

# Senators agree on path to legal status for illegal immigrants

Senators crafting a bipartisan overhaul of immigration laws agree on a path to legal status, aides say, but other hurdles remain.

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WASHINGTON — Eight senators who have spent weeks trying to write a bipartisan bill to overhaul immigration laws have privately agreed on the most contentious part of the draft — how to offer legal status to the nation's 11 million illegal immigrants.

According to aides familiar with the closed-door negotiations, the bill would require illegal immigrants to register with Homeland Security Department authorities, file federal income taxes for their time in America and pay a still-to-be-determined fine. They also must have a clean law enforcement record.

Once granted probationary legal status, immigrants would be allowed to work but would be barred from receiving federal public benefits, including [food stamps](#), family cash assistance, Medicaid and unemployment insurance.

The group's current draft is largely in line with President [Obama](#)'s call to set a pathway to earned citizenship as part of a broader immigration reform package, as well as with recent efforts by prominent Republican lawmakers to resolve an issue that hurt [GOP](#) candidates in November's election.

Though the draft is a long way from becoming law, immigration advocates expressed guarded optimism about a possible breakthrough.

"Nine months ago, people would have thought you were nuts to say that four Republicans and four Democrats were working on a way to legalize 11 million people," said Angela Kelley, an immigration expert at the Center for American Progress, a think tank with close ties to the [White House](#). "It's a Rubik's Cube, but more sides are matching in color than ever before. That's significant."

Still undecided is how long illegal immigrants would need to wait before they could apply for permanent resident status and eventually become citizens. The delay for a green card probably would be 10 years or longer, the aides said.

Also unresolved are such politically charged topics as how many visas to issue to high-tech specialists and other guest workers; how to keep track of when visitors leave the country; and how to pay for more Border Patrol officers, fencing and other security measures in an era of shrinking budgets, the aides said.

The eight senators met Tuesday and Wednesday, alternating between a private office in the Russell [Senate](#) Office Building and a marble-floored ceremonial room off the Senate chamber.

The group had hoped to deliver a completed bill to the [Senate Judiciary Committee](#) for consideration before the Senate leaves for Easter recess on March 22. But aides said remaining issues required more technical advice and cost estimates that could delay delivery until early April.

The group includes Republican Sens. [John McCain](#) of Arizona, [Lindsey Graham](#) of South Carolina, [Marco Rubio](#) of Florida and [Jeff Flake](#) of Arizona. The Democrats are Sens. [Charles E. Schumer](#) of New York, [Richard J. Durbin](#) of Illinois, [Robert Menendez](#) of New Jersey and [Michael Bennet](#) of Colorado.

The draft bill will be several hundred pages long when finished. For now, the unfinished pieces are peppered throughout the draft.

"We're working through them. I'm not sure we'll get them all done," McCain said in an interview. "Some of these issues are very controversial."

Business groups and Silicon Valley companies have pushed for more H1B visas for software engineers and other high-skilled employees, for example, while labor unions have warned that too many immigrants would undercut qualified Americans seeking high-tech jobs in a weak economy.

Unless the group designs a visa program that ensures a robust labor force, Rubio told reporters, "What you're going to have is people coming into the country illegally or overstaying visas."

Immigration overhaul bills floated in 2006 and 2007 were sunk by disagreements between labor and business leaders over how many workers to allow into the country. Some senators are skeptical that the current group can find a solution.

"The country can absorb only so much low-skilled labor without significantly impacting the prospects of working Americans to get jobs and get higher pay," said Sen. [Jeff Sessions](#) (R-Ala.), a member of the judiciary panel who has been critical of previous efforts to expand the visa program.

In an effort to resolve the issue, negotiators from the [AFL-CIO](#) and the [U.S. Chamber of Commerce](#) have worked with Senate staffers to set a formula so the number of visas for both high-tech and low-skilled workers can fluctuate. They have agreed that the tally would move up or down based on job demand, unemployment rates and other data.

"We're really trying to fill in the details," said Ana Avendano, an AFL-CIO negotiator.

The two sides have agreed that a work visa need not be tied to a specific employer and that foreign workers would be allowed to change jobs. Unions want assurances that foreign workers

have the same rights as Americans to report mistreatment to the Labor Department and to sue employers for unpaid wages.

Unlike in the past, both business and organized labor want an immigration bill to pass, said Eliseo [Medina](#), secretary-treasurer of the Service Employees International Union, which represents more than 2 million workers.

"No one wants to be responsible for deep-sixing the effort," Medina said.

Negotiators also have hit a roadblock on whether the government should keep track of who is leaving the country and how to do so.

Under current law, U.S. immigration authorities do not keep a record when tourists and other foreign visitors leave the country. So the government doesn't know whether they have overstayed their visas, as thousands do each year.

The Senate group has tentatively agreed to create a system to check visas against an immigration database at international airports and seaports but have not determined whether it is feasible at much busier border crossings. The task is potentially huge: U.S. borders with Mexico and Canada are the most highly trafficked in the world, with 250 million crossings each year.

Some lawmakers warn that checking visas as people leave the country would be expensive to implement, further clog busy border crossings and slow crucial commerce.

Muzaffar Chishti, director of the Migration Policy Institute at [New York University](#) School of Law, said the real legislative battle over immigration would come after the bill was made public.

"We haven't even begun to see the opposition to the bill," Chishti said. "Because there isn't meat on the bone."

<http://www.latimes.com/news/nationworld/nation/la-na-immigration-hurdles-20130311,0,1484422,full.story>