

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: February 19, 2013

TO: Honorable Members Rules, Elections and
Intergovernmental Relations Committee

FROM: Gerry F. Miller *HEX for*
Chief Legislative Analyst

Council File No.: 13-0002-S12
Assignment No.: 13-01-0043

SUBJECT: Resolution (Garcetti-Reyes-Alarcon) to Support federal comprehensive immigration reform.

CLA RECOMMENDATION: Adopt Resolution (Garcetti-Reyes-Alarcon) to include in the City's 2013-2014 Federal Legislative Program, SUPPORT for federal comprehensive immigration reform that creates a pathway towards citizenship for law-abiding, tax-paying immigrant workers and their families; reduces immigration backlogs; offers opportunity for immigrant students to pursue a college education; promotes civil integration; and implements enforcement measures in a humane manner.

SUMMARY

Resolution (Garcetti-Reyes-Alarcon) notes that comprehensive immigration reform is required in light of the 11.1 million undocumented immigrants currently living in the United States, including a large number within the City of Los Angeles, and the \$18 billion spent on immigration enforcement spent nationally every year. The Resolution further notes that current federal policy places extreme burdens onto local government budgets, including the City of Los Angeles. According to the Resolution, budget and economic pressures could be eased by comprehensive immigration reform given that immigrant-owned businesses employ 10 percent of American private-sector workers and generate more than \$775 billion in revenues to the U.S. economy and, while comprising 12.9 percent of the American population, immigrants started 28 percent of American businesses in 2011. Also according to the Resolution, current federal policy discourages immigrants from acquiring the proper documentation and earning citizenship. Finally, the Resolution states that comprehensive immigration reform would acknowledge the dignity, hard work and respect for the United States of many undocumented immigrants. Therefore, the Resolution recommends that the Council support federal immigration reform that: 1) creates a pathway towards citizenship for law-abiding, tax-paying immigrant workers and their families; 2) reduces immigration backlogs; 3) offers opportunity for immigrant students to pursue a college education; 4) promotes civil integration; and 5) implements enforcement measures in a humane manner.

BACKGROUND

On January 15, 2013, Resolution (Garcetti-Reyes-Alarcon) was introduced to support comprehensive immigration reform that contains the following provisions: 1) creates a pathway towards citizenship for law-abiding, tax-paying immigrant workers and their families; 2) reduces immigration backlogs; 3) offers opportunity for immigrant students to pursue a college education; 4) promotes civil integration; and 5) implements enforcement measures in a humane manner. Adoption of the Resolution would be consistent with prior Council action with respect to comprehensive immigration reform. While there are multiple comprehensive immigration reform proposals currently being circulated, this report will focus on the following three major proposals:

- *S. 1 – The Immigration Reform that Works for America's Future Act. (S. 1)*
U.S. Senator Harry Reid
January 22, 2012
- *White House Comprehensive Immigration Reform Proposal (White House Proposal)*
January 29, 2013
- *Bipartisan Framework for Comprehensive Immigration Reform (Bipartisan Proposal)*
Senators: Charles E. Schumer (D-NY), John McCain (R-AZ), Richard Durbin (D-IL),
Lindsay Graham (R-SC), Robert Menendez (D-NJ), Marco Rubio (R-FL), Michael Bennet
(D-CO), Jeff Flake (R-AZ); January 28, 2013

Comparative Analysis of Comprehensive Immigration Reform Proposals

As seen on the Attachment, the three immigration proposals contain provisions that enhance border security, establish a pathway to citizenship and create provisions to expedite the immigration process for certain qualifying individuals. However, the manner in which each proposal would be implemented is different.

Pathway to Citizenship

With respect to establishing a pathway to citizenship, only the Bipartisan proposal and the White House proposal would require immigrants to register with the government as the first step in the pathway to citizenship. All three proposals require learning English, paying back taxes and passing a criminal background check. The White House and the Bipartisan proposals offer probationary or provisional status to immigrants who meet the initial requirements. Once probationary or provisional status has been awarded, applicants must pass an additional background check and will not be issued a green card until those applicants who have been waiting for a green card are issued theirs first. The Bipartisan proposal explicitly requires that prior to issuing a green card to individuals who have been awarded probationary legal status, all proposed enforcement measures must be fully implemented.

Special Treatment for Certain Immigrant Groups

All three proposals contain provisions that would offer an expedited pathway to citizenship for certain immigrant groups. Under each proposal, individuals who entered the United States illegally as minors and continue with their studies would be offered an expedited immigration process. Also, agricultural workers are considered essential to the U.S. economy and are therefore given special treatment. Under the White House and the Bipartisan proposal, individuals who have obtained a Master's degree and/or Ph.D.s in science, technology, engineering or mathematics would be automatically eligible to receive a green card. Additionally, S.1 provides for a system that would permit students with any advanced degree to remain in the U.S.

Same-Sex Partners

The White House proposal provides U.S. residents and citizens with the ability to petition for a visa on the basis of a permanent relationship with a same-sex partner.

Border Security and Enforcement

With respect to enforcement measures, the White House and the Bipartisan proposals are very specific in terms of the types of enforcement measures desired. The Bipartisan proposal provides for improved technology and infrastructure along the U.S. Mexico border, improved radio interoperability and surveillance equipment, and an increase in unmanned aerial vehicles and border patrol agents. As stated earlier, the Bipartisan proposal provides that a pathway to citizenship would only be implemented upon the completion of all border enforcement measures.

The White House proposal also provides for enhanced border security and increases penalties against criminal organizations for human smuggling and drug, money and weapon traffic. The White House proposal strengthens prohibitions against racial profiling and enhances training on civil rights and civil liberties for Department of Homeland Security immigration officers. This proposal provides funding for tribal communities, enhances protections for those least able to represent themselves, and provides for alternatives to detention.

Economic Development Provisions

All three proposals include provisions that affect economic development. For example, S. 1 encourages investment in the U.S. with the purpose of creating jobs. While both the White House and the Bipartisan proposals provide for a reduction in employment-based backlogs, the White House proposal seeks to completely eliminate the annual country caps for employment-based visas. Additionally, the White House proposal provides start-up visas for job creating entrepreneurs and creates a new visa category for federal employees of national security science and technology. The Bipartisan proposal places the burden on businesses to demonstrate that hiring immigrants will not displace American workers. However, this proposal does not clearly define the terms "American" or "immigrant" nor does it acknowledge that there are immigrants who are also U.S. citizens.

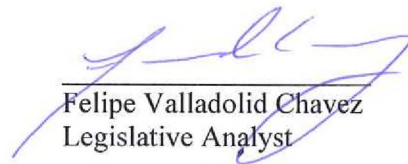
Employment Verification System

All three proposals mandate an employment verification system. The White House and the Bipartisan proposals include provisions to hold employers accountable for hiring undocumented workers by increasing fines and penalties for violators. Only the White House proposal would provide tools for employers to verify documents, protect workers against retaliation and create a labor law enforcement fund. This fund is intended to help ensure that industries that employ significant numbers of immigrant workers comply with labor laws.

Upon review of the above three proposals, our Office has determined that at this time, the White House proposal most closely mirrors comprehensive immigration reform as previously supported by the Council and as expressed in Resolution (Garcetti-Reyes-Alarcon). Our Office will continue to monitor all major proposals as they move through the legislative process. We recommend that the City support Resolution (Garcetti-Reyes-Alarcon) which recommends comprehensive immigration reform.

Departments Notified

None.



Felipe Valladolid Chavez
Legislative Analyst

Attachments: 1) Comparative Analysis of Major Comprehensive Immigration Reform Proposals
2) Resolution (Garcetti-Reyes-Alarcon)

GFM:fv

13-0002-512

RESOLUTION

JAN 15 2013

WHEREAS, President Obama this week called for immigration reform, following previous statements that significant immigration reform would be part of his early second term agenda; and,

WHEREAS, comprehensive immigration reform is required in light of the 11.1 million undocumented immigrants currently living in the United States, including a large number within the City of Los Angeles, and the \$18 billion spent on immigration enforcement spent nationally every year; and,

WHEREAS, current federal policy places extreme burdens onto local government budgets, including that of the City of Los Angeles, and;

WHEREAS, budget and economic pressures could be eased by comprehensive immigration reform given that immigrant-owned businesses employ 10 percent of American private-sector workers and generate more than \$775 billion in revenues to the U.S. economy and, while comprising 12.9 percent of the American population, immigrants started 28 percent of American businesses in 2011, and;

WHEREAS, current federal policy discourages immigrants from acquiring the proper documentation and earning citizenship, and;

WHEREAS, comprehensive immigration reform would acknowledge the dignity, hard work and respect for the United States of many undocumented immigrants;

NOW, THEREFORE BE IT RESOLVED that by the adoption of this Resolution the Los Angeles City Council with the concurrence of the Mayor, hereby includes in the City of Los Angeles 2013-2014 Federal Legislative Programs SUPPORT for federal comprehensive immigration reform that creates a pathway towards citizenship for law-abiding, tax paying immigrant workers and their families; reduces immigration backlogs; offers opportunity for immigrant students to pursue a college education; promotes civil integration; and implements enforcement measures in a humane manner.

PRESENTED BY: Eric Garcetti
ERIC GARCETTI
Councilmember, 13th District

SECONDED BY: Richard Alarcon
Richard Alarcon

EPR

ORIGINAL

1/15/13