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### **Hagel/Martinez Amendment Summary**

#### Background:

The Hagel/Martinez Substitute contains all the provisions of the Specter Amendment - including the border security, interior security and employer enforcement provisions from the Frist bill - but makes the following 3 changes:

1. It proposes an alternative to Title VI, Subtitle A of the Specter substitute (which deals with the illegal population living in the U.S.)
2. It temporarily increases the number of employment based green cards from 290,000 (as in the Specter Substitute) to 450,000. This increase from 290,000 to 450,000 would sunset after ten years.
3. It would give mid-term illegal immigrants (defined below) priority in applying for green cards over future immigrants entering as temporary workers.

The Hagel/Martinez Amendment is based on legislation (S.1919) introduced by Senator Hagel in October 2005.

#### Provisions for Long-Term Illegal Immigrants:

The Hagel/Martinez Amendment provides an opportunity for illegal immigrants who have been in the U.S. more than 5 years to adjust to legal status without leaving the country. Any illegal immigrant seeking to adjust to legal status under this program must first meet all of the following 8 requirements:

1. Passed national security and criminal background checks
2. Resided in the U.S. for at least 5 years;
3. Worked a minimum of 3 years of the last 5 in the U.S.;
4. Paid all federal and state taxes;
5. Registered for Military Selective Service;
6. Demonstrated knowledge of English language and American civics requirements;
7. Paid a \$2,000 fine, in addition to required application fees.
8. Work for an additional 6 years after enactment to ensure that their status is not adjusted before those who are already in line.

#### Provisions for Mid-Term Illegal Immigrants:

- \* The Hagel/Martinez Amendment also provides an opportunity for illegal immigrants who have been here less than 5 but more than 2 years to obtain a temporary work visa.
- \* These individuals would be subject to the visa requirements under current law (background checks, fees, paid taxes) and the requirements of the new temporary worker program created in the Specter substitute.
- \* Under the Amendment, these individuals would be required to exit the country.
- \* These immigrants would be fingerprinted and processed through the US-VISIT program at a land port of entry.
- \* Qualified individuals would be able to adjust to legal status over time and would be subject to the annual cap on green cards as increased in the Specter substitute. As noted above, they would be given priority in applying for green cards over future immigrants entering as temporary workers.

Provisions for Short-term Illegal Immigrants:

- \* The Hagel/Martinez Amendment would bestow no benefits on any illegal immigrant who arrived in the last 2 years.
- \* Those here less than two years would be required to return to home and only then could apply for a temporary worker visa once back in their home country.
- \* This is the same treatment as provided under the Specter Substitute amendment.

Line-jumping:

- \* Like the Specter substitute, the Hagel/Martinez Amendment requires illegal immigrants to go to the back of the line.

Key Differences between Hagel/Martinez and the Specter Substitute:

1. The Specter substitute allows almost all of the 11-12 million illegal who are here illegally to stay in the U.S. and adjust to legal status (green cards). The Specter substitute does not take into consideration how long these individuals have been in the U.S.

The Hagel/Martinez Amendment only allows the illegal who have been here more than 5 years to stay in the U.S. and adjust to legal status. Those who have been here less than 5 years but more than two years would be required to exit the country and return through the a land port of entry with a visa.

2. The Specter substitute provides a direct path to citizenship for every illegal immigrant living within our borders.

The Hagel/Martinez Amendment creates a separate path for illegal immigrants who have been here less than 5 but more than 2 years. These

individuals would have to meet the requirements of the new temporary worker program first. Over time, qualified individuals would have the chance to become citizens. The annual cap for green cards as defined in the Specter bill would apply.

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