

TITLE VI—Z VISAS FOR UNDOCUMENTED WORKERS EARNED LEGALIZATION PROGRAM

“Secure Borders, Economic Opportunity and Immigration Reform Act of 2007”

“The 12 million undocumented workers who are here should be offered the chance to earn their legalization – immediately. If this agreement becomes law it will provide a historic opportunity for millions of hard working people right away.”

Millions Out of the Shadows: The bill creates a new category of “Z workers” and their families who will be eligible to live and work legally in the U.S. and who may, after demonstrating a history of employment or study in the U.S., learning English, paying taxes, and abiding by all laws, have the opportunity to become legal permanent residents after eight years. In order to encourage full participation, strict confidentiality provisions protect information submitted in a Z application. Current estimates suggest that more than twelve million undocumented immigrants may come out of the shadows and begin a new life with this program.

Basic Eligibility Requirements: Z visas will be available to undocumented immigrants, their spouses, children, and parents over the age of 65, who entered the U.S. prior to January 1, 2007, who are not criminals, security risks, or persecutors and who can establish that, but for their unlawful entry or presence, they are otherwise admissible to the U.S. Registration for the program will begin 6 months after enactment and will be open for one year; the Secretary of DHS may extend registration for an additional year if necessary.

Probationary Status: Within 24 hours of submission of fingerprints and an application package, an applicant will be entitled to a probationary Z status that makes the holder work-eligible and protects him or her from removal or deportation. During this time, the probationary Z holder will also be permitted to travel if he or she receives permission from DHS. During this probationary period, DHS will continue to review applications and do more in-depth background checks as necessary.

Permanent Z Status: Approximately 18 months after initial registration, after the bill’s trigger requirements are met, DHS will issue permanent Z status cards to all probationary Z holders who continue to qualify for the benefit. The permanent Z card will serve as both a work and travel document and may be renewed every four years. In order to continue in Z status, however, an individual must show at the time of first renewal that he or she is making an effort to learn English. At the second renewal (approximately 9 ½ years after date of enactment), the Z holder must establish English proficiency.

Earned Legalization: Eight years after enactment, when all applications currently in the family backlog have been adjudicated, Z visa holders can apply for green cards. The primary Z visa holder will have to submit an application at a consulate overseas, but will not be required to remain abroad during the adjudication. The Z visa holder must also show payment of taxes, no criminal record, compliance with medical and background checks and must submit additional fees.

Review of Program: Administrative review of denials of Z status or adjustment of status will be available. An applicant for Z status who is not a criminal, security risk, or fraudster will not be placed in removal proceedings based solely on the Z application. Full review of a

denial will be available in immigration court, however, and applicants will be entitled to raise both individual claims and systemic challenges to the federal courts.