

What is 'a pathway to citizenship'?

By: Molly Moorhead - April 2, 2013

After years of inaction, eight senators say they're on the cusp of unveiling a bipartisan proposal to fix a broken immigration system.

Border security, visas and family considerations are all part of the debate. But no topic is so emotional as creating a pathway to citizenship for 11 million unauthorized immigrants.

With years of work and payment of fines, some advocates argue, unauthorized immigrants should be able to earn the right to be called Americans. Others call for legal residency only, allowing people who came illegally to live here but not attain all the benefits of citizenship.

We interviewed policy experts representing different viewpoints to find out how lawmakers are defining a path to citizenship, and how the proposals might work.

Fines, taxes, security

The eight senators have put forward a bipartisan "framework" for immigration reform. It includes several hurdles that immigrants would have to clear before becoming eligible to apply for citizenship.

Advocates for immigrants says the details are critical. "A priority for us is the 11 million who are here -- will they qualify?" said Frank Sharry, director of the pro-citizenship group America's Voice. "Are the requirements achievable? Are the fees and fines affordable?"

Here are some of the possible requirements:

- A waiting period. Unauthorized immigrants would be given a work permit that allows them to remain in the U.S. to work without fear of deportation. The timetable is likely to be 13 years -- eight years on the work permit, followed by five years with a green card; or 10 years on the work permit and three years on the green card. Any new legislation will also have a cut-off date, requiring immigrants to show they've been living and working in the U.S. for a certain amount of time. The immigration law President Ronald Reagan signed in 1986, for example, granted legal status to everyone who had been here since 1982.

If that sounds simple, the details get hairy. For example, Sharry questioned how some people might prove how long they've been in the U.S., especially if they've done work that wasn't documented. "If you're a day laborer, if you're a grandmother, if you're a homemaker are you going to be bounced out of the program?" he said.

- **Background checks.** Immigrants would have to pass a criminal background check and be literate enough in English to pass a citizenship exam. The framework says people "with a serious criminal background or others who pose a threat to our national security" wouldn't be eligible. Advocates want to make sure the criminal checks don't weed out people who aren't hardened criminals, such as those caught driving without a license.
- **Fines.** Financial penalties are in the mix too: a fine of somewhere between \$2,000 and \$4,000, plus back taxes for the time they've worked without paying income taxes. Sharry questions how low-wage workers could find the means to pay years of back taxes on top of hefty fine.
- **Border security.** The Senate framework makes the new green card program contingent on securing the border first. It calls for boosting the number of surveillance drones that monitor the southwest border, adding more border patrol agents and enhancing their training and technology. It also promises an entry/exit system that catches people who overstay their visas, a major source of illegal immigration.
- **Employer verification.** The framework describes an E-Verify system that holds employers accountable for hiring undocumented workers and makes it more difficult to falsify documents to obtain employment. "Employers who knowingly hire unauthorized workers must face stiff fines and criminal penalties," the document says.

Steven Camarota, with the Center for Immigration Studies, says granting people legal status alongside tightening the border and implementing e-verify makes "security first" a moot point.

"What would happen if the border isn't certified -- would you withdraw their legal status? Of course not," he said. "It's sort of amnesty on the first day even if it doesn't result in citizenship. Once you've given legal status, that's it. It'll never be withdrawn."

Citizenship vs. legal status

People on both sides also question a federal law that could ultimately create a permanent underclass.

"I don't think it's good for the U.S. to have a second tier of people who can't fully participate, but if that's what the political marketplace can bear then I think that's acceptable." said Tamar Jacoby with the pro-reform group ImmigrationWorks USA.

Camarota added: "We want a stakeholder society. We want a country that can ask certain things of you and you can ask certain things of the country."

But Alex Nowrasteh, an immigration policy analyst at the libertarian Cato Institute, pointed out that "illegal immigrants don't come here to vote. They come here to work and make money and to have a better life for their kids."

"There are only two real non-voting benefits to becoming a citizen: one is not being deported and two is you can buy guns." Permanent legal status, he said, "doesn't bar people from the primary benefit of a better life."

Politically speaking

Among politicians and the public, citizenship itself is the most divisive aspect of immigration.

A recent survey by the Pew Research Center found that 71 percent of Americans believe that people in the United States illegally should have a way to stay in the country. But in that group, just 43 percent say they should be eligible for citizenship, while 24 percent favor permanent residency only.

The last time Washington dug into immigration reform, in 2006 and 2007, the effort broke down between the pro-pathway side and those who opposed any special treatment of people who broke the law to get here.

Now, the margins of that debate have narrowed significantly -- nobody is talking about doing nothing with the illegal population -- but any suggestion of amnesty or allowing them to cut to the front of the line draws outcries of unfairness.

Florida Sen. Marco Rubio has emphasized that the blueprint in the Senate creates no "special" pathway because illegal immigrants who eventually obtain a green card would then join the pool of everyone applying for citizenship.

"There isn't a literal pathway to citizenship in the plan... There is a path to a green card," Rubio's spokesman Alex Conant told PolitiFact in an email. "It's worth noting that under current law, if you are in the U.S. illegally and want to become a citizen, you must leave the U.S. for 10 years and then apply for a green card. Under the Senate plan, they would be allowed to apply for a temporary permit to remain in the U.S. legally during those 10 years."

But to Camarota and others wary of any pathway, the ability to remain in the U.S. translates to cutting the line.

"They're getting to stay in America and that's the line that matters," he said. "The person who stays in his own country would have to wait."