

Federal Immigration Reform Would Help New Jersey's Striving Immigrants and Boost the State's Economy

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Federal immigration reform being considered by Congress would greatly help New Jersey's immigrant families while creating thousands of new jobs and boosting the state's economy. New Jersey has a large and growing population of immigrant workers, professionals, entrepreneurs and businesses. By reforming the visa process and making sure that all immigrants have a chance to participate fully in the state's economy, immigration reform would pay dividends for years to come.

Key reform proposals would boost the state economy by:

- Expanding the number of highly paid, high-skilled visa holders working in New Jersey.
- Encouraging more New Jersey immigrants to become entrepreneurs and start small businesses.
- Bringing more immigrants out of the economic shadows by ensuring they are working here legally and paying taxes.
- Providing better job opportunities and creating a larger window to enter the middle class.

The U.S Senate has approved legislation that would allow a significant portion of the estimated 11 million undocumented people living in the United States to gain legal immigration status and create a pathway to citizenship for many of them. The bill also includes stricter border security provisions, modernizes the visa and family immigration process and revamps the immigration system (see Appendix A for more detail on the bill's components).¹

Any effort to comprehensively reform the United States' broken immigration system would have a disproportionate impact on New Jersey. After all, New Jersey – home to Ellis Island – remains an important port of entry for a diverse group of immigrants from all over the world. It has the third-highest percentage of foreign-born residents of all the states (21 percent)² and one of the largest undocumented immigrant populations.³

About four of every 10 New Jerseyans is either an immigrant or in the second generation of an immigrant family.⁴ And most immigrants come here to work. Three of every 10 New Jersey workers are immigrants. In fact, foreign-born men and women in New Jersey are more likely to be working than native-born residents.

New Jersey's immigrant population includes an estimated 550,000 undocumented immigrants working largely in low-wage jobs; about 50,000 highly educated and well-trained H-1B visa holders working in well-paid white collar jobs;⁵ and another 50,000 or so foreign-born entrepreneurs who run a diverse array of businesses, from mom-and-pop food operations to high-tech and biomedical corporations.⁶

While the state's recovery from the Great Recession has been noticeably slower than that of its neighbors, it is clear that New Jersey's economy would be at depression levels without the labor and enterprise of foreign-born residents. Yet the powerful contributions of New Jersey's immigrants get scant attention when policymakers and others consider ways to improve the state's economic prospects. Immigration reform promises to change that.

Immigration Reform's Boost to New Jersey's Economy

Because of its heavy use of visas for highly skilled workers, unmet demand for workers in lower-skilled jobs and a large population of undocumented residents, New Jersey's economy stands to see a big boost from immigration reform – one of the largest of any state.

Visa Reforms Would Bring More Skilled Workers

Immigration reform's changes to the visa programs would increase the number of professional foreign workers in New Jersey and allow them to stay here and invest – particularly in the technology sector. Visa holders who graduate from New Jersey universities and petition to work here would contribute greatly to New Jersey's economy and help create more job opportunities for all of the state's residents. Right now, taxpayers are subsidizing their educations in public universities only to see them leave the state and country because of restrictive federal immigration policies. Over half of the graduates of New Jersey universities with degrees in high-demand science, technology, engineering and mathematics (STEM) fields are foreign-born.⁷

The Senate bill would create a merit-based system that would allow immigrants to obtain legal permanent residence by accumulating points mainly based on skills, employment history and educational credentials. This system would also eliminate and replace a number of current immigrant visa categories.

The merit-based system would have two tiers of visa classification: Tier 1 for highly skilled workers and Tier 2 for other immigrants and family members of Tier 1 visa holders. Nationally, between 120,000 and 250,000 visas a year would be available to highly skilled workers beginning in 2015. Those who graduate with an advanced degree in science, technology,

engineering and mathematics (STEM) fields from a U.S. university and are offered a job in that field would be exempt from the annual cap (as would be their spouses and children).

In addition to this new merit-based system for immigrant visas, the Senate bill would increase the annual ceiling for *temporary* H-1B visas for skilled workers to 115,000 from 65,000. This alone would create an estimated 20,000 new jobs in New Jersey by 2020 and pump about \$6.3 billion into the state's economy over 31 years.⁸

New Jersey has ranked fourth in the number of certified H-1B workers four years running, behind only California, New York and Texas – and it ranks third in the number of H-1B applications certified for STEM-related occupations.⁹ In addition, New Jersey has the second-highest percentage of permanent labor certifications, which employers must obtain before hiring some foreign workers and this number is increasing – it has jumped 62 percent since 2010, driven by well-paid positions in information technology and financial services.¹⁰

The jobs held by immigrants with H-1B visas pay well, helping to boost the state's overall economy. The average annual salary of New Jersey's 21,280 H-1B visa holders in 2011 was \$71,184, significantly higher than the state's 2011 average annual salary of \$51,540.¹¹ New Jersey benefits greatly from having these professionals come to the state, stay here and spend their money.¹²

To improve prospects for these high-skill jobs, the Senate legislation includes a STEM Education and Training Fund – funded by application fees paid by immigrants seeking provisional status – to improve science, technology, engineering and math education in public schools and institutions serving veterans and minorities. New Jersey, because of its high unemployment rate, might also qualify for special funding from a \$1.5 billion Youth Jobs Fund to create summer and year-round opportunities for young low-income residents.¹³

Boosting Small Businesses and Entrepreneurship

New Jersey immigrants are entrepreneurial and more likely than non-immigrants to start their own businesses.¹⁴ Immigration reform would likely strengthen that trend – which would have a big impact on New Jersey.

New Jersey ranks third, after California and New York, for the highest percentage of foreign-born business owners,¹⁵ and it is one of six states with the highest concentration of immigrant-founded companies.¹⁶

Nationally, immigrants from India create the most new engineering and technology businesses. With the nation's highest concentration of Indian immigrants, New Jersey greatly benefits from this entrepreneurial activity. New Jersey has the highest rate of immigrant-founded engineering and technology businesses of any state, and is second only to California when it comes to the number of engineering and technology companies founded by Indian immigrants.¹⁷

In addition, more undocumented workers may start their own businesses once they gain legal status under immigration reform. These workers would have more confidence investing their savings locally if they are no longer at risk of being deported and can seek bank and small business loans. They may use this opportunity to leave their present employer and start a new business.¹⁸ For example, undocumented construction workers with substantial experience could strike out on their own, investing their skills and savings to start new construction companies.

Emerging from the Economic Shadows

Immigration reform would help a significant portion of New Jersey's approximately half-million unauthorized immigrants by allowing many to apply for Registered Provisional Immigrant (RPI) status, which would put them on the path to citizenship. Each individual who gains provisional status would add an estimated \$914 a year to the state's economy in 2014, as even a temporary legal status leads to wage increases, more employment and greater productivity.

Assuming that 75 percent of New Jersey's estimated 550,000 undocumented residents would qualify for RPI status, that means an annual \$377 million boost to the state's economy. By 2020, as the economic contributions of these newly authorized immigrants increase, that number – for just the 412,500 immigrants first authorized – would balloon to \$1.3 billion a year.¹⁹

Immigration reform would allow most undocumented workers to emerge from a cash-only existence, opening access to credit and conventional borrowing channels, new business opportunities and greater purchasing power.

State and Local Tax Contributions Would Increase

New Jersey stands to gain an estimated \$81 million a year in state and local tax revenue if undocumented immigrants are allowed to work here legally. While New Jersey's undocumented residents already pay a substantial amount of state and local taxes – \$476 million a year, mostly through sales/excise taxes and local property taxes – their contributions to state income taxes would increase greatly as they become legally authorized to work.²⁰ In 2011, 118,504 workers filed New Jersey income tax forms without Social Security numbers – almost all of these residents are likely unauthorized. This made up about 3 percent of all income tax filings in the state – a share that is sure to rise under immigration reform.²¹

Underground Economy Should Shrink

New Jersey's off-the-books underground economy would shrink as undocumented workers gain legal status under immigration reform; with fewer undocumented workers, employers would be more likely to hire documented or Registered Provisional Immigrants. The strict employment requirements of the legislation – no more than 60 days of unemployment over six years – would greatly increase the search for permanent employment. For example, day laborers might look for more permanent positions to meet the requirement. In addition, newly legal workers could likely put pressure on employers that now pay them cash under the table to put them on the official

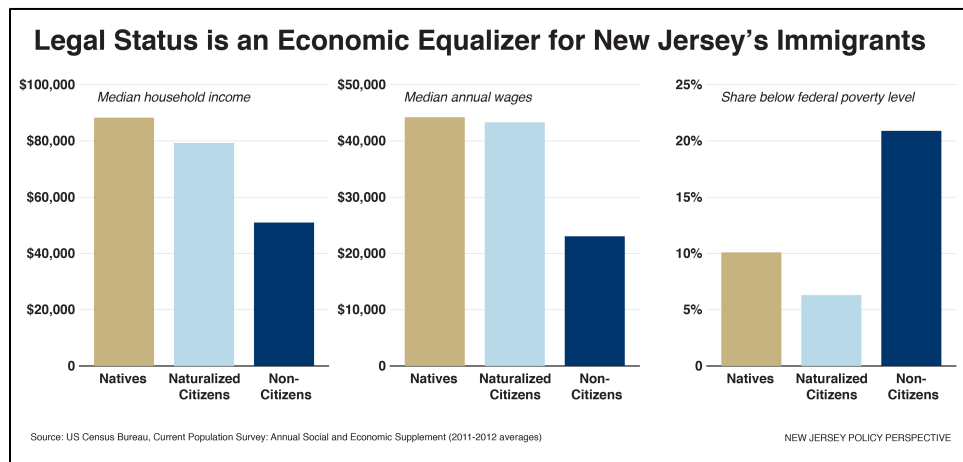
payroll, as this would make it easier for the workers to prove they are employed. And many would likely use their newfound power to negotiate for higher wages and benefits.

Immigrants Would Invest More in New Jersey's Communities

Allowing undocumented immigrants to gain legal status would also open up investment opportunities. For instance, they could buy houses without worrying about their immigration status. In a state like New Jersey where new foreclosure filings are among the highest in the nation, communities and taxpayers would benefit from immigrants purchasing homes. Immigrant buyers significantly increased home values in New Jersey between 2000 and 2010 (in Bergen County, the increase was \$3,715 for the median home).²² That trend would likely accelerate under immigration reform, thereby spreading its benefits to the wider community.

Immigration Reform Would Remove Significant Barriers and Help New Jersey's Undocumented Residents

If enacted, the Senate bill would allow a large portion of New Jersey's estimated 550,000 undocumented residents to participate legally in society, leading to a number of positive outcomes for them. Most importantly, legal status could help level the economic playing field for these immigrants.



Higher Wages

New Jerseyans granted provisional immigrant status would be able to work in the U.S. with much less fear of deportation, thereby increasing their bargaining power for higher wages and promotions.²³ Employers would lose the threat of deportation as the lever to pay below-market wages and maintain poor working conditions. One consequence could be better wages for all workers in low-wage industries, as employers adjust pay scales across the board. Before the Great Recession, the annual household income of undocumented immigrants nationally was \$36,000 – compared to \$50,000 for U.S.-born households.²⁴

Better Opportunities

With legal status and access to a driver's license, undocumented workers would gain greater mobility and more employment choices, including higher-skilled jobs gained through prior experience, training or college. This is particularly relevant to the estimated 40,000 undocumented immigrants in New Jersey who came to the U.S. before age 16, have a high school diploma or GED and go to college or serve in the military, all of whom would qualify for an expedited five-year path to legal status. The same is true for undocumented workers who speak English.

More Stable Employment

The Senate bill requires that those with provisional immigrant status work full-time and earn above poverty-level wages to renew their status after six years, which would drive today's unauthorized workers to seek stable employment. Of course, such stability, particularly at relatively low wages, is increasingly difficult to achieve in the American job market and the competition for such jobs could heat up. For example, seasonal workers like landscapers would have to seek year-round employment to be eligible for RPI status and eventually qualify for permanent legal residency.

Fewer Deportations

The Senate legislation strengthens families by putting some sensible brakes on deportations. It would give the Department of Homeland Security and immigration judges the discretion to halt a deportation on humanitarian grounds.

The Obama administration has deported 1.5 million unauthorized immigrants, including a record high of 409,849 in 2012. New Jersey has mirrored the nation, seeing a surge in deportation proceedings in 2009, 2010 and 2011 – the highest number in New Jersey's history. And far more immigrants are ordered to be deported each year in New Jersey for purely immigration-related reasons than for crimes, national security or terrorism. In the last five fiscal years, New Jersey has ordered 16,325 immigrants deported on immigration charges but only 3,410 for criminal, national security or terrorism reasons.

Although the Obama administration asserts that, nationally, 98 percent of all deportations in the fiscal year that ended September 30, 2013 were cases involving criminal convictions, families are nonetheless divided and stranded. As a result of increased deportations, immigrant families live in fear of detention and deportation. Four and a half million children reside with immigrant parents in the U.S. and 1 million children (under the age 18) are themselves undocumented.²⁵ New Jersey is home to many mixed-status families, with children who can receive the benefits of citizenship but parents who cannot. Nearly nine in 10 New Jersey children with immigrant parents are U.S. citizens, but approximately 97,000 New Jersey children of immigrant parents are not citizens.²⁶

All 21 New Jersey counties participate fully in the federal Secure Communities program, under which local law enforcement officials share the fingerprints of every person arrested with the Department of Homeland Security to determine if that person is undocumented and, thus, subject to deportation.²⁷ (Newark recently became the first jurisdiction in the state to opt out of part of this program.²⁸) According to the latest Secure Communities statics, New Jersey deported 805 people between 2012 (when Secure Communities started here) and 2013, only 20 percent of whom have been charged or convicted of an aggravated felony.²⁹

Immigration Reform Can Build on Success of Deferred Action

Nearly 30,000 undocumented New Jersey youth are qualified to avoid deportation and apply for work authorization under the initiative known as Deferred Action for Childhood Arrivals (DACA).³⁰ Comprehensive immigration reform would extend these opportunities to hundreds of thousands more New Jerseyans.

Although DACA does not award permanent legal status, it is the first time since 1986 that the federal government has encouraged certain undocumented residents to come forward by giving them the opportunity to work legally and, in some states, obtain driver's licenses. It also creates the first accurate database of unauthorized residents as eligible young people step forward, which is important because we can begin to find out how many young undocumented residents there *actually* are instead of relying exclusively on projections and estimates. And those approved for DACA, which started taking applications in August 2012, are already benefitting: 61 percent have a new job, 61 percent have obtained a driver's license, 54 percent have opened their first bank account and 38 percent have obtained their first credit card.³¹

Of the 28,464 New Jerseyans who are immediately eligible for DACA, 58 percent had applied through August 31, 2013 and eight of 10 applicants had been approved. Of the eight states with the highest number of immediate DACA beneficiaries, New Jersey's application rate is fifth highest and its rate of approved applications is third highest.

Who is Applying to and Being Approved for DACA?					
Through August 31, 2013					
State	Immediate Beneficiaries	Applications	Application Rate	Approvals	Approval Rate
California	298,026	161,624	54.2%	134,857	83.4%
Texas	152,551	93,277	61.1%	72,408	77.6%
Florida	60,185	23,988	39.9%	17,673	73.7%
New York	55,486	30,160	54.4%	23,265	77.1%
Illinois	48,593	31,404	64.6%	27,469	87.5%
Arizona	34,836	20,252	58.1%	16,733	82.6%
New Jersey	28,464	16,407	57.6%	13,530	82.5%
Georgia	24,356	18,497	75.9%	14,433	78.0%

Source: NJPP analysis of data from U.S. Citizenship and Immigration Services and the Immigration Policy Center

NEW JERSEY POLICY PERSPECTIVE

This confirms that New Jersey's undocumented youth are eager to grasp the opportunities they need to succeed.

How Could the Senate's Version of Reform Be Better?

The Senate legislation could be stronger if it extended health care benefits to newly legalized immigrants, had a shorter waiting period for citizenship and didn't include a harshly unrealistic limit on unemployment.

Health Care Comes Up Short

Under the bill, unauthorized workers who gain legal status would still not be eligible for federal assistance for health care (even under the Affordable Care Act), despite the fact that many would meet income eligibility requirements. (Of course, employers are able to provide health insurance to newly legalized workers, though they are not *required* to do so.)

While four states and Washington, D.C., offer health coverage to *all* children regardless of immigration status, New Jersey covers only *legal* permanent resident children through Medicaid and the Children's Health Insurance Program (CHIP). Meanwhile, it only offers New Jersey FamilyCare to legal permanent residents who have that status for more than five years (prior to 2010, it was offered to all legal permanent residents regardless of year of entry). Similarly, while 13 states extend coverage to needy pregnant women regardless of immigration status, New Jersey only covers those with legal permanent status.

The bottom line is that most newly legal households would be unable to afford health insurance on the private market, their only option. This means immigration reform and health care reform would do little to improve health care for many struggling immigrant households, resulting in the continued heavy use of hospital emergency rooms by immigrants, who will represent about 40 percent of New Jersey's uninsured after full implementation of the Affordable Care Act.³²

Long Road to Citizenship

The path to citizenship would be overly long and extremely difficult under the Senate bill. The best-case scenario for an undocumented immigrant is to qualify for citizenship after *13 years*, providing he or she had worked continuously (with no more than 60 days of unemployment), earned at least 125 percent of the federal poverty level (\$19,530 for a family of three), demonstrated English proficiency and made the case that she was unlikely to depend on government assistance. (There is a five-year citizenship path for some agricultural workers and some undocumented immigrants who came to the U.S. before age 16.)

Unfair Unemployment Limit

After six years of having provisional status, immigrants would have to renew this status to remain in the country legally and be able to apply for citizenship after another four years. During this renewal process, they must prove that they have been employed throughout the entire six years of provisional status. If they have been unemployed for more than 60 days and are not

enrolled in school or training or afflicted by a serious health condition, they won't be able to renew their status and remain on the path to citizenship.

In the past – particularly during downturns like the one we're currently experiencing – many Americans have been unemployed for more than 60 days. The anxiety generated by this requirement could lead many undocumented workers to remain in low-skill, low-paid jobs (if they're lucky enough to be employed). Undocumented workers are much more likely to bring low levels of education and lack of English proficiency to their job searches, making it much harder to find work. Many reside in communities that are inhospitable to unauthorized residents, a situation unlikely to change even if immigration reform is enacted.

Successful Implementation of Immigration Reform is Crucial

Although the Senate bill would bring a portion of the undocumented community out of the shadows, these immigrants would still need support to be better integrated into New Jersey's broader community. While they would not immediately be eligible to vote, eventually they may be able to. This would give them electoral power, but there are effective community organizations that could take immediate steps to help them realize their civic power.

Community-Based Organizations Help Integrate Immigrants

Immigrants have closer ties to community organizations than government agencies, and these groups would play a huge role in immigrant integration. New Jersey's grassroots community groups must step up and assist the beneficiaries of immigration reform to help keep them on the path to continued legal status and citizenship.

New Jersey immigrants are likely to face tougher integration challenges than their counterparts in other states. The Garden State is much more diverse than most other states with large shares of unauthorized immigrants. Texas, Nevada and California's immigration populations are overwhelmingly Mexican (between 43 and 60 percent), while New Jersey's is only 7 percent Mexican.³³ An immigrant who recently moved to California from Mexico could easily be living next to a third generation Mexican-American; in New Jersey that is very unlikely to happen. In addition, newly arrived immigrants to states like California enjoy a stronger legacy of immigrant-rights activism than those who come to New Jersey.

Cubans and Italians were the largest immigrant groups coming to New Jersey in the 1980s, and they found vibrant communities that were ready to receive and integrate them. Today's immigrants, particularly unauthorized ones arriving from Central America and Mexico, are much less likely to find similar political, economic or social networks in New Jersey. In diverse New Jersey, unauthorized immigrants have to adjust to the politics of their receiving community and learn to navigate the system.

Given these realities, having established community organizations help immigrants with the transition from being undocumented to having a recognized legal status is essential for their

political and economic progress. These organizations help immigrants voice their concerns and become civically active; they also serve as a liaison between the community and the government and politicians.³⁴ These organizations would, be eligible to receive grants from the government under the Senate bill to become help immigrants fill out complicated applications that are required to gain registered provisional status. Perhaps more importantly, they can advocate in behalf of immigrants who have not yet achieved citizenship.

State's Role is Crucial, Too

New Jersey should quickly implement programs hospitable to immigrants to ensure that it holds onto the benefits of being a gateway state. It should supplement the assistance contemplated in the federal legislation to help immigrants navigate complex and strange bureaucracies to help them become American citizens.

Though it has established numerous commissions and panels on immigration that have generated useful recommendations, New Jersey has implemented practically none of them – despite its advantages of being a magnet for immigrants. In order to take full advantage of federal immigration reform, that needs to change.

Appendix A: The Details of the Senate Bill

The Senate bill is the most comprehensive effort to reform the immigration system in almost three decades. It contains four main sections: Border Security, Immigrant Visas, Interior Enforcement and Reforms to Nonimmigrant Visa Programs.

Border Security

The legislation essentially militarizes the Mexico-U.S. border with a six-fold increase in border security spending (adding \$40 billion to the existing \$8.3 billion budget). This section also includes triggers that must be in place before any Registered Provisional Immigrants (RPIs) can be granted permanent legal status. The Secretary of Homeland Security is charged with developing a strategy to capture and return at least 90 percent of all people attempting to cross the border illegally and must report on the construction of additional border fencing that incorporates up-to-date military technology. If the 90 percent capture rate is not achieved after five years, a Southwest Governors Commission would be established to make recommendations to improve the detection, detention and deportation of unauthorized immigrants. In addition, e-verify – an internet-based system that allow employers to check the legal status of workers – must be expanded to cover all employers and employees before any RPIs can apply for permanent status.

Path to Citizenship

The Senate bill would help a significant portion of the nation's 11 million unauthorized immigrants by allowing them to apply for two newly created legal statuses: Registered Provisional Immigrant or Blue Card.

Registered Provisional Immigrant (RPI): To gain RPI status undocumented immigrants must have been physically and continuously present in the United States before December 21, 2011; pass a background check that shows they have not been convicted of more than three misdemeanors or of any gang-related activity; and pay a \$500 application fee.

RPI status lasts for six years and means that the immigrant is lawfully present in the United States. While free to obtain driver's licenses, apply for loans, establish businesses and travel freely, a RPI would not be eligible for many state or federal benefits like Medicaid, Medicare, TANF and SNAP (formerly known as food stamps). However, RPIs may be eligible for unemployment benefits, health care at federally financed community clinics (as undocumented immigrants are now) and WIC.

After six years, RPIs can apply to renew their status if they meet a new set of requirements. They must prove that they were actively working and were not unemployed for more than 60 days during the six years³⁵, not be earning less than 100 percent of the federal poverty level, pass additional background checks and pay another \$500 fee (plus additional fees still to be determined).

After 10 years, RPIs can apply for Legal Permanent Resident (LPR) status if they demonstrate that they would not be a financial burden to the United States. The applicants must document that they have been employed full-time, paid all taxes owed since becoming RPIs, speak English and earn more than 125 percent of the federal poverty level (or at least \$23,550 for a family of four).³⁶ In addition, they must pay application fees and a \$1,000 penalty.

Legal Permanent Residence is different from provisional immigrant status in four key ways: access to benefits, lack of a renewal process, fewer ongoing requirements and a clearer path to citizenship.

Five years after becoming a LPR, an immigrant would be eligible to receive government benefits like Medicaid, SNAP and other federal means-tested benefits, while provisional immigrants would only be eligible after 10 years of provisional status *and* after applying for citizenship. In addition, LPRs – unlike those with provisional status – do not need to go through a renewal process to remain legally in the country or qualify for citizenship, and do not need to meet the same ongoing requirements to maintain their status. Lastly, LPRs are able to apply for citizenship after five years, without the additional requirements placed on those with provisional status.

RPIs who came to the U.S. before age 16, have a high school diploma or GED and are going to college or serving in the military would qualify for an expedited path to citizenship after five years – if they can pass the background check and pay the fees. After qualifying for the expedited path, these immigrants – often referred to as DREAMers – can apply for citizenship as soon as LPR status is granted.

Blue Card Status: This is reserved for agricultural workers who can prove that they work at least 100 days, or 575 hours, a year. After five years of Blue Card eligibility, they can apply for Legal Permanent Resident status by paying \$400 and other associated fees.

The bill also establishes a new two-track system for issuing immigrant visas that would begin in Fiscal Year 2018. This merit-based system would replace the diversity visa program and create a pathway for permanent residency for individuals wishing to immigrate to the U.S.

Under Track 1, up to 250,000 visas would be awarded each year to two tiers of immigrants; half of the available visas each year would be reserved for each tier, and the individuals with the highest points in each tier would be first in line. Tier 1 is reserved for professional visas, for example immigrants with doctoral degrees, and Tier 2 is for other workers. Under both tiers, points would be given based on criteria like educational attainment, country of origin, knowledge of the English language and U.S. work experience (the criteria is slightly different in each tier). The total number of points one can accumulate is 100 in the first tier and 85 in the second. The annual cap on Track 1 visas starts at 120,000, with 5 percent annual growth allowed if the unemployment rate is below 8.5 percent - the ceiling is 250,000 a year.

Track 2 is designed to clear the enormous backlog of immigrant visa applicants by allocating visas to applicants with pending applications. The process of clearing the backlog would begin in 2015 and last for seven years, allowing these immigrants to qualify for LPR status by 2021. This track will be open to family- or employment-based applicants whose applications have been pending five years or more under the current system will become eligible for a visa. In addition, this track makes visas available to people who have been legally present in the U.S. with work authorization for at least continuous 10 years.

Family Preference Immigrant Visas:

These visa types are for distant and specific family relationships with a U.S. citizen and some specified relationships with a Legal Permanent Resident (LPR), and are limited to 226,000 annually.³⁷

Family preference visas are currently awarded based on the following categories:

- First Preference (F1): Unmarried sons and daughters of U.S. citizens, and their minor children. Annual limit: 23,400.
- Second Preference (F2): Spouses, minor children and unmarried sons and daughters (age 21 and over) of LPRs. Annual limit: 114,200.
- Third Preference (F3): Married sons and daughters of U.S. citizens, and their spouses and minor children. Annual limit: 23,400.
- Fourth Preference (F4): Brothers and sisters of U.S. citizens, and their spouses and minor children, provided the U.S. citizens are at least 21 years of age. (65,000) This category would be phased out 18 months after the bill's enactment. Annual limit: 65,000.

The Senate bill would make the following changes:

- Spouses and children of permanent legal residents would be considered immediate relatives; currently only spouses and relatives of U.S. citizens are considered immediate relatives. There is no annual cap on these visas.
- An age cap of 31 would be placed on married sons and daughters of U.S. citizens in the F3 category
- The F4 category would be phased out 18 months after the bill's enactment

The bill creates a faster path to family unification by allowing family members of those receiving certain visas to join their spouse or parent quickly, as opposed to the current system that places family members in a queue that takes years to process. The new family "V-Visa" is a non-immigrant visa that allows spouses and children to stay as long as the principal visa holder remains, and to work up to 60 days a year while they await a green card. Those holding visas allowing them to work in STEM fields would have no cap on their stay and their immediate family would be able to join them quickly.

Employment-based Immigrant Visas (capped at 140,000 a year):

- The Senate bill removes country-specific limits on employment-based visas.
- Educated immigrants with high skills, like those with U.S. degrees in STEM fields, would be exempt from cap.
- Spouses and children of employment-based immigrants would also be exempt from the cap.

Workplace Enforcement

The legislation broadens the mandatory use of e-verify, requiring every employer to use the system within the first five years of the bill's implementation. The requirement is aimed at exposing and punishing employers who hire undocumented immigrants and ending the use of falsified documents.

Reforms to Nonimmigrant Visa Programs

The U.S. grants visas to many workers who do not intend to move to the country permanently. The legislation would modernize the existing visa system.

- **H1-B:** The annual cap on visas rises to 110,000 from 65,000; it could rise to 180,000 depending on demand and the jobless rate.
- **H2-B:** The bill includes an easier process for H-2B holders to renew visas.
- **W-Visa:** This three-year visa for non-agricultural low-wage workers would also allow workers to bring their spouses and children with them and receive work permits. The annual cap on visas will rise to 75,000 after four years; it could rise to 200,000 depending on the jobless rate.
- **W-Visa (Agriculture):** This visa would replace the H-2A program, and would be limited to 112,333 a year for the first five years. Workers with these visas would be able to work for multiple employers registered with the Department of Agriculture.
- **INVEST Visa:** This is a three-year visa for immigrant entrepreneurs who want to start companies in the U.S.

Immigrant Integration

The Senate bill stands out from previous immigration laws for its concrete steps to accelerate immigrant integration via training on citizenship and its responsibilities, including English language proficiency. The bill would create three entities to aid immigrants: The Office of Citizenship and New Americans, the Task Force on New Americans and the United States Citizenship Foundation.

These entities would:

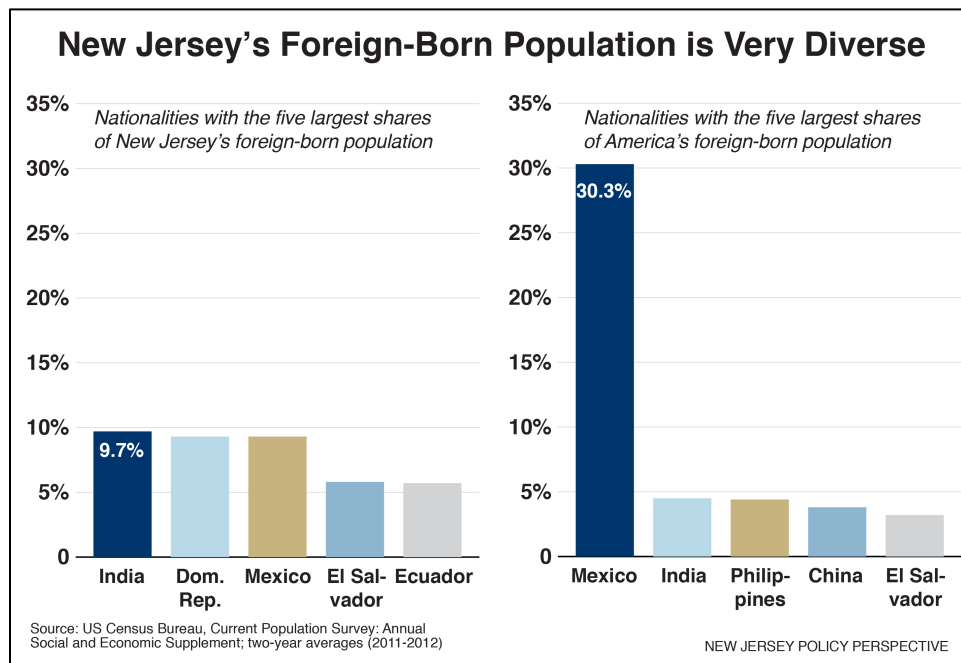
- Train immigrants on the responsibilities of citizenship
- Provide advice and develop ways to measure immigrant integration
- Direct individuals to English-language and citizenship education programs
- Coordinate federal initiatives for immigrant integration
- Advise the federal government on how to improve access to education, workforce training and the naturalization process
- Establish and expand citizenship-preparation programs
- Provide assistance to individuals applying for RPI and LPR status and naturalization
- Make grants to community organizations to help them register immigrants for provisional status

Appendix B: A Garden State of Immigrants

When Americans think of immigrants, states like New York, California, Florida or Texas usually come to mind. They often forget about New Jersey: the small, extremely diverse state that has the third highest percentage of foreign-born residents (21 percent, just behind New York and California)³⁸ and one of the largest undocumented populations.³⁹ About four of every 10 New Jerseyans is either an immigrant or in the second generation of an immigrant family.⁴⁰

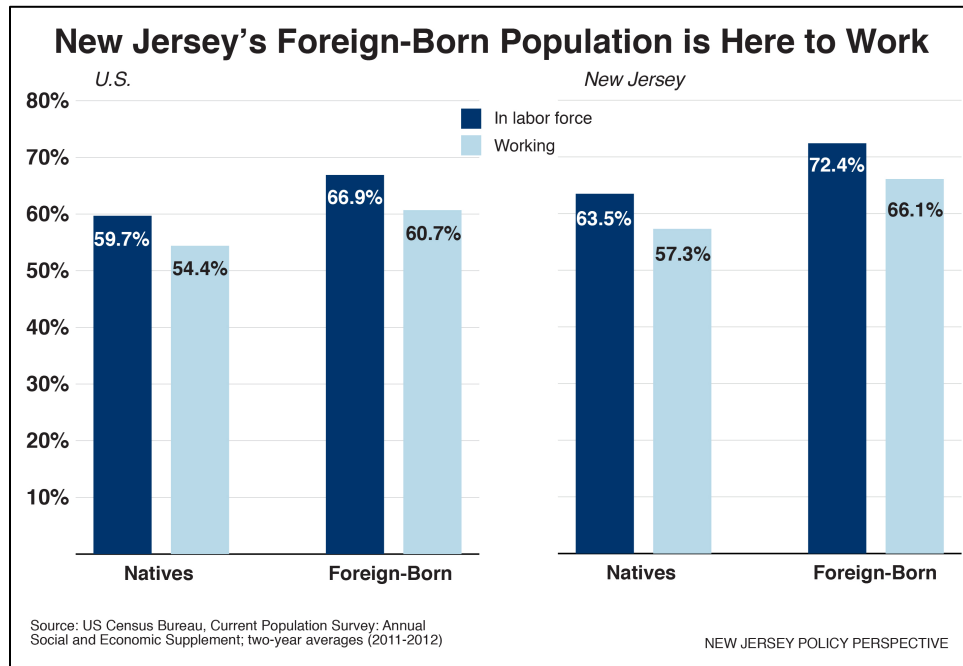
New Jersey's immigrant population – like that of the nation – has changed over time, but in different ways. As recently as 1992, a plurality of the undocumented population (34 percent) came from Europe, mostly from Portugal, Poland and Italy. This was strikingly different than nationally, which at the time was only 9 percent European (in California it was just 3 percent).⁴¹ Since the 1990s, New Jersey has become an increasingly popular destination for unauthorized immigrants from Mexico, Central America and the Caribbean.

New Jersey has the highest percentage of Indians of all the states, and ranks among the top five for percentages of Bangladeshi, Chinese, Filipino, Pakistani and Taiwanese immigrants. In terms of its Latino population, New Jersey has the largest percentage of South Americans and the second-largest population of Dominicans. New Jersey ranks in the top five states with the highest share of non-U.S. citizens (10.23 percent) and third-highest percentage of naturalized U.S. citizens (10.11 percent).⁴²



While the top 10 nations of origin of New Jersey's foreign-born residents comprise 57.8 percent of the total immigrant population (compared to the nation's 58.6 percent), the state's immigrant community is far more diverse, lacking the domination by Mexicans in most of the U.S.

New Jersey is home to approximately 550,000 undocumented immigrants. As of July 2013, 4.6 million New Jerseyans are in the workforce. An estimated 8.6 percent of the state's workforce is undocumented, which means about 400,000 of New Jersey's 550,000 undocumented immigrants are working.⁴³



What Jobs Do New Jersey's Foreign-Born Residents Hold?

Occupation	Share	Industry	Share
Service	23.6%	Educational & Health Services	16.5%
Professional	17.8%	Professional & Business Services	15.8%
Management	12.1%	Manufacturing	12.4%
Transportation & Material Moving	10.1%	Wholesale & Retail Trade	11.8%
Production	9.5%	Leisure & Hospitality	11.4%

Source: US Census Bureau, Current Population Survey: Annual Social and Economic Supplement; 2-year averages (2011-2012)

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