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Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Asylum (cont'd.)		Provides that the judge shall set the application for asylum hearing at the earliest practicable time, on a day certain, or list it for trial on a weekly or other short-term hearing calendar to assure a speedy hearing (Sec. 124(a)(1)).	Identical to S. 529 (Sec. 124(a)(1)).
		Provides that the hearing shall commence on the earliest practicable date after the application is filed and that holding the asylum hearing shall not delay exclusion or deportation proceedings (Sec. 124(a)(1)).	Similar to S. 529, but provides that the hearing shall commence not later than 45 days from the date the application is filed (Sec. 124(a)(1)).
		Provides for the release on parole of aliens who have filed for asylum and been continuously detained since the application date if the hearing on the application is not held on a timely basis or the decision on the application is not rendered on a timely basis and the applicant has not unreasonably delayed the proceedings unless: the alien poses a danger to others or the community; meets a condition of the subparagraphs of Sec. 243(h) of INA; or is subject to temporary exclusion under Sec. 235(c)(Sec. 124(a)(1)).	Similar to S. 529, but does not include conditions under Sec. 243(h) or being subject to temporary exclusion as criteria for detaining applicants (Sec. 124(a)(1)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Asylum (cont'd.)		Provides that asylum may be granted only if it is determined that the alien is a refugee as defined in existing law, but that "the Attorney General may, in his discretion, grant" the alien asylum if the immigration judge determines the alien meets the definition of refugee (Sec. 124(a)(1)).	Similar to S. 529, but does not include provision "the Attorney General may, in his discretion, grant" (Sec. 124(a)(1)).
		Provides that hearings on asylum applications shall be 1) closed to the public unless applicant requests otherwise; 2) that applicant is entitled to counsel, to present evidence, to examine and cross-examine witnesses; and 3) that to the extent possible, the hearing shall be nonadversarial and informal (Sec. 124(a)(1)).	Similar to S. 529, but 1) provides for an open hearing unless the applicant requests otherwise; 2) provides that at the time of filing the notice of intent, the alien is to be advised of the right to counsel and the availability of legal services; and 3) no comparable provision (Sec. 124(a)(1)).
		Provides that a complete verbatim record of proceedings, testimony, and evidence shall be kept (Sec. 124 (a)(1)).	Similar to S. 529, but specifies that the transcript is to be made available within 10 days of completion of the hearing (Sec. 124(a)(1)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Asylum (cont'd.)		Provides that information on human rights to be used as general guidelines in asylum cases shall be made available by the Secretary of State to the Attorney General and immigration judges (Sec. 124 (a)(1)).	No comparable provision.
		Provides that the Attorney General shall notify the Secretary of State of applications made for asylum and that the Secretary of State may submit comments but the proceeding shall not be delayed to await the comments (Sec. 124(a)(1)).	No comparable provision.
		Provides that upon filing of notice of appeal to U.S. Immigration Board, the Attorney General and Board shall provide that transcript is made available as soon as practicable (Sec. 124 (a)(1)).	No comparable provision.
		Provides that the determination of immigration judge shall be based on evidence produced at the hearing and that the judge shall render a determination on the application not later than 90 days after the hearing is completed (Sec. 124(a)(1)).	Similar to S. 529, but provides that the judge shall render a determination within 30 days (Sec. 124(a)(1)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Asylum (cont'd.)		Provides that the Attorney General shall allocate resources to assure that applications for asylum are heard and determined on a timely basis (Sec. 124(a)(1)).	Similar to S. 529 (Sec. 124(a)(1)).
		Provides that burden of proof shall be on the alien requesting asylum (Sec. 124(a)(1)).	Similar to S. 529 (Sec. 124(a)(1)).
		Provides that after making a determination on the asylum request, an immigration judge may not reopen the proceeding unless there is a clear showing of changed circumstances (Sec. 124(a)(1)).	Similar to S. 529 (Sec. 124(a)(1)).
	Allows for termination of asylum status by the Attorney General if the alien is no longer a refugee because of changed circumstances in the alien's country of nationality or last habitual residence (Sec. 208(b)).	Expands provisions that allow for termination of asylum status by the Attorney General by adding that conditions that disallow withholding of deportation under Sec. 243(h)(2) of the INA shall apply to termination of asylum (Sec. 124(a)(2)).	Identical to S. 529 (Sec. 124(a)(2)).
		Provides that the procedures set forth in this section shall be the sole and exclusive procedures for determining asylum (Sec. 124(a)(3)).	Identical to S. 529 (Sec. 124(a)(3)).

Provision

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Asylum (cont'd.)

No comparable provision.

Provides that the Attorney General shall report annually to Congress on the number and characteristics of asylum applicants (Sec. 124(a)(3)).

Amends Sec. 243(h) of the INA by adding a subsection 3 that would make application for withholding of deportation synonymous with an application for asylum (Sec. 124(b)).

Identical to S. 529 (Sec. 124(b)).

Adds provision exempting asylum and asylum-related documents from disclosure except to the subject of the application unless pursuant to the Freedom of Information Act (Sec. 124(d)).

Similar to S. 529 (Sec. 124(c)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Effective Dates and Transition		Provides that amendments, except as otherwise provided, take effect on the date of enactment. The amendments shall not apply to exclusion or deportation proceedings or reviews thereof or applications for asylum initiated before the hearing or asylum transition dates except for the following amendments: those made to adjudication procedures and asylum inspection and exclusion (Sec. 121), that limiting time allowed for petitioning for judicial review of final orders of deportation (Sec. 123(a)(2)), the change to "substantial" (Sec. 123(a)(5)), the deletion of the existing section providing that an alien held in custody may obtain judicial review by habeas corpus (Sec. 123(a)(9)), and the change that makes application for withholding of deportation under Sec. 243(h) synonymous with application for asylum (Sec. 124(b) (Sec. 125(a)(2)(A))).	Similar to S. 529, but the following additional amendments shall not apply to proceedings, reviews, or applications for asylum initiated before the transition dates: 1) provision for judicial review of final exclusion or deportation orders (and asylum encompassed within such orders) (Sec. 123(a)(2)(6)(10); and 2) provisions relating to continuation of habeas corpus and court jurisdiction over asylum petitions (Sec. 123(b)) (Sec. 125(a)(2)(A)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Effective Dates and Transition (cont'd.)		Provides that the amendments to Secs. 208(a) and (b) shall apply to applications for asylum made after the date of enactment except the restriction of paragraph (1)(b)(i) of Sec. 208(a) as amended shall apply to asylum applications made more than 14 days after enactment and references in that section to an immigration judge shall be deemed before the asylum transition date to refer to a special inquiry officer and the amendments made by Sec. 121(b) shall not apply to deportation proceedings pending on or commenced after the date of enactment (Sec. 125(a)(2)(B) and (a)(3)). Immigration judges may perform functions of special inquiry officers as appropriate when proceedings and applications initiated before the hearing and asylum transition dates continue after those dates (Sec. 125 (a) (2)(A)).	Similar to S. 529, but has different numbering of sections to reflect new asylum provisions affected by this provision and refers to immigration officer rather than special inquiry officer (Sec. 125(a)(2)(B)). Identical to S. 529 (Sec. 125(a)(2)(A)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Effective Dates and Transition (cont'd.)		Dates are established for nomination of U.S. Immigration Board Chairman and members by the Attorney General, for their assumption of duties, for the establishment of interim final rules of practice and procedure, and the appointment of at least 10 immigration judges who are qualified to hear asylum cases by the Attorney General (Sec. 125(b)).	Similar to S. 529, but provides that the President will nominate the Chairman and members of the Board (Sec. 125(b)).
		Provides that hearing transition date shall not be later than 45 days after interim final rules are established and that asylum transition date shall be established after the interim final rules respecting applications for asylum are established and specially-qualified immigration judges are appointed as specified in Sec. 125(b)(3). Also provides that before the transition dates, any immigration hearing or proceeding previously conducted by a special inquiry officer may be conducted by person appointed as immigration judge (Sec. 125(c)).	Identical to S. 529 (Sec. 125(c)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Effective Dates and Transition (cont'd.)		Provides that persons acting as special inquiry officers on the date of enactment and on the hearing transition date may assume duties of acting immigration judge after the transition date for the period ending 2 years after the date of enactment and defines their status (Sec. 125(d)). Provides that matters pending in the Board of Immigration Appeals or before special inquiry officers on the day before this Act takes effect shall not be affected and that under rules established by the Chairman of the U.S. Immigration Board, the Immigration Board shall continue the Board of Immigration Appeals and immigration judges shall be a continuation of special inquiry officers for exclusion and deportation cases pending as of the hearing transition date and asylum cases pending as of the asylum transition date (Sec. 125(e)).	Similar to S. 529, but does not specify that individuals remaining in such capacity shall be deemed to have been employed by the Department as special inquiry officers during such period (Sec. 125(d)). Identical to S. 529 (Sec. 125(e)).

Provision

Existing Law

S. 529 as Passed

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Effective Dates
and Transition
(cont'd.)

Provides that members of the Board of Immigration Appeals who have served at least 3 years, are not appointed to the U.S. Immigration Board or as immigration judges, and continue to be employed after the Immigration Board assumes the functions of the Board of Immigration Appeals shall have no reduction in grade or compensation for one year after the date of termination of membership on the Board of Immigration Appeals (Sec. 125(f)).

No comparable provision.

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
PART D--<u>Adjustment of Status</u>			
Limitations on Adjustment of Nonimmigrants to Immigrant Status by Visa Abusers	Prohibits adjustment of nonimmigrant to immigrant status by aliens, other than immediate relatives of U.S. citizens, who have accepted unauthorized employment (Sec. 245(c)(2))	Replaces existing law with a prohibition against adjustment by nonimmigrant aliens, other than immediate relatives of U.S. citizens, who have "failed to maintain continuously a legal status since entry into the United States." Provides that the amendment applies to applications for adjustment "filed before, on, or after" enactment (Sec. 131).	Adds to existing law the further prohibition against adjustment by nonimmigrant aliens, other than immediate relatives of U.S. citizens, who are "not in legal immigration status on the date of filing the application for adjustment of status." Provides that the amendment applies to applications pending on the date of enactment (Sec. 131).

Provision

Existing Law

S. 529 as Passed

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Part E--Deportation Proceedings**Burden of
Proof**

Provides that in deportation proceedings, the burden of proof shall be upon claimant to show time, place, and manner of entry into the U.S. (Sec. 291).

Amends Sec. 291 to require claimant to correctly identify himself by name and nationality (Sec. 141).

No comparable provision

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
TITLE II--REFORM OF LEGAL IMMIGRATION			
Part A--<u>Immigrants</u>			
Numerical Limitations	270,000 immigrant visas annually, not including refugees and aliens granted asylum, immediate relatives of U.S. citizens, or special immigrants (Sec. 201).	425,000 immigrant visas annually, not including refugees and aliens granted asylum, or aliens legalized under the new section 245A (Sec. 201(a)).	Retains existing law, except that up to 20,000 additional immigrants from each of the contiguous countries could be admitted outside the worldwide ceiling (Sec. 201).
(1) Worldwide Ceiling			
(2) Immediate relatives	The spouses and children of U.S. citizens and the parents of U.S. citizens 21 or over; entry not subject to numerical limitations (Sec. 201).	No change in definition from existing law. Subtracts immediate relatives from family reunification numbers for the following year (Sec. 201(a)).	No comparable provision. (i.e. retains existing law).
(3) Special immigrants	Aliens admitted as immigrants outside the numerical limits. Includes certain returning immigrants, former U.S. citizens, ministers of religion, employees of the U.S. Government abroad, Panamanian nationals and/or employees, and foreign medical graduates (Sec. 101(a)(27), Sec. 201).	Same as existing law, with the addition of a new category (see Sec. 204). Subtracts special immigrants from independent numbers for the following year (Sec. 201(a)).	No comparable provision.

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Immigrants (cont'd.)			
4) Per-country limits	20,000 per country for independent foreign states; 600 for colonies (Sec. 202).	20,000 per country for independent foreign states, except for Mexico and Canada which would be limited to 40,000 per year with the numbers unused by one contiguous country available to the other one the following year; 600 for colonies. If the immediate and other specified close relatives and special immigrants (other than Sec. 101(a)(27)(A) returning immigrants) for any foreign State exceed 20,000, the following year that foreign state's limit will be reduced by the amount of the excess (Sec. 201(b)).	20,000 per country for independent foreign states, except for Mexico and Canada. Provides that when the Secretary of State estimates that at least 90 percent of the maximum number of visas will be made available to either of the contiguous countries, then an additional number of immigrants may be admitted from that country not to exceed 20,000 annually, outside the worldwide ceiling. The additional visas are to be allotted according to the preference system, except that the percentage limitations and Sec. 202(e) are not applicable (Sec. 201). Increases the colonial quota from 600 to 3,000 (Sec. 202).
5) Immigrant visa allocation	Distributes the 270,000 numerically limited visas under a six-category preference system which assigns priority and percentages to certain family relationships and needed skills (Sec. 203).	(a) Family reunification immigrants--350,000 minus the number of immediate relatives and certain categories of other close relatives admitted the previous year and plus any unused independent immigrant visas from the preceding year; and (b) Independent immigrants--75,000 minus the number of special immigrants (other than Sec. 101(a)(27)(A)) admitted the previous year and	No comparable provision.

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Immigrants (cont'd.)		plus any unused family reunification visas from the preceding year (Sec. 201(a)).	
(6) Per-country allocation of immigrant visas	Provides that if a country has its maximum total of visas made available to it, the following year visas will be made available to it according to the percentages assigned each preference category (Sec. 202(e)).	Repeals Sec. 202(e). Provides that where it is determined that the maximum number of visas will be made available to a country, to the extent practicable visas should be allocated so that the ratio of the sum of family reunification immigrants and immediate and other specified close relatives to the sum of independent and special immigrants is equal to 4.65 to 1 (Sec. 202(a)(1)).	No comparable provision.

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Preference Allocation Systems			
(1) Family reunification	First preference--unmarried sons and daughters of U.S. citizens--20 percent of 270,000; Second preference--spouses and unmarried sons and daughters of immigrants--26 percent plus fall-down; Fourth preference--married sons and daughters of U.S. citizens--10 percent plus fall-down; Fifth preference--brothers and sisters of adult U.S. citizens--24 percent plus fall-down (Sec. 203).	Family reunification immigrants: (1) unmarried sons and daughters of U.S. citizens--15 percent of family reunification total (i.e., 350,000 minus last year's immediate relatives, etc.) plus numbers unused by (4); (2) Spouses and children of immigrants and adult children with petitions approved by May 27, 1982 who continue to qualify under terms then in effect--65 percent plus fall-down (i.e., eliminates future adult children); (3) Married sons and daughters of U.S. citizens--10 percent plus fall-down; and (4) Unmarried brothers and sisters of adult U.S. citizens and married brothers and sisters with petitions approved by the date of enactment who continue to qualify under terms then in effect--10 percent plus fall-down (i.e., eliminates future married fifth preference) (Sec. 202(a)(1)).	No comparable provision.
(2) Independent immigrants/occupational preference and non-preference	Third preference--members of the professions and persons of exceptional ability in the sciences	Independent immigrants: (1) Aliens who are members of the professions holding doctoral degrees or aliens	No comparable provision.

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
(2) Independent immigrants (cont'd.)	and the arts--10 percent of 270,000;	of exceptional ability--up to independent total (i.e., 75,000 minus last year's special immigrants);	No comparable provision.
	Sixth preference--skilled and unskilled workers in short supply--10 percent; Nonpreference--other immigrants--numbers not used by the six preference categories (Sec. 203).	(2) Skilled workers needed in the United States--independent numbers unused by (1); (3) Nonpreference aliens--unused independent visas.	
	Requires labor certification by the Secretary of Labor for visas to be issued to third or sixth preference or nonpreference immigrants (Sec. 203(a)(7)).	Requires labor certification for independent immigrants, with provision for a waiver of the employment requirement for (1). (Sec. 202(a)(1)).	No comparable provision.
ive dates		Amendment to the numerical limitations and preference allocation system are effective Oct. 1, 1984, with preference statuses corresponding to existing law indicated (Sec. 205).	Increases in the numbers available to the contiguous countries and in the colonial quota are effective beginning Oct. 1, 1983 (Sec. 201, 202).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Presidential report	No comparable provision.	Requires comprehensive report within three years after enactment and every three years thereafter on general legal admissions under the INA, including the number of aliens admitted as immediate relatives and as other permanent residents, refugees, asylees, and parolees, and an estimate of deportable aliens; and their impact, present and future, on foreign policy, the economy, environmental quality, resources, population growth, and employment (Sec. 401(b)).	Similar to S. 529, except also requires inclusion of any appropriate recommendations on changes in numerical limits or other related policies, and requires hearings by the House and Senate Judiciary Committees within 90 days of receipt of report. Requires first report by Jan. 1, 1987; requires impact assessment to also include the labor and housing markets, education system, and social services; and requires projection to be based on succeeding five-year period (Sec. 203).
Labor Certification	As a condition for admission under the third and sixth preference and non-preference categories, provides that the Secretary of Labor must certify that there are not sufficient workers who are able, willing, and qualified (or equally qualified in the case of certain professional and exceptional aliens), and available at the time and place where the alien is to be employed, and that the employment of the alien will not adversely affect the wages and	Amends Sec. 212(a)(14) to require a finding by the Secretary of Labor that there are not sufficient qualified workers available in the United States, and that sufficient U.S. workers could not be trained in a reasonable time at employer's expense, as well as that the alien's employment will not adversely affect the wages and working U.S. workers. Allows the use of nationwide labor market information without reference to the specific job for which certification is requested. Provides that the Secretary of Labor's decisions are reviewable in the appropriate U.S. district	Adds aliens with doctoral degrees who are seeking to enter the U.S. to be employed as researchers at colleges, universities, or other nonprofit educational or research institutions to the list of professionals whose U.S. counterparts must be found to be equally qualified (rather than just qualified) in order for the Secretary of Labor to refuse certification (Sec. 205(e)). Otherwise no change in existing law. No change in existing law.

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Labor Certification (cont'd.)	working conditions of similarly employed U.S. workers (Sec. 212(a)(14)).	court, but may not be set aside unless there is compelling evidence that they were made in an arbitrary and capricious manner. Requires labor certification of independent immigrants entering under the new Sec. 203(b)(1), (2), and (3), except allows the Attorney General to waive the offer of employment requirement for an alien seeking to enter under the new Sec. 203(b)(1) (aliens who are members of the professions holding doctoral degrees or aliens of exceptional ability), if he deems it to be in the national interest (Sec. 203). Effective October 1, 1984 (Sec. 205(a)).	No change in existing law. Effective upon enactment.

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
4 Special Immigrants	Defines special immigrant categories (Sec. 101(a)(27)).	Amends Sec. 101(a)(27) to add a new category "I" for persons who maintained non-immigrant status under Sec. 101(a)(15)(G)(iv) [officers or employees of an international organization entitled to privileges, exemptions, and immunities under the International Organizations Immunities Act] or under Sec. 101(a)(15)(N), and have been physically present in the United States within 7 years of the application. To qualify for the new immigrant status, the alien must: 1) be an unmarried son or daughter of an officer or employee of an international organization described above, and while maintaining nonimmigrant status under paragraphs 15(G)(iv) or 15(N) have been physically present in the United States within 7 years of the date of application for admission and for period(s) of at least 7 years between the ages of 5 and 21, and apply for admission no later than the 25th birthday or 6 months after enactment, whichever is later; 2) be the surviving spouse of a deceased officer or employee of such international organization, and while maintaining nonimmigrant status under paragraphs	Similar to S. 529, but provides that this category is for those who <u>entered</u> the United States as nonimmigrants under Sec. 101(a)(15)(G)(iv); specifies unmarried son or daughter must have resided here between ages of 5 and 18; and does not include eligibility for the new immigrant category for retired officers or employees or their spouses (Sec. 204(a)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
G-4 Special Immigrants (cont'd.)		(15)(G)(iv) or (15)(N) have resided in the United States within 7 years of the date of application for admission and for period(s) of at least 15 years prior to the death of the officer or employee, and apply for admission no later than 6 months after the death or enactment, whichever is later; 3) a retired officer or employee who has resided and been physically present in the United States in (G)(iv) status for at least 15 years, been physically present in the United States within 7 years of the application, and applies for admission on or before Dec. 31, 1992 and no later than 6 mos. after retirement or enactment; or 4) a spouse accompanying or following to join a qualified retired G(iv) officer or employee (Sec. 204(a)).	
	Defines nonimmigrant classes (Sec. 101(a)(15))	Amends Sec. 101(a)(15) to add a new category of "N", nonimmigrants for parents of children accorded special immigrant status under the new "I" category and for children of parents, accorded the new "I" status (Sec. 204(b)).	No substantive difference from S. 529 (Sec. 204(b)).
		Amendments to be effective on enactment (Sec. 205(a)).	No comparable provision.

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Miscellaneous Provisions	Includes the illegitimate child of a natural mother under the definition of "child" for the purpose of immigration benefits (Sec. 101(b)(1)(D)).	No comparable provision.	Amends existing law to also include the illegitimate child of a natural father (Sec. 205(a)).
	Provides for a waiver of numerical limitations for certain investors who had applied and qualified for nonpreference status based on an exemption from labor certification as of June 1, 1978 (P.L. 97-116, Sec. 19(2)).	No comparable provision.	Extends the waiver to certain self-supporting retirees who had applied and qualified for non-preference status based on an exemption from labor certification as of June 1, 1978 (Sec. 205(b)).
	No comparable provision.	No comparable provision.	Permits certain aliens in the United States as of October 1, 1982 who have approved 3rd or 6th preference petitions, who intend to work at the employment for which labor certification was issued, and who are estimated to receive immigrant visas within 2 years, to obtain H-2 non-immigrant visas in the interim and subsequently to adjust to immigrant status under Sec. 245 (Sec. 205(c)).
		No comparable provision.	Includes a technical change in Amerasian provisions (Sec. 205(d)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Miscellaneous Provisions (cont'd.)	As a condition for admission under the occupational or nonpreference categories, provides that the Secretary of Labor must certify that there are not sufficient U.S. workers who are able, willing, and qualified, except that in the case of certain professionals and exceptional aliens they must be found to be equally qualified (Sec. 212(a)(14)).	Revision of existing law deletes reference to equally qualified (Sec. 203(b); see pp. 48-49 above).	Requires U.S. workers also to be found to be equally qualified to aliens with doctoral degrees who are seeking to enter the U.S. to be employed as researchers at colleges, universities, or other nonprofit educational or research institutions (Sec. 205(e)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
PART B--<u>Nonimmigrants</u>			
H-2 Workers and Transition Program			
(1) Distinction between agricultural and other H-2 temporary workers	No distinction. Defines H-2 workers as nonimmigrants who are coming temporarily to perform temporary services or labor (Sec. 101(a)(15)(ii)).	Statutory distinction between temporary agricultural labor and services and other temporary services or labor (Sec. 211(a)).	Similar to S. 529, except provides agricultural labor and services as defined by the Secretary of Labor in regulations, "and including agricultural labor defined in section 3121(g) of the Internal Revenue Code of 1954 and agriculture defined in section 3(f) of the Fair Labor Standards Act of 1938" (Sec. 211(a)).
(2) Duration of agricultural certification	No provision.	Provides that agricultural H-2s may not be admitted for aggregate periods of more than 8 months in any calendar year, with exceptions recognized by Secretary of Labor prior to enactment which may exceed one year (Sec. 211(b)).	Provides that agricultural H-2s may not be admitted for aggregate periods longer than determined by DOL regulations (Sec. 211(b)(1)).
(3) Certification requirements for all H-2s	No specific requirement; provides that the Attorney General makes the final determination "after consultation with appropriate agencies of the Government" (Sec. 214(c)).	Amends Sec. 214(c) to require application for certification by the Secretary of Labor before the Attorney General may approve an employer's petition to import H-2 workers (Sec. 211(b)(3)).	Same as S. 529. Also provides that "appropriate agencies of Government" means DOL and the Department of Agriculture for agricultural H-2s (Sec. 211(b)(3)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
(4) Criteria for H-2 certification	No specific requirement; provides H-2s cannot be admitted unless "unemployed persons capable of performing such service or labor cannot be found in this country" (Sec. 101(a)(15)(H)(ii)).	For both agricultural and nonagricultural H-2s: (1) sufficient workers who are able, willing, and qualified will not be available at the time and place of need, and (2) the alien's employment will not adversely affect the wages and working conditions of similarly employed U.S. workers.	For nonagricultural H-2s: (1) sufficient qualified workers are not available in the United States. For agricultural H-2s: (1) sufficient workers who are able, willing, and qualified will not be available at the time and place of need. For both agricultural and nonagricultural H-2s: (2) the alien's employment will not adversely affect the wages and working conditions of similarly employed U.S. workers.
(5) User fees for all H-2s	No provision for H-2 fees.	Authorizes the Secretary to require by regulation, as a condition of issuing H-2 certification, fees which would cover the reasonable costs of processing applications.	Similar to S. 529.
(6) Prohibition against H-2 certification for certain aliens and employers	No comparable provision.	(a) Prohibits H-2 nonimmigrant admission of an alien previously admitted as an H-2 who violated the terms and conditions of such admission within the past 5 years; (b) Prohibits the Secretary of labor from issuing a certification if there is a strike or lockout in the course of a labor dispute which, under regulations, precludes such certification; and	(a) Similar to S. 529 (Sec. 211(b)(1)); (b) Identical to S. 529;

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
H-2 Workers (cont'd.)		(c) Prohibits the Secretary of Labor from issuing a certification with respect to an employer determined, after notice and opportunity for a hearing, to have substantially violated an essential term or condition of labor certification with respect to domestic or H-2 workers, or who has not paid a penalty for such a violation, within the past 2 years, except that no employer may be denied certification for more than one year for such violation (Sec. 211(b)(3)).	(c) Prohibits the Secretary of Labor from issuing certification with respect to an employer determined, after notice and opportunity for a hearing, to have substantially violated a material term or condition of H-2 certification within the past 2 years, except that no employer may be denied certification for more than 3 years for such violation.
		No comparable provision.	(d) Prohibits the Secretary of Labor from issuing certification for an employer unless he is assured the employer will provide insurance at least equal to that provided under the State workers' compensation law if the employment is not covered by it.
(7) Filing time for applications for agricultural labor certification	No provision.	Labor Department application for agricultural H-2 labor certification may not be required to be filed more than 80 days before the estimated date of need. The application will be considered to have met the requirements unless the Secretary of Labor notifies the employer within 7 days of filing whether it meets them and, if not, permits the resubmission of a modified application.	Applications for agricultural H-2 labor certification may not be required to be filed more than 50 days before the estimated date of need. The employer must be notified within 7 days of filing if the application is not acceptable, and be given an opportunity to resubmit a modified application.

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
H-2 Workers (cont'd.)			
(8) Agricultural employer compliance with determination of U.S. worker availability	No provision.	Requires the Secretary of Labor, not later than 20 days before the estimated date of need, to make the requested certification if the employer has complied with the prescribed recruitment requirements and does not actually have, or has not been provided with referrals of, qualified eligible individuals who have indicated their availability, except that terms of the labor certification remain effective only if the employer continues to accept qualified eligible individuals until the date of the alien's departure for work.	Similar to S. 529
(9) Housing	No provision.	No provision.	Permits the employer to pay a reasonable housing allowance instead of arranging for suitable housing accommodations, providing housing is available in the area of employment.
(10) Consortia or associations of agricultural employers	No provision.	Provides for the filing of petitions and applications for H-2 agricultural workers by an association representing agricultural producers, except that this does not relieve members of liability for representations made in the petitions and applications, unless the association is the sole employer.	Similar to S. 529, without the reference to an association which is the sole employer.

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
(11) Grounds and procedures for review of applications for H-2 agricultural labor certification	No provision.	Requires the Secretary of Labor to provide for an expedited procedure for review of a denial of H-2 agricultural labor certification or, at the applicant's request, a de novo administrative hearing. Requires the Secretary of Labor to make a new determination expeditiously in a case where an employer has been denied certification in whole or part because of the availability of qualified eligible individuals, if such qualified workers are not actually available at the time of need. The burden of proof is on the employer to establish that workers are not qualified because of employment-related reasons.	Similar to S. 529. Similar to S. 529, except requires that the new determination be made within 3 days; and provides that the burden of proof is on the employer to establish that the workers are not able, willing, or qualified (rather than just qualified) because of employment-related reasons as shown by job performance.

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
H-2 Workers (cont'd.)			
(12) Annual Report	No provision.	Requires the Secretary of Labor, in consultation with the Attorney General and the Secretary of Agriculture to report annually to the Congress on certifications issued, the impact of H-2 aliens on U.S. labor conditions, and employer and alien compliance.	Similar to S. 529. Also refers to "O" transitional agricultural workers.
(13) Domestic recruitment and monitoring of compliance	No provision.	Authorizes the appropriation for each fiscal year beginning in 1984 of \$10 million for (A) recruiting domestic workers for jobs which otherwise might be performed by H-2 workers; and (B) monitoring the terms and conditions of H-2 and domestic employment. Authorizes the Secretary of Labor to take such action, including imposing appropriate penalties and seeking appropriate injunctive relief, as may be necessary to assure H-2 employer compliance.	Similar to S. 529. Also refers to "O" transitional agricultural workers.
		No provision.	Also authorizes such sums as may be necessary for Labor Department certification.

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
H-2 Workers (cont'd.)			
(14) Preemption of State and local law	No provision.	Provides that temporary worker provisions preempt State and local law (Sec. 211(b)(4)).	No provision.
(15) Effective date of H-2 amendments		Applies to petitions and applications filed for H-2 admissions on or after the first day of the sixth month after enactment (Sec. 211(c)).	Similar to S. 529, except specifies first day of seventh month (Sec. 211(c)).
(16) Regulations	No provision.	Requires that the Attorney General, in consultation with the Secretaries of Labor and Agriculture, approve all regulations issued implementing this section. Requires the issuance of implementing regulations not later than the effective date (Sec. 211(d)).	Similar to S. 529 (Sec. 211 (d)).
(17) Reporting Requirements	No provision.	Requires the President to report to the House and Senate Judiciary Committees not later than 2 years after enactment on the implementation of the H-2 program, including its impact on labor needs of U.S. employers and	Requires the Secretary of Labor, in consultation with the Attorney General and the Secretary of Agriculture, to report to the Congress not later than 2 years after enactment on recommendations for improvements in the H-2 program, including those specified in S. 529 (Sec. 211(e)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
H-2 Workers (cont'd.)		wages and working conditions of U.S. workers, the development of regulations, and recommendations for modification, including improving timeliness of decisions, removing economic disincentives for hiring domestic workers, and ending dependence on temporary foreign workers (Sec. 401(c)).	
(18) Consultation with Mexico and Other Countries	No provision.	No provision.	Expresses the sense of the Congress that the President establish an advisory commission required to consult with Mexico and other appropriate countries and to advise the Attorney General regarding the operation of the H-2 and O programs (Sec. 211(f)).
(19) Agricultural labor transition program (new Sec. 214 in Senate bill)	No comparable provision.	No comparable provision.	Amends Sec. 101(a)(15) of the INA by the addition of a new "O" non-immigrant category for aliens having a residence in a foreign country which they have no intention of abandoning who are coming to the U.S. for temporary seasonal agricultural employment, as defined in section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act (Sec. 211(a)(2)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
(19) Agricultural labor transition program (cont'd.)	No comparable provisions.	Requires the Attorney General, in consultation with the Secretaries of Labor and Agriculture, to promulgate regulations for the implementation of an agricultural labor transition program effective six months after enactment and continuing for three years (Sec. 204(a)). Requires an agricultural employer wishing to employ transitional workers to: (1) notify the Attorney General of his intention within 12 months of the effective date, and (2) inform the Attorney General of the number of seasonal agricultural workers employed during the preceding 12-month period (Sec. 214(f)). During the first year of the program, as provided by regulation and except as noted below, authorizes the employer to employ up to 100 percent of his seasonal agricultural worker need with transitional workers (Sec. 214(b)).	Requires the Attorney General, in consultation with the Secretaries of Labor and Agriculture, to establish by regulation a three-year transitional agricultural labor program to assist employers in shifting from the employment of unauthorized aliens (Sec. 211(b)(4)). Requires persons or associations wishing to employ "O" nonimmigrant workers to apply for registration with the Attorney General during the first year of the transitional program and to provide such information on their labor requirements as the Attorney General may specify. Requires the Attorney General to specify with respect to each registration the maximum number of "O" nonimmigrants to be employed during the first year of the transitional program, based on the needs specified in the application, the historical seasonal employment needs, and the availability of domestic labor.

Provision	Existing law	S. 529 as Passed	H.R. 1510 as Reported
(19) Agricultural labor transition program (cont'd.)	No comparable provisions.	Requires the participating employer, upon request from the Attorney General, to inform him of the number of transitional workers employed and the total number of seasonal agricultural workers employed (Sec. 214(g)). Provides that during the second and third year the employer may employ up to 67 percent and 33 percent respectively of his seasonal agricultural worker need with transitional workers (Sec. 214(b)). Provides that an undocumented alien in the U.S. is eligible to be a transitional worker if he has been employed as a seasonal agricultural worker in the U.S. for at least 90 days after Jan. 1, 1980 (Sec. 214(e)(1)).	Requires the Attorney General to issue to the employer a nonimmigrant labor form, referred to as a "work permit," for each nonimmigrant approved for employment for the specified time period. Requires the Attorney General to reduce the number of work permits issued to 67% in the second year and 33% in the third year of the transitional program, and prohibits the issuance of any work permits after the third year. No comparable provision.

Provision

Existing Law

S. 529 as Passed

H.R. 1510 as Reported

(19) Agricultural
labor transition
program (cont'd.)

No comparable provisions.

Provides that undocumented aliens who are deportable for reasons other than illegal entry or violation of nonimmigrant status or who are excludable on other than documentary grounds are ineligible to be transitional workers, and that only persons employed as transitional workers for the first year are eligible for such employment the second and third years (Sec. 214(e)(2)).

Sets forth documentary conditions for the issuance of "O" non-immigrant work permits to aliens who are not otherwise eligible to accept employment, with the provision that such aliens are deportable at the expiration of the work permit or on grounds other than illegal entry or the documentary grounds for exclusion.

Provides that agreement by an alien to be a transitional worker does not preclude that alien from eligibility for legalization (Sec. 214(i)).

No comparable provision.

Requires employers participating in the transitional program who also employ H-2 workers to provide the same required wages and working conditions to all similarly employed workers (Sec. 214(h)).

Requires agricultural employers of "O" nonimmigrants to provide the same wages, working conditions, transportation, etc. as would be required with respect to H-2 agricultural workers.

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
(19) Agricultural labor transition program (cont'd.)	No comparable provisions.	No comparable provision. Provides that nothing in this section shall permit transitional workers to replace available U.S. workers or legal foreign workers admitted under the INA (Sec. 214 (c)).	Provides that the work permit issued to "O" nonimmigrants will be considered to be an alien registration card for the worker verification requirements of the employer sanctions provisions, and that such aliens will be considered authorized by the Attorney General to accept employment. Exempts "O" nonimmigrants from the FICA and unemployment compensation withholding requirements as temporary alien agricultural workers. Authorizes the Attorney General to provide for such suspensions and conditions on participation of agricultural employers in the transitional program as are consistent with the H-2 program. Further requires the Attorney General to suspend registration of an agricultural employer under the transitional program and authorizes him to prohibit the employer's participation in the H-2 program for up to three years, if the Attorney General determines, after opportunity for a hearing, that during the previous two-year period after the effective date of the transitional program, the employer has:

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
(19) Agricultural labor transition program (cont'd.)	No comparable provisions.	No comparable provision.	(1) knowingly discriminated regarding employment against eligible individuals without work permits, (2) knowingly hired unauthorized aliens, (3) employed an "O" non-immigrant for other than seasonal agricultural employment or during an unauthorized time period, (4) become ineligible for certification under the H-2 program, or (5) otherwise substantially violated a material condition of the registration with respect to the employment of domestic or nonimmigrant workers.
		Provides that transitional workers are fully protected by all applicable Federal and State laws and regulations governing the employment of migrant and seasonal agricultural workers (Sec. 214 (d)).	Similar to S. 529.
		Authorizes the Attorney General to require by regulation the payment of a fee to recover the reasonable cost of processing registrations under the transition program (Sec. 214(j)).	Similar to S. 529.

Provision

Existing Law

S. 529 as Passed

H.R. 1510 as Reported

Students

Amends Sec. 212(e) to add the requirement that "F" and "M" foreign students [established by P.L. 97-116] live abroad in country of nationality or last permanent residence for 2 years before they are eligible for immigrant, permanent resident, or certain nonimmigrant status in the U.S. Provides that the Attorney General may waive in the public interest the 2-year residence requirement for "F" students admitted on or after Sept. 30, 1989, who: 1) graduated from a U.S. college or university and are offered a position as a faculty member or academic researcher in the field in which the degree was obtained to enter as independent immigrants under Sec. 202(b)(1); 2) graduated from a U.S. college or university in a natural science, math., computer science or engineering field and are offered a research, business or technical position by a U.S. employer in the field in which the degree was obtained to enter as immigrants under Sec. 202(b)(1) or (2); or 3) obtained an advanced degree in business or economics from a U.S. college or university, has exceptional ability in business or economics, and is offered a

Similar to S. 529, except: 1) Adds provision that the Attorney General may waive the 2-year residency requirement for "F" and "M" students who are immediate relatives; 2) Requires applications for immigrant waivers to be filed before Sept. 30, 1989; 3) Requires an advanced degree for eligibility for waiver for faculty or academic research positions; 4) Specifies only research and technical positions as eligible areas for immigrant waivers (Item #2, S. 529); Does not specify what employment those with advanced degrees in business or economics must be offered to be eligible for immigrant waiver; 6) Requires labor certification for immigrant waivers (Sec. 212 (a)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Students (cont'd.)		research, business or technical position by a U.S. employer in the degree field requiring such exceptional ability, to enter as immigrants under Sec. 202(b)(1) or (2) (Sec. 212(a)). Also provides that the Attorney General may waive the two-year residence requirement for "F" students with a degree in a natural science, computer science, field of engineering, or business, to receive nonimmigrant status to receive up to 4 years' training by a U.S. firm, corporation, or other legal entity before returning home to be employed as a manager by that same organization (Sec. 212(a)). Provides that the Attorney General shall submit annual reports to the House and Senate Judiciary Committees describing characteristics of program applicants and participants. Also provides that Attorney General and Secretary of State shall study the impact of the immigrant waivers on the professional or technical labor requirements of foreign countries, the results to be submitted to the House and Senate Judiciary Committees by the end of FY 1986. (Sec. 212(a)).	1) Specifies math degree as an eligible area for nonimmigrant waivers; 2) Requires yearly affidavit attesting that alien is in good standing in the non-immigrant training program and will return to his country of nationality or last residence upon completing the program; and 3) Specifies eligibility for 3 rather than 4 years training (Sec. 212(a)). No comparable provision.

Provision

Existing Law

S. 529 as Passed

H.R. 1510 as Reported

Students (cont'd.)

Makes technical and conforming amendments to Sec. 245(c), making adjustment of status for permanent residence unavailable to "F" and "M" nonimmigrants (foreign students) and for nonimmigrant visitors without a visa admitted under Sec. 212(1) [established by Sec. 213(a) of this bill], other than immediate relatives, but exempts "F" students who received a waiver (Sec. 212(b)).

No comparable provision.

Similar to S. 529, but also makes those in the nonimmigrant "O" category established by Sec. 211 of this bill and those nonimmigrant visitors admitted without a visa under subsection 212(m) [established by Sec. 213(a) of this bill] ineligible for adjustment of status (Sec. 212(b)).

Provides that in determining continuous physical presence in the United States for suspension of deportation under Sec. 244(b), time spent as an "F" or "M" student or as a nonimmigrant 101(a)(15)(H) (iii) pursuant to a waiver under Sec. 212 (nonimmigrant receiving training under the waiver provision) shall not apply (Sec. 212(c)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Students (cont'd.)	Similar to S. 529, but also applies to those in the nonimmigrant "F" category established by Sec. 212 of this bill and those nonimmigrant visitors admitted without a visa under subsection 212(a) [established by Sec. 212(a)] of this bill [eligible for adjustment of status under Sec. 212]. Provides that in determining continuous physical presence in the United States for an immigrant, the period of time spent as an "F" or "M" student or as a nonimmigrant 212(a)(12)(B) (11) pursuant to a waiver under Sec. 212 (nonimmigrant receiving training under the waiver provisions) shall not apply (Sec. 212(d)).	Amendments apply to aliens admitted to the United States after the date of enactment except for those regarding adjustment of status in Sec. 245(c) which are to apply without regard to the alien's entry date except that adjustment of status amendments are not to apply to aliens who on the date of enactment qualify for a waiver of the 2-year foreign residency requirement	Similar to S. 529, but specifies that amendments apply after date of enactment to "F" and "M" students or to those "who otherwise acquire such status after such date" except those in subsection (b) regarding immediate relatives, nonimmigrant visitors without a visa, and aliens who received a waiver apply without regard to the date the alien entered the U.S.; and that amendments regarding use of time as "F" or "M" students or as a nonimmigrant receiving training under the waiver provisions for determining continuous physical presence shall apply to periods on or after enactment and shall not have the effect of excluding periods before the date of enactment (Sec. 212(d)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Visa Waivers For Certain Visitors	Defines classes of aliens ineligible to receive visas and excluded from admission to the United States and waivers of inadmissibility (Sec. 212).	Amends Sec. 212 by adding a new subsection (l) to establish a 3-year pilot program whereby the requirement for a valid nonimmigrant visa or border crossing card for admission to the United States for a period not exceeding 90 days may be waived for alien visitors who are nationals of a country that extends or agrees to extend reciprocal privileges to U.S. citizens and nationals and is designated as a pilot country. Provides admission procedures to be followed and specifies that before admission the alien must complete a waiver of review and appeal of immigration officer's determination of admissibility or any deportation action except on the basis of an application for asylum; must have a round trip, nonrefundable, non-transferable, open-dated ticket issued by specified carriers; and must be determined not to represent a threat to the welfare, health, safety, or security of the United States.	Similar to S. 529, but does not specify "health" as a threat in the U.S. program; also amends Sec. 212 to establish a new subsection (m) for nonimmigrant visitor entry to Guam for business or pleasure for a period not to exceed 15 days, requires the Territory of Guam to develop an adequate arrival and departure control system, and requires that such waivers not present a threat to the United States (Sec. 213(a)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Visa Waivers For Certain Visitors (cont'd.)		Provides that alien who has previously failed to comply with nonimmigrant admission conditions may not be admitted under this section (Sec. 213(a)).	
		Specifies that the program not begin until 30 days after the Attorney General certifies to Congress the operational condition of the screening and monitoring system and visa waiver form (Sec. 213 (a)).	
		Provides for designation by the Attorney General and Secretary of State of up to 8 countries as pilot countries for the project. Provides that a country is not eligible unless the average number of refusals of nonimmigrant visas for that country during the 2 previous fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of the country granted or refused and, for either of those FYs, must have been less than 2.5 percent of the total granted or refused during that year (Sec. 213 (a)).	
			Identical to S. 529 (Sec. 213(a)).
			Similar to S. 529 (Sec. 213 (a)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Visa Waivers For Certain Visitors (cont'd.)		Countries not designated for the first fiscal year are not eligible in succeeding years unless the average number of refusals of nonimmigrant visas was less than 2.0 percent for the two previous FYs and, for either of those FYs, was less than 2.5 percent of the total granted or refused during that year (Sec. 213(a)).	Identical to S. 529 (Sec. 213 (a)).
		Provides that a country may not continue as a pilot country unless the number of nationals of that country who during the previous fiscal year were excluded, who withdrew their application for admission as nonimmigrant visitors, and who were admitted as nonimmigrant visitors and violated admission terms, was less than 2.0 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during that fiscal year (Sec. 213(a)).	Identical to S. 529 (Sec. 213(a)).

Provision

Existing Law

S. 529 as Passed

H.R. 1510 as Reported

Visa Waivers
For Certain
Visitors (cont'd.)

Requires the President to report to Congress on extending the program and the number of countries within 2 years of the program startup and requires the report to include evaluation of impact of the program on control of alien visitors, consular operations, and U.S. tourism industry (Sec. 401(d)).

Requires monitoring of the program by the Attorney General and Secretary of State and a report to Congress on extending the program and the number of countries within 2 years of the program startup (Sec. 213(a)).

Provides that there shall be an agreement between the carrier and the Attorney General whereby the carrier agrees to 1) indemnify the United States against transportation costs for nonimmigrant alien visitors ("I" visitors); and 2) submit daily to immigration officers any immigration forms received regarding such visitors. Also provides that the Attorney General may terminate the agreement with 5 days notice for the carrier's failure to meet the terms of the agreement (Sec. 213(a)).

Identical to S. 529 (Sec. 213(a)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Visa Waivers For Certain Visitors (cont'd.)		Amends Sec. 214(a) of INA to provide that no alien admitted to the United States without a visa under Sec. 212(l) may be authorized to remain as a nonimmigrant visitor beyond 90 days (Sec. 213(b)). Other technical and conforming amendments (Sec. 213(c)).	Similar to S. 529, but also provides that no alien admitted to the United States without a visa under Sec. 212(m) may be authorized to remain as a nonimmigrant visitor beyond 15 days (Sec. 213(b)). Other technical and conforming amendments (Sec. 213(c) and (d)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
TITLE III--<u>Legalization</u>			
	Provides for creation of a record of admission for permanent residence for certain aliens who entered the United States before July 1, 1924 or June 30, 1948 if no such record is otherwise available (Sec. 249).	Creates a new section 245A to provide for the adjustment of status of certain aliens to temporary or permanent resident status (Sec. 301(a)).	Creates a new Section 245A to provide for adjustment of status of certain aliens to permanent resident status only (Sec. 301(a)).
		Provides that the Attorney General may adjust to lawful permanent resident status an alien who: 1) applies during the 12-month period beginning 90 days after enactment or 30 days after issuance of an order to show cause; 2) who either: unlawfully entered the United States prior to Jan. 1, 1977, and has resided unlawfully continually in the United States since; entered as a nonimmigrant before Jan. 1, 1977 and whose authority to remain in the United States expired before that date or whose unlawful status was known to the government as of Jan. 1, 1977, and the alien has resided continuously in an unlawful status through enactment; or was a nonimmigrant exchange alien not subject to the 2-year	Similar to S. 529, but: 1) require application during the one-year period beginning on a date (not later than 90 days after enactment) designated by the Attorney General (except those ordered to show cause under Sec. 242 must apply within 30 days beginning on the first day of the one-year period or on the date of issue of the order, whichever is later); 2) date is Jan. 1, 1982, rather than 1977 in each case and Cuban and Haitian entrants are covered (as opposed to their inclusion in the temporary category in Senate bill); 3) specifies applicant is physically present in the U.S. (Sec. 301(a)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Legalization (cont'd.)		foreign residence requirement of Sec. 212(e) or has fulfilled that requirement or received a waiver; 3) specifies alien must be physically present in the U.S. since the date of enactment (Sec. 301(a)).	
		Provides for the adjustment to temporary resident status of aliens who apply during the 12-month period beginning 90 days after enactment or 30 days after issuance of an order to show cause and who either: entered the United States prior to January 1, 1980, and resided unlawfully continuously through the date of enactment; entered as	No comparable provision.

Provision

Existing Law

S. 529 as Passed

H.R. 1510 as Reported

Legalization
(cont'd.)

a nonimmigrant before January 1, 1980, and whose authority to remain in the United States expired before that date or whose unlawful status was known to the government as of January 1, 1980, and the alien resided continuously in an unlawful status since that date; was a nonimmigrant exchange alien not subject to the 2-year foreign residence requirement or who fulfilled that requirement or received a waiver; or the following Cubans and Haitians: a) Cubans who presented themselves for inspection after April 20, 1980 and before January 1, 1981, and who are still in the United States; b) Haitians who on December 31, 1980 were under an order of exclusion or deportation which had not yet been executed or who were the subject of exclusion or deportation proceedings;

Provision

Existing Law

S. 529 as Passed

H.R. 1510 as Reported

Legalization
(cont'd.)

c) Haitians paroled into the United States or granted voluntary departure before December 31, 1980, and were physically present in the United States on that date; or d) Cubans or Haitians who on December 31, 1980, had an application for asylum pending (Sec. 301(a)).

To be eligible for adjustment of status in either case, the alien must be admissible to the United States as an immigrant except as provided; not have been convicted of a felony or of 3 or more misdemeanors committed in the United States; not have assisted in persecuting others because of race, religion, nationality, membership in a particular social group or political opinion; and must have been physically present in the U.S. since enactment (Sec. 301(a)).

Authorizes leasing or acquisition of property to fulfill this Section (Sec. 301(a)).

Eligibility for adjustment to permanent resident status similar to S. 529, but also requires alien to register under the Military Selective Service Act, if the alien is required to be so registered (Sec. 301(a)).

No comparable provision.

Provision

Existing Law

S. 529 as Passed

H.R. 1510 as Reported

Legalization
(cont'd.)

1) Specifies that those receiving temporary status and for the first 3 years of permanent resident status under this program, aliens are ineligible for Federal financial assistance, medical assistance under title XIX of the Social Security Act, and Food Stamps, and that States and political subdivisions may provide that such aliens are ineligible for their programs, except for certain Cuban/Haitian Entrants; 2) Specifies that assistance under 501 of the Refugee Education Assistance Act of 1980 (P.L. 96-422) [for Cuban/Haitian Entrants] shall be unaffected by these provisions; 3) Specifies that persons granted temporary resident status under these provisions shall be permitted brief and casual trips abroad and be authorized to work; 4) No comparable provision (Sec. 301(a)).

1) Similar, except provides that for the first 5 years in lawful permanent resident status and for the first 5 years after an alien is provided a record of lawful admission under Sec. 249 of INA, the alien is ineligible for the Federal assistance, that States and political subdivisions may provide that such aliens are ineligible for their programs, and adds additional categories the ineligibility shall not apply to: assistance for aged, blind, or disabled aliens; or medical assistance provided to aliens under these provisions in accordance with regulations prescribed by the Attorney General in consultation with the Secretary of HHS; 2) Similar to S. 529; 3) No comparable provision [No temporary status authorized by this bill]; 4) Also provides that State plans under title XIX of the Social Security Act are superseded as required for such restrictions on medical assistance (Sec. 301(a)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Legalization (cont'd.)		Provides that applications for adjustment to lawful permanent status from lawful temporary status are to occur during the 6-month period beginning the first day of the 30th month in temporary status if the alien has continuously resided in the United States since then, is admissible to the United States except as provided under Sec. 201(c)(2) of this bill, has not been convicted of a felony or 3 or more misdemeanors committed in the United States, and can either demonstrate minimal understanding of ordinary English or is satisfactorily pursuing an acceptable course of study to learn English (Sec. 301(a)).	No comparable provision.

Provision

Existing Law

S. 529 as Passed

H.R. 1510 as Reported

Legalization
(cont'd.)

Mandates the termination of temporary resident status for aliens who commit an act that makes them inadmissible as an immigrant except as provided under Sec. 201(c)(2) of this bill, is convicted of any felony or three or more misdemeanors committed in the United States, or after 42 months in temporary status, unless the alien has applied for adjustment of status and it has not been denied (Sec. 301(a)).

No comparable provision.

Provides that applications for adjustment of status may be filed with the Attorney General or organizations or State or local governments designated by the Attorney General (Sec. 301(a)).

Applications may be made to and received by designated voluntary agencies and State, local and community organizations (Sec. 301(a)).

No comparable provisions.

Provides that the files and records of the designated agencies and organizations are confidential and that the Attorney General and INS shall not have access without the alien's consent (Sec. 301(a)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Legalization (cont'd.)		No comparable provision; however, penalties provided for in regard to payments fraudulently received under Sec. 302(f). Provides that some provisions of Sec. 212(a) of INA shall not apply in determining alien's admissibility as immigrant and that other provisions of that section except (9), (10), (23), except for that part relating to a single offense of simple possession of 30 grams or less of marihuana), (27), (28), (29) or (33) may be waived for humanitarian reasons, family unity, or the public interest (Sec. 301(a)).	Provides that aliens who willfully make false, fictitious, or fraudulent statements in submitting an application for adjustment of status under this section are subject to criminal penalty under Sec. 1001 of title 18, USC, and that a designated organization that unknowingly forwards such a statement is not subject to such a penalty (Sec. 301(a)). Similar to S. 529, but specifies that alien shall be required at his expense to meet the same medical examination requirements as intending immigrants (Sec. 301(a)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Legalization (cont'd.)		Provides that the numerical limitations of Secs. 201 of the INA [governing immigration] shall not apply to aliens legalized under this section. (Sec. 201(a)).	Similar to S. 529 (Sec. 301(a)).
		No comparable provision.	Provides that aliens apprehended before the beginning of the 1-year period and who can establish a prima facie case for adjustment but cannot apply until that period, may not be deported or excluded without an opportunity during the first 30 days of the period to file for adjustment (Sec. 301(a)).
		Provides for the dissemination of information by the Attorney General, qualified designated organizations and governments, and the Secretary of Labor regarding the benefits aliens may receive under this section and the requirements for obtaining them (Sec. 301(a)).	Similar to S. 529, but does not require participation of the Secretary of Labor; and adds the requirement that the Attorney General promulgate regulations to implement this section before the beginning of the 1-year period (Sec. 301(a)).

Provision

Existing Law

S. 529 as Passed

H.R. 1510 as Reported

Legalization
(cont'd.)

Provides that aliens applying for adjustment must submit documentation of employment in the U.S. "together with independent corroboration" of the information in the documents except if the Attorney General determines such proof is inapplicable, in which case other documentation, together with independent corroboration, may be accepted. Specifies that a duly attested declaration by individual's employer of continuous residency is only rebuttable presumption of physical presence (Sec. 301(a)).

No comparable provision.

Mandates a fee of \$100 or more, to be prescribed by the Attorney General, to be paid by each alien requesting adjustment of status under subsections (a) or (b)(1) (permanent or temporary), the funds to be used without fiscal year limitations to cover administrative expenses for the review of applications (Sec. 301(a)).

No comparable provision.

Provides definitions of "resided continuously" for both permanent and temporary status (Sec. 301(a)).

No comparable provision.

Provision

Existing Law

S. 529 as Passed

H.R. 1510 as Reported

Legalization
(cont'd.)

Adds provision requiring Attorney General, after consultation with Judiciary Committees and designated organizations and governments, to prescribe regulations and to establish requirements necessary for immigration benefits. Allows such regulations to take effect on interim basis if necessary to implement section in timely manner (Sec. 301(a)).

Similar to S. 529, but also requires the development of regulations defining "resided continuously" (Sec. 301(a)).

Allows employment by INS of member or former member of U.S. Armed Forces or retired employee of Federal Government without reduction in annuity or retainer pay for up to 15 months for work on the legalization program (Sec. 301(a)).

No comparable provision.

Allows Attorney General to waive 30-day continuous residency requirement in cases of exceptional and extreme hardship (Sec. 301(a)).

No comparable provision.

Provides that no decision or determination by the Attorney General under this section may be reviewed by U.S. or State courts, that no alien denied adjustment under this section may raise such

Mandates that there shall be no administrative or judicial review of adjustment of status determinations except as provided in this subsection, as follows:
1) the Attorney General shall

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Legalization (cont'd.)		a claim in U.S. or State proceedings, and that no denial based on late filing may be reviewed by U.S. or State courts or in U.S. administrative proceedings (Sec. 301(a)).	establish an administrative appellate authority for a single level of review to be based solely on the administrative record established at the time of the determination; 2) judicial review is allowed only after administrative review is exhausted; 3) judicial review available for such denial only in the judicial review of a deportation order and must be based solely on the administrative record established at the appellate review unless the applicant can establish gross abuse of discretion or that the findings are contrary to clear and convincing facts contained in the record as a whole (Sec. 301(a)).
		Requires President to report to the House and Senate Judiciary Committees within 2 years on legalized population including 1) geographic origins and manner of entry; 2) demographic characteristics; 3) patterns of employment; 4) participation in social service programs; and 5) general profile and characteristics (Sec. 401(e)).	Provides that the President shall report to Congress within 18 months after enactment on the impact of this legalization program, including the impact on State and local governments (Sec. 301(c)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Legalization (cont'd.)		Repeals P.L. 89-732 regarding the adjustment of status to permanent resident of Cuban refugees and specifies that the repeal not apply to Cubans admitted or paroled into the United States before April 21, 1980 (Sec. 301(c)).	No substantive difference from S. 529 (Sec. 301(d)).
Registry	Provides for issuance of record of admission for permanent residence for certain aliens who entered the U.S. prior to June 30, 1948 (Sec. 249).	No comparable provision.	Amends Sec. 249 of INA so that a record of lawful admission for permanent residence may be made for admissible aliens who entered the United States prior to January 1, 1973 (Sec. 302(a)).
Legalization Assistance	No comparable provision.	Establishes a 6-year State impact aid block grant program beginning in FY 1984 to carry out the legalization program and authorizes such sums as necessary (Sec. 302(a)).	Provides Sec. of HHS shall provide for 100 percent reimbursement to each State for the costs of programs of public assistance provided to eligible legalized aliens until the end of the 4-year period beginning the date the status was granted and to aliens provided a record of lawful admission under Sec. 249 of INA until the end of the 4-year period beginning when the alien was provided such record, subject to available appropriations. Authorizes such sums as necessary for FY 1984-87 (Sec. 303(a) and (b)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Legalization Assistance (cont'd.)		Directs that grants be based on 1) the number and ratio to total State residents of eligible legalized aliens in the State; 2) net expenditures by State to provide cash, medical or other assistance to meet basic subsistence or health needs of eligible legalized aliens; 3) other factors deemed appropriate by Secretary of Health and Human Services (Sec. 302(b)).	No comparable provision.
		Allows the Secretary of HHS to estimate the number of eligible legalized aliens on the basis of "such data as he may deem appropriate" (Sec. 302(h)).	No comparable provision.
		Defines eligible legalized alien as 1) those granted temporary resident status until either terminated or granted permanent resident status and 2) those granted permanent resident status for the first 3 years (Sec. 302(i)).	Defines eligible legalized alien as 1) those granted permanent resident status for the first 5-years and 2) those provided record of lawful permanent admission under Sec. 249 for entry on or after June 30, 1948, for first 5 years (Sec. 303(b)).
		Describes reports of intended use, statement of assurances, and filing of revisions required of States receiving funds and requires that these be made public (Sec. 302(d)).	No comparable provision.

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Legalizaiton Assistance (cont'd.)		Describes annual reports on activities required of States to the Secretary of HHS and of the Secretary to Congress; describes State audits required and the repayment mechanism to be used for improper expenditures; describes circumstances for withholding of funds from States; and provides for access to States' related accounts and records by the Secretary and Comptroller General (Sec. 302 (e)). No comparable provision.	No comparable provision. Provides that payments be made in accordance with this section to State education agencies to assist local education agencies provide educational services for eligible legalized aliens, subject to available appropriations, and specifies that the payment amounts shall be based on the number of eligible legalized aliens enrolled in elementary and secondary public schools within the jurisdiction of each local education agency in the State (Sec. 303(c)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Legalization (cont'd.)		Provides for a fine of up to \$25,000 or imprisonment or both for making false statements or misrepresentations to obtain payments under this section or concealing or failing to disclose an event with fraudulent intent to secure payment not due (Sec. 302(f)).	No comparable provision; however penalties provided for fraudulent adjustment of status applications (Sec. 301(a)).
		Provides that prohibitions against discrimination in programs and activities funded under this section shall apply and allows for civil or other action provided by law be taken (Sec. 302(g)).	No comparable provision.
		Provides that the Secretary of Health and Human Services shall consult with representatives of State and local governments in establishing regulations and guidelines (Sec. 302(h)).	No comparable provision.

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
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**TITLE IV--
GENERAL PROVISIONS
(Senate Bill)**

NOTE: S. 529 and H.R. 1510 have unrelated Title IVs. The Senate's is shown first, followed by the House's, with comparable provisions from the other bill shown where relevant.

Reports to Congress

No comparable provision.

Requires the President to report on the implementation of the provisions relating to unlawful employment of aliens, including adequacy of the existing verification system, the status of development of a secure verification system, the impact of U.S. workers, the number of illegal entries and visa violations, discrimination, and paperwork. Reports due every 6 months from the date of enactment, except for 3 reports on discrimination, and paperwork due 18, 36, and 54 months after enactment (Sec. 401(a)).

Requires the President to monitor and consult with Congress every 6 months concerning the implementation and impact of the provisions to control unlawful employment of aliens, including the effectiveness of the existing verification system and the status of changes and additions; and the impact on the economy, employment of U.S. citizens and aliens, and illegal immigration (Sec. 101 (a)(1)).

No comparable provision.

Requires comprehensive report by the President within three years after enactment and every three years thereafter on general legal admissions under the INA, including the number of aliens admitted as immediate relatives and as other permanent residents, refugees, asylees, and parolees, and an estimate of deportable

Similar to S. 529, except also requires inclusion of any appropriate recommendations on changes in numerical limits or other related policies, and requires hearings by the House and Senate Judiciary Committees within 90 days of receipt of report. Requires first report by Jan. 1, 1987; requires impact assessment

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Reports to Congress (cont'd.)		aliens; and their present and future impact on foreign policy, the economy, environmental quality, resources, population growth, and employment (Sec. 401(b)).	to also include the labor and housing markets, education system, and social services, and requires projection to be based on succeeding five-year period (Sec. 203).
	No comparable provision.	Requires the President to report on the implementation of the agricultural labor transition program and the H-2 program, including impact on labor needs of U.S. employers and on wages and working conditions of U.S. workers, the development of regulations, and recommendations for modifications, including improving timeliness of decisions, removing economic disincentives for hiring domestic workers, and ending dependence on temporary foreign workers. Requires report on the H-2 program not later than 2 years after enactment, and report on the transition program each year for 3 years beginning a year after enactment (Sec. 401(c)).	Requires the Secretary of Labor, in consultation with the Attorney General and the Secretary of Agriculture, to report not later than 2 years after enactment on recommendations for improvements in the H-2 program, including those specified in S. 529 (Sec. 211(e)).
	No comparable provision.	Requires the President to report within 2 years of program start-up on the visa waiver program, including an evaluation of the impact on control of alien visitors, consular operations,	Requires monitoring of the visa waiver program by the Attorney General and Secretary of State, and a report on extending the program and the number of countries included within 2 years

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Reports to Congress (cont'd.)		and U.S. tourism industry; and recommendations on extending the program and the number of countries included (Sec. 401 (d)).	of the program start-up (Sec. 213(a)).
	No comparable provision.	Requires President to report within 2 years and every 2 years thereafter for 3 more reports on legalized population, including 1) geographic origins and manner of entry; 2) demographic characteristics; 3) patterns of employment; 4) participation in social services programs; 5) general profile and characteristics (Sec. 401(e)).	Provides that the President shall report within 18 months of enactment on the impact of the legalization program, including the impact on State and local governments (Sec. 301(c)).
	No comparable provision.	Requires Secretary of Labor, after consultation with Attorney General and representatives of domestic employees, domestic employers, and domestic institutions of higher education, to report within 3 and 5 years to Congress and the President regarding the nation's need for qualified technical or professional immigrants who may be in critical demand and recommend changes in current laws and regulations (Sec. 401(f)).	No comparable provision.

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Enforcement of the Immigration Laws of the United States	No comparable provision.	Expresses the sense of the Congress that U.S. immigration laws should be enforced vigorously and uniformly; and that the constitutional rights, personal safety, and human dignity of U.S. citizens and aliens should be safeguarded during such enforcement (Sec. 402).	No comparable provision.
Reimburse States for Incarcerating Illegal Aliens	No comparable provision.	Requires the Attorney General to reimburse a State for the costs incurred for the imprisonment of an alien convicted of a felony by the State, except in the case of certain immigrants and nonimmigrants, and authorizes the necessary appropriations (Sec. 403).	No comparable provision.
Report by the Comptroller General	No comparable provision.	Requires the Comptroller General to report one year after enactment and every year after that for five years on results of implementation and enforcement of provisions to control unlawful employment of aliens, for the purpose of determining whether provisions have been carried out satisfactorily, employment discrimination has resulted, or an unnecessary regulatory burden has been created for employers. Requires House and Senate Judiciary Committees, House Education and Labor Committee, and	Requires report by the Civil Rights Commission describing the implementation and enforcement of provisions to control unlawful employment of aliens after 18 months, 36 months, and 54 months from enactment, to determine if a pattern of unlawful discrimination against U.S. citizens or legal aliens has resulted (Sec. 101(a)(1)).

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
Report by the Comptroller General (cont'd.)		Senate Labor and Human Resources Committee to hold hearings on the reports and submit any recommendations for remedial action within 60 days of re- ceipt (Sec. 404).	
Authorizations of Appropriations	No comparable provision.	Amends the INA to authorize the appropriation of \$200 million to carry out the provisions of the INA in FY84 (Sec. 405(a)).	Amends the INA to authorize INS appropriations for the purpose of carrying out the INA of \$716,550,000 for FY84; \$689,232,000 for FY85; and \$731,327,000 for FY86. Also authorizes a supplemental appropriation of \$35,480,000 for FY83 (Sec. 111).
		Authorizes appropriation of such sums as may be necessary to the Department of Labor for enforce- ment activities of the Wage and Hour Division and the Office of Federal Contract Compliance Prog- rams, and to the Equal Employment Opportunity Commission for its enforcement activities in connec- tion with Sec. 274A (employment sanctions) of the INA (Sec. 405 (b)).	No comparable provision.
Official Language	No comparable provision.	Expresses the sense of the Congress that English is the official language of the United States and that no other lan- guage is recognized as the official language (Sec. 406).	No comparable provision.

Provision	Existing Law	S. 529 as Passed	H.R. 1510 as Reported
West Virginia Fruitgrowers	No comparable provision.	Expresses the sense of the Senate that the Department of Labor should reexamine its Jan. 4, 1983 rulemaking at 20 CFR 655, affecting West Virginia fruitgrowers by increasing the adverse effect wage rate by 17.2 percent, with the purpose of seeking a fair and reasonable adjustment of that rate (Sec. 407).	No comparable provision.

Provision

Existing Law

S. 529 as Passed

H.R. 1510 as Reported

TITLE IV--EXTENDED VOLUNTARY DEPARTURE FOR SALVADORANS (House Bill)

Extended
Voluntary
Departure for
Salvadorans

No comparable provision.

No comparable provision.

Expresses the sense of the Congress that the Attorney General should extend the date of required departure for Salvadorans who otherwise qualify for voluntary departure under the INA until such date as the Secretary of State determines that the situation in El Salvador has changed sufficiently to permit their safe return (Sec. 401).