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Bipartisan Bill to Legalize Undocumented Aliens Introduced

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Senators John McCain (R-AZ) and Edward Kennedy (D-MA) along with Representatives Jim Kolbe (R-AZ), Jeff Flake (R-AZ) and Luis Gutierrez (D-IL) introduced last week the Secure America and Orderly Immigration Act of 2005.

The bipartisan bill seeks to address tremendous backlogs in family and employment immigration. It also provides for the legalization of undocumented migrants.

The bill expects to ease the family-immigration backlog by excluding immediate relatives in the annual visa cap of 480,000 thereby adding more visas.

The bill also increases employment-based visas from 140,000 to 290,000 per year. The visa numbers will be redistributed and unused visa numbers are to be recaptured.

Per-country limits for family and employment-based immigration will also be increased.

A salient feature of the bill is the H-5A and H-5B visa program. The H-5A visa allows the entry of foreign workers to fill jobs that require few skills.

The annual limit for H-5A visas is pegged at 400,000, which may be subsequently

increased or decreased on the basis of demand.

The H-5A will be valid for three years and will be renewable up to a maximum total stay of six years.

The H-5B visa will be valid for a maximum of six years and is designed to lure undocumented migrants out of the shadows by providing them work and travel authorization.

The H-5A and H-5B visa holder may eventually apply for a green card provided they meet eligibility requirements.

Children and spouses of H-5A and H-5B visa holders may likewise apply for adjustment of status.

Several legislators have already joined the authors in sponsoring the bill, namely: Senators Sam Brownback (R-KS), Lindsey Graham (R-SC), Joseph Lieberman (D-CT), and Ken Salazar (D-CO). In the House, co-sponsors include Representatives Lincoln Diaz-Balart (R-FL), Mario Diaz-Balart (R-FL), and Ileana Ros-Lehtinen (R-FL).

The White House for its part has considered immigration reform a priority in its agenda.