000, with the annual limit gradually adjusted based on demand in subsequent years. • Path to permanent residence: An employer could sponsor the H-5A visa holder for permanent residence or, after accumulating 4 years of work in H-5A status, the worker could apply to adjust status through self-petition. • Foreign residence requirement: None. • Waiver of rights: H-5A aliens may not be required to waive any rights or protections 	<p><u>Title V</u> would establish a new essential worker visa program with the following characteristics:</p> <ul style="list-style-type: none"> • W Visa: A new nonimmigrant temporary worker (“W”) category would allow foreign workers to enter the U.S. and fill available jobs that require few or no skills. • Process: Applicants would be required to demonstrate the availability of a job offer in the U.S., pay a \$500 fee in addition to application fees, provide a biometric identifier, and clear all security, medical, and other checks. • Duration: The W visa would be valid for 2 years, after which the alien would have to return home for one year. An alien could participate up to 3 times, for a total of 6 years of employment, after which he or she would be ineligible for further participation. Failure to depart upon expiration of the alien’s authorized period of admission in W status would result in a permanent bar to benefits or relief with the exception of asylum or protection claims. • Portability: A W nonimmigrant visa would be portable only to those employers authorized to participate in the program. Program participants would be permitted to travel in and out of the U.S. • Unemployment rule: If an alien is unemployed for more than 30 consecutive days, the period of authorized admission terminates and the alien is ineligible for hire until he or she departs the U.S. and reenters in W status. • Cap: No cap, but the bill would set up a Temporary Worker Task Force to report on W visa usage and its effects upon wages and employment of U.S. workers. The report could form the basis for an annual

¹ The drafters of this legislation reportedly plan to change the language of the bill to read “60 consecutive days” rather than “45 consecutive days.”

	<p>under the bill.</p> <ul style="list-style-type: none"> • Spouses and children: Spouses and children would be eligible to accompany or follow to join the principal alien. • Employer obligations: The bill sets forth various employer obligations under the program, detailed worker protections (see section below), and an enforcement scheme to deal with violations of these provisions; • Task force: The bill sets up a task force to evaluate the H-5A program and recommend improvements, and requires updating of America’s Job Bank to ensure job opportunities are seen first by American workers. 	<p>limitation on the number of W visas.</p> <ul style="list-style-type: none"> • Path to permanent residence: None. • Foreign residence requirement: An applicant would be required to maintain a residence in his or her home country and be present in that country for at least 7 consecutive days during each year the alien is a temporary worker. • Waiver of rights: The Secretary of Homeland Security may require applicants for W status, in exchange for such status, to agree to waive any right: to administrative or judicial review; to appeal an immigration officer’s determination as to the alien’s admissibility; to contest any removal action other than on the basis of an asylum application or similar relief. The applicant must authorize the release of any information contained in the application and any attached evidence for law enforcement purposes. • Penalty for illegal entry and overstay: Any alien who, subsequent to the bill’s enactment, enters without inspection or violates a term or condition of admission would be ineligible for both W status and Deferred Mandatory Departure (DMD) status for a period of 10 years. • Spouses and children: Spouses and children of W nonimmigrants could visit principal workers in the U.S. for a period of up to 30 days upon payment of a \$100 fee in addition to application fees. • Repeal of H-2B Program: This Title would also repeal the current H-2B program.
<p>Worker Protections</p>	<p><u>Title III:</u></p> <ul style="list-style-type: none"> • provides that H-5A nonimmigrant aliens shall have the same rights as similarly employed U.S. workers under applicable federal, state, and local labor and employment laws; • prohibits workers under the program from being treated as independent contractors; • provides that employer will be responsible for all applicable federal, state and local taxes with respect to aliens under the H-5A program; • provides that: employers must provide the 	<p>No real worker protections included.</p> <p><u>Title VII</u> of the bill simply requires that workers in W or DMD status be paid at least the greater of the hourly wage prescribed under the Fair Labor Standards Act or the applicable state minimum wage.</p>

	<p>same wages, benefits, and working conditions to H-5A workers as are provided to similarly employed U.S. workers;</p> <ul style="list-style-type: none"> • prohibits employers from hiring H-5A aliens as replacement workers during a strike or lockout; • provides that H-5A aliens may not be required to waive any rights or protections under this Act; employers who have filed an employment-based immigrant visa petition on behalf of an H-5A worker may not threaten to withdraw such petition in retaliation for the alien’s exercise of a right protected by this Act; • provides whistleblower protection for H-5A employees; • requires that foreign labor contractors disclose a variety of information to H-5A workers at the time of their recruitment; • prohibits foreign labor contractors from providing false or misleading information and may not assess any fees to the worker for such recruitment; • requires registration and certification of foreign labor contractors who recruit workers under this program, and further requires the Secretary of Labor to promulgate regulations to establish a process for the investigation and approval of an application for a certificate of registration of foreign labor contractors; • provides remedies for foreign labor contractor violations, and requires the Secretary of Labor to prescribe regulations for the receipt, investigation, and disposition of complaints by individuals harmed under this section; • sets forth an administrative process under which workers who are harmed by violations of the program can bring a complaint. Remedies and penalties, including both civil and criminal penalties, are also set forth in this section. <p>In addition, <u>Title XI</u> would amend INA § 274(a)(3)(B) to include H-5A and H-5B workers in the class of individuals protected under the INA’s anti-discrimination provisions.</p>	
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<p>Requirements for Participating Countries</p>	<p>No similar provisions.</p>	<p><u>Title IV</u> provides that an alien is not eligible for either W or DMD status unless his or her home country has entered into a bilateral agreement with the U.S. Such bilateral agreements will require the home country to:</p> <ul style="list-style-type: none"> • Accept within 3 days the return of nationals ordered remove from the U.S.; • cooperate with the U.S. government in identifying, tracking and reducing gang membership, violence, trafficking and smuggling; • cooperate with the U.S. government in controlling illegal immigration; • provide the U.S. government with passport information and criminal records of aliens seeking admission to or present in the U.S., as well as admission and entry data; • provide a minimum level of health coverage to its participants; • agree to evaluate means to provide housing incentives in the alien’s home country for returning workers.
<p>Worksite Enforcement and Program Mechanics</p>	<p><u>Title IV</u> deals with enforcement and would:</p> <ul style="list-style-type: none"> • require all new visas issued by the Secretary of State and immigration-related documents issued by the Secretary of Homeland Security to be biometric, machine-readable and tamper-resistant, within 6 months of the bill’s enactment; • mandate the establishment of a new Employment Eligibility Confirmation System which will gradually replace the existing I-9 system, and which will contain certain safeguards to prevent the unlawful use of the system and a process by which individuals can correct false information; • require the establishment of a new Employment Eligibility Database which will be implemented gradually and will include employment eligibility data for all individuals who are not citizens or nationals of the U.S. but who are authorized or seeking authorization to be employed in the U.S.; • broaden the Department of Labor’s investigative authority to conduct random audits of employers and ensure compliance with labor laws, and include new worker 	<p><u>Title III</u> would:</p> <ul style="list-style-type: none"> • authorize 10,000 new investigators dedicated to worksite enforcement over the next 5 years, and 1,000 new immigration agents dedicated to immigration fraud detection; • increase penalties for false claims to citizenship for the purpose of obtaining employment; • amend the Social Security Act to add new penalties for the misuse of Social Security numbers and cards; • require the IRS and the SSA to report to Congress on efforts taken to identify and enforce penalties against employers that file incorrect information returns; • require the SSA to issue machine-readable, tamper-resistant Social Security cards within one year of the bill’s enactment; • require SSA and DHS to advise Congress, within 6 months of enactment, on the viability of biometric authentication through employment authorization documents; • establish minimum security standards for federal recognition of state-issued birth

	<p>protections and enhanced fines for illegal employment practices.</p>	<p>certificates;</p> <ul style="list-style-type: none"> • rename the Basic Pilot Program the Employment Eligibility Verification Program (EEVP) and require all employers to participate in mandatory verification within 12 months of enactment; • reduce the number of documents that individuals may present to establish identity and require all persons to present a tamper-resistant, machine-readable Social Security card as evidence of employment authorization; • provide that employers who comply with the requirements of the EEVP establish an affirmative defense that they have not violated the employment verification requirements. <p>In addition, <u>Title VII</u> would:</p> <ul style="list-style-type: none"> • require the development and implementation of a program to authorize, manage and track the employment of W and DMD aliens; • mandate that employers obtain authorization to hire aliens in W or DMD status; • set forth an attestation process for employers wishing to hire W or DMD aliens; • require the DHS and DOL to conduct audits of employers participating in the program.
<p>Additional Enforcement Provisions</p>	<p>No similar section.</p>	<p><u>Title II:</u></p> <ul style="list-style-type: none"> • authorizes such sums as necessary for DHS to add 10,000 beds to its detention capacity over the next five years; • authorizes DHS to detain aliens who are subject to a final order of removal but who have obtained a stay of removal pending judicial review. Clarifies that DHS has authority to detain aliens beyond the expiration of the removal period, even if their removal is not expected in the foreseeable future, pursuant to regulations issued by DHS; • increases criminal penalties for offenses related to smuggling, transporting, or harboring unlawful aliens, and enhances penalties for offenses related to document fraud. Increases criminal penalties for

		<p>crimes of violence or drug-trafficking offenses committed by aliens who are unlawfully present in the U.S.;</p> <ul style="list-style-type: none">• authorizes DHS, in consultation with the State Department, to deny admission to nationals of a country that does not accept the prompt return of its nationals ordered removed from the U.S.;• restricts judicial review of visa revocations;• requires DHS to expand to all 50 states pilot programs to explore alternatives to detention;• extends the Institutional Removal Program to all states and authorizes state and local law enforcement to detain criminal aliens beyond the period of their sentences for the purpose of transfer to federal custody;• authorizes appropriations for an additional 1,000 DHS investigators over 5 years,• establishes a new Assistant Attorney General for Immigration Enforcement in the DOJ to coordinate and prioritize immigration litigation and enforcement in the federal courts;• authorizes an additional 500 DHS trial attorneys and 250 DOJ immigration judges over 5 years. Authorizes 250 additional attorneys for the DOJ's Office of Immigration Litigation (OIL), and 250 Assistant U.S. Attorneys over 5 years to litigate immigration cases;• clarifies that DHS has legal authority to withhold the adjudication of any immigration application or request for a benefit, or to withhold evidence of status or employment and travel authorization, until DHS has determined that all appropriate background checks have been completed;• authorizes DHS to deny any benefit to aliens who may pose a threat to national security;• requires DHS to reinstate prior orders of removal against aliens who have been deported and illegally reentered the U.S.;• authorizes \$25 million over five years for DHS to automate the storage of alien records in an electronic format;• mandates the listing of certain immigration violators into the National Crime Information Center database;
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<p>Family Reunification and Backlog Reduction</p>	<p><u>Title VI</u> would promote family unity and reduce backlogs by, among other things:</p> <ul style="list-style-type: none"> • exempting immediate relatives of U.S. citizens from the 480,000 annual cap on family-sponsored immigrant visas and reallocating the family-sponsored numbers; • increasing the number of employment-based numbers from 140,000 to 290,000 per year, reallocating the distribution of those numbers, and providing for the recapture of unused numbers; • increasing the per-country limits for both family- and employment-based immigrants; • lowering the income requirements for sponsoring a family member from 125% of the federal poverty guidelines to 100%, and removing other obstacles to ensure fairness; • extending eligibility for the immediate relative category to the accompanying or following to join children of the children, spouses and parents of U.S. citizens; • providing that surviving spouses, children, and parents who applied for adjustment prior to the death of a qualifying relative may have such application adjudicated as if the death had not occurred. Aliens whose qualifying relative died before the date of enactment and who received a denial of an application for adjustment of status not more than 2 years before the date of enactment may renew their adjustment application through a motion to reopen, without fee, filed no later than one year after the date of enactment; • raising the maximum age of eligibility for exemption from the 3- and 10-year bars from 18 to 21 years of age. In addition, the DHS Secretary is granted discretionary authority to waive the 3- and 10-year and permanent bars for aliens who, on or before 	<p>The bill would do very little to foster reunification or reduce backlogs.</p> <p><u>Title X:</u></p> <ul style="list-style-type: none"> • no change to family-based preference system; • reallocates the distribution of employment-based numbers and provides for the recapture of unused numbers; • eliminates the Diversity Visa Program; • increases the per-country limits for both family- and employment-based immigrants; • sets up a task force to study the impact of backlogs and delays.

	<p>the date of introduction of this Act, had pending family-sponsored or employment-based petitions. Aliens granted such waivers must pay a \$2000 fine.</p>	
<p>Border Security</p>	<p><u>Title I</u> of the bill calls for a national strategy for border security and enhanced border intelligence by:</p> <ul style="list-style-type: none"> • mandating the development and implementation of various plans and reports dealing with information-sharing, international and federal-state-local coordination, technology, anti-smuggling, and other border security initiatives; • authorizing the development of a Border Security Advisory Committee to provide recommendations to DHS regarding border security and enforcement issues; • requiring the Secretary of State to provide a framework for better management, communication and coordination between the governments of North America, including the development of multilateral agreements to establish a North American security perimeter and improve border security south of Mexico. <p>In addition, <u>Title IV</u> would:</p> <ul style="list-style-type: none"> • amend the IIRIRA to provide for the collection of biometric machine-readable information from an alien’s immigration-related documents upon arrival and departure from the U.S. to determine the alien’s status. 	<p><u>Title I</u> of the bill would:</p> <ul style="list-style-type: none"> • authorize 10,000 Border Patrol Agents, 1,250 new Customs and Border Protection Officers, \$5 billion over 5 years for accompanying technology and infrastructure; • expand the Expedited Removal Program to the entirety of the southern land border as soon as operationally possible; • authorize the Border Patrol to maintain temporary or permanent checkpoints on roadways “close to the borders”; • increase the minimum bond for any alien from a non-contiguous country who is apprehended at or between the ports of entry on the land borders, and require DHS to report to Congress on the number of aliens from non-contiguous countries who are apprehended in between land border ports of entry; • cancel all visas in the possession of an alien if he or she fails to depart U.S. at end of stay; • authorize DHS to collect biometric data from any alien or lawful permanent resident seeking admission to, exit from, transit through, or parole into the U.S. Those who fail to comply with the biometric requirements may be denied entry to the U.S.; • authorize \$50 million over 5 years in grants for American Indian Tribes on border as an incentive to provide increased access to the Border Patrol to tribal lands.
<p>Protection Against Immigration Fraud</p>	<p><u>Title VIII</u> seeks to protect individuals from immigration fraud by defining who is an authorized representative for purposes of representation in an immigration matter, providing eligibility for “U” nonimmigrant status for certain individuals who have suffered substantial harm at the hands of an unauthorized representative, and increasing the number of U visas available annually from 10,000 to 15,000.</p>	<p><u>Title VIII</u> would provide grants to qualified non-profit community organizations to educate, train and support non-profit agencies, immigrant communities and others regarding this Act and the amendments made under it, including the potential for immigration fraud by unauthorized representatives.</p>

<p>Reimbursement to States for Costs of Incarcerating Undocumented Aliens</p>	<p><u>Title II</u> would reauthorize the State Criminal Alien Assistance Program for FYs 2005-2011 and provide that such funds may only be used for correctional purposes. In addition, Title II authorizes additional funding to states for reimbursement of the indirect costs relating to the incarceration of undocumented aliens.</p>	<p><u>Title II</u> would reauthorize the State Criminal Alien Assistance Program for FYs 2006-2010 and authorize additional funding to states for reimbursement of the indirect costs relating to the incarceration of undocumented aliens.</p>
<p>State and Local Enforcement of Civil Immigration Laws</p>	<p>Title I of the bill contains a Savings Clause stating that nothing in subtitles A or B of Title I may be construed to provide to any state or local entity any additional authority to enforce federal immigration laws.</p>	<p><u>Title II</u> would:</p> <ul style="list-style-type: none"> • “clarify” the “inherent authority” of state and local law enforcement officers to enforce federal immigration laws; • codify that state and local statutes, policies or practices that prohibit state and local law enforcement officers from enforcing federal immigration laws, or from cooperating with or providing information to federal immigration officers, are in violation of federal law; • encourage states and localities to provide the DHS with information on each alien apprehended who is believed to be in violation of any immigration law; • provide personal immunity to state and local law enforcement officers, to the same extent as a federal law enforcement officer, from personal liability arising out of the enforcement of any immigration law.
<p>Promoting Circular Migration</p>	<p><u>Title V:</u></p> <ul style="list-style-type: none"> • authorizes the establishment of labor migration facilitation programs with foreign governments whose citizens participate in the new temporary worker program. The programs would facilitate the flow of foreign nationals to jobs in the U.S., with an emphasis on encouraging the re-integration of foreign nationals returning to their home countries; • encourages the U.S. government to work with Mexico to promote economic opportunities for Mexican nationals in their home country to reduce migration pressures and costs. 	<p><u>Title IX:</u></p> <ul style="list-style-type: none"> • authorizes the establishment of a W Nonimmigrant Investment Fund. The investment fund will consist of the temporary workers’ FICA contributions, and will be deposited in the Temporary Worker Investment Fund administered by the Treasury Department. When the worker returns permanently to his or her home country, the worker may receive the balance in his or her investment account.
<p>Civics Integration</p>	<p><u>Title IX</u> deals with civics integration, authorizing the establishment of the United States Citizenship Foundation, as well as a competitive grant program to fund civics and</p>	<p>No similar provisions.</p>

	English language classes.	
Promoting Access to Healthcare	<p><u>Title X</u> would promote access to health care by:</p> <ul style="list-style-type: none"> • extending the authorization of federal reimbursement for hospitals that provide emergency care to undocumented immigrants and by adding H-5A and H-5B workers to the list of persons for whom hospitals may be reimbursed; • providing that payments made under section 1011 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 shall not be considered “third party coverage” for the purposes of section 1923 of the Social Security Act and shall not impact payments made under such section; • prohibiting state or federal agencies, in determining which aliens will be eligible for waivers of the two-year foreign residence requirement under INA § 212(e) on behalf of an alien described in clause (iii) of such section, from discriminating on the basis of the J visa holder’s employment in a hospital-based versus non-hospital-based facility; • requiring the Secretary of Health and Human Services to contract with the Institute of Medicine of the National Academies to study binational public health infrastructure and health insurance efforts. 	<p><u>Title IV</u> contains minimal provisions concerning health care for program participants, including the requirement that the sending country provide a minimal level of health coverage to its nationals participating in the worker programs. The Secretary of Health & Human Services is required to set forth in regulations the minimum level of coverage to be provided. If the level of coverage provided by the home country falls below that minimum, the alien’s employer would have to provide, or the alien would have to obtain, coverage meeting the minimum level.</p>
Women & Children at Risk of Harm	<p><u>Title XI</u> would amend INA § 101(a)(27) to render eligible for special immigrant status certain women and children at risk of harm and provides an expedited adjudication process for potential beneficiaries under this section. To be admitted under this section, aliens must pass a background check and must submit fingerprints upon entry.</p>	No similar provisions.
Expansion of S Visa	<p><u>Title XI</u> would expand eligibility for S nonimmigrant status to aliens who are determined to possess critical reliable</p>	No similar provisions.

	<p>information concerning the activities of governments or organizations with respect to the development, sale or transfer of weapons of mass destruction and related delivery systems, and who are willing to supply or have supplied such information to the U.S. government. This section also increases the number of aliens who may be granted an S nonimmigrant visa in any given fiscal year from 250 to 3,500.</p>	
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