

Frequently Asked Questions Senator Cornyn's Guest Worker Proposal

Generally, how will the program work?

The Secretaries of the Department of Homeland Security and the Department of State will create guest worker programs with eligible foreign countries that enter into agreements with the U.S. to develop standards of enrollment, procedures for providing health care and training of workers, and monitor information regarding the departure and return of workers.

How do workers sign up for the program?

Undocumented individuals currently in the U.S. may apply for the guest worker program within 12 months after the date of enactment in conjunction with a U.S. employer. Undocumented workers who apply must show proof of residency in the U.S. by date of enactment, and they will be provided a photo ID. They will be able to travel across borders while they are guest workers in the United States. Undocumented individuals in the U.S. who do not sign up for the guest worker program within the initial 12 month period after the date of enactment will be subject to deportation. Following the initial 12 month period, all applicants to the guest worker program will have to apply from their home country.

Who is eligible and how long are they permitted to stay in the U.S.?

Individuals may work in the U.S. on a seasonal or nonseasonal basis. Seasonal workers are authorized to stay nine months at a time. Nonseasonal workers are authorized a full 12 months, not to exceed 36 months total.

How does this bill improve homeland security?

I believe that the majority of the estimated 8-10 million undocumented individuals in this country have absolutely no desire to harm us. Rather, they are here to work hard and to provide for their families. But our homeland security demands that we identify those hardworking individuals so we are able to concentrate our limited enforcement resources on smugglers, drug dealers, and terrorists. In addition, this bill addresses the need for better border and homeland security by requiring undocumented workers to register with the Department of Homeland Security and by implementing an entry-exit control system for temporary workers.

How does the employer participate?

Employers seeking temporary guest workers must apply with the Labor Department and must provide specific information about the nature of the work and the wages to be paid. The employer must attest that there are insufficient workers to perform these jobs and that hiring guest workers will not adversely affect the wages and working conditions of U.S. workers.

What steps have you taken to prevent guest workers from taking jobs away from American workers?

Except for seasonal work, the number of guest workers permitted to enroll would be adjusted annually in response to changes in U.S. economic conditions, specifically unemployment rates, on a region-by-region basis. Employers would be required to show that they had made a good-faith effort to hire Americans. Guest workers would receive the same pay and benefits given any other worker in the same job.

What happens to employers that continue to hire undocumented immigrants after the guest worker program is enacted?

After the initial 12 month grace period, penalties for employment of undocumented immigrants would be substantially increased and strictly enforced. Hiring an undocumented immigrant after enactment of the guest worker program will, in addition to civil penalties and fines, result in debarment from the guest worker program.

Will undocumented immigrants not participating in the guest worker program be sent back to their home countries?

After the initial 12 month period available to enroll as a guest worker, workers that are in the United States in violation of our immigration laws will be subject to deportation.

Will the guest workers become legal permanent residents?

The Secretary of DHS will establish an evaluation system to give a level of priority to guest workers applying for legal permanent resident status from their home country after participating for 3 years in the program. A guest worker can only apply for legal permanent resident status in the U.S. when they have returned to their home country.

What is the guest worker investment account and what is it for?

Federal payroll taxes from guest workers will be transferred into individual investment accounts. The investment accounts will be the property of the guest worker and will be invested in funds created and managed by the Secretary of the Treasury. The guest worker can access these investment accounts only after the worker permanently leaves the program and returns to their home country. The account will allow guest workers to return to their home countries with money they can use to invest when they return home.

Will the guest workers be required to pay income taxes?

Yes, guest workers enrolled in the program must pay federal income taxes.

Why does Senator Cornyn's bill require guest workers to return to their home countries in order to apply for adjustment of status?

It is in our interest to facilitate economic development on both sides of our border. Under my program, guest workers will return to their home countries with the pay and skills they acquired as guest workers in the United States.

How is this bill NOT an amnesty for people who have broken U.S. immigration laws?

This bill is not a guaranteed path to citizenship. The guest worker must return to their home country before applying for adjustment of status. This bill acknowledges that the status quo is an untenable situation and we must find a way to identify the 8-10 million undocumented individuals currently living in the United States. In addition, undocumented individuals who do not sign up for the guest worker program during the initial 12-month period available to enroll in the program will be subject to deportation.

What happens to employers that hire guest workers and then violate U.S. wage or labor laws?

The Department of Labor will be responsible for applying U.S. wage and hour laws within the guest worker program and normal requirements for safe working conditions. Employers who violate these requirements will be subject to the full range and impact of penalties that would apply if their employees were American citizens, plus debarment from the guest worker program for up to 10 years.

Will guest workers be paid at least minimum wage?

Yes, guest workers in the program would be paid at least the federal or state minimum wage.

Why should this bill become law?

My proposal would encourage undocumented immigrants to come out of the shadows, to work legally, and then to return to their homes and families with the pay and skills they acquire as guest workers in the United States. The guest worker program I propose recognizes the vital role hard-working immigrants play in our economy and creates a comprehensive program to reestablish respect for U.S. law and restore dignity and efficiency to the current patchwork system.