

Questions and Answers about President Bush's Immigration Proposal

Q: Is there a new amnesty program?

A: No, there is no amnesty. In fact, there is no new program at all. The President outlined some general principles for a new immigration system. However, no law has been passed and no new program is in place. Congress will have to pass a law in order to create any new immigration program.

Q: What did the President propose?

A: The President proposed a new guestworker program. Under his proposal, undocumented immigrants already working in the U.S. would be able to obtain a temporary work visa that would be good for several years. People in other countries would also be able to apply for these visas to come to the U.S. to work for several years. However, only immigrants who have a job offer from an employer willing to sponsor them for this temporary visa could apply. No one could stay in the U.S. without a job.

The guestworkers would then be allowed to work legally in the country during the term specified by their visa. The guestworkers would also be able to travel to and from their home country because they would have a valid immigration document to enter the U.S.

However, once the visa expires, the guestworker would have to return to his or her home country. These temporary visas could not be adjusted to "green cards," or permanent residency. The President was very clear in that immigrants in the temporary worker program would not be on a path to legal permanent residency and citizenship.

Q: What happens when the temporary visa expires?

A: The President said that all workers would have to return to their home countries when their visas expire. He also said he would provide financial incentives for immigrants to return to do so, such as putting a part of their earnings in savings accounts which could only be accessed once they return to their home countries.

Q: Didn't President Bush say undocumented immigrants could apply for green cards?

A: The President was clear that people on the new guestworker visas would not be able to adjust to green card status through this program. The President indicated that immigrants could apply for green cards using the "normal process." Right now, the "normal process" is through family-based or employment-based immigration. This means that immigrants could get a green card if an immediate family member petitions for him, or if an employer petitions for him. Of course, many undocumented immigrants cannot apply for a green card through the normal process. This proposal does not allow them to get a green card.

Q: Did the President say there would be more green cards available?

A: Yes, the President suggested that more green cards are needed. However, he did not provide any details about which visa categories would receive more visa numbers, or how they would be distributed. This is a detail that must be worked out by Congress.

Q: Isn't this like a new *bracero* program?

A: We fear that the President may want to implement something similar to the old *bracero* program. The *bracero* program was a guestworker program in the 1940s, '50s, and '60s. Under this program, over four million Mexican workers came to the U.S. to work in agriculture and on the railroads. Unfortunately, the *bracero* program was also known for its exploitation and abuse of workers. Furthermore, the President announced he would like to offer financial incentives to guestworkers so that they return to their home countries. NCLR is deeply suspicious of any plans to offer financial incentives to immigrant workers to return home. Under the *bracero* program, a portion of workers' salaries were withheld and they were promised that this money would be returned to them once they returned to Mexico. However, many *braceros* never received their savings, and there is still litigation in the courts today trying to recover that money for former *braceros* and their families.

Q: What does NCLR think about guestworker programs?

A: NCLR thinks that a new guestworker program is not a real solution to our immigration problems, and that it would actually be harmful to immigrants. A guestworker program only allows immigrants to work in the U.S. only for a short period of time before being forced to return home. NCLR thinks that immigrants should have a choice to return home or to stay permanently in the U.S. Furthermore, depending on the details of the guestworker program, guestworkers may not have adequate wage and workplace protections. Historically, guestworkers have not been afforded the same rights as U.S. workers and have been at the mercy of their employers. U.S. employers will have incredible leverage over immigrant workers because workers' ability to participate in this program depends on their employment status. For fear of losing their jobs and being deported, workers will be less likely to complain or report labor rights violations or inadequate work conditions. This hurts all U.S. workers, especially if employers prefer to hire cheap, vulnerable labor from abroad rather than providing full protections to U.S. workers. Indeed, U.S. workers who complain too much about working conditions and their labor rights could also be threatened with losing their job – a job that could be filled by an immigrant who would work for less and complain less. For these reasons, any new guestworker program must include strong labor protections for both U.S. and foreign workers, and these protections must be enforced.

Q: How would NCLR like to change the immigration system?

A: NCLR supports comprehensive immigration reforms that get to the root of the causes of undocumented immigration, legalize the people who are already here, and look at controlling future flows of migrants. The three-part reform must include: 1) an earned adjustment through which undocumented immigrants who can prove they have lived and worked in the U.S. and pass extensive background checks can receive legal status; 2) a reduction in the family backlogs; and 3) the creation of legal channels for future flows of immigrant workers.

Q: What are the next steps?

A: NCLR will continue to work with our allies and with Congress to craft comprehensive immigration legislation that will fix our immigration system and be beneficial to immigrants.