

# The Gang of 8 Immigration Bill: Tough, Fair, and Practical

**Sarah Trumble**

Former Deputy Director,  
Social Policy & Politics

**Lanae Erickson****Hatafsky**

Vice President for the  
Social Policy & Politics  
Program

 [@LanaeErickson](https://twitter.com/LanaeErickson)

## Takeaways

Three words describe the recent immigration reform bill introduced by a bipartisan Gang of 8 Senators:

- TOUGH on enforcement;
- FAIR to U.S. taxpayers; and,
- PRACTICAL in fixing our outdated system going forward.

Last week, a bipartisan Gang of 8 Senators—Senators Schumer, McCain, Durbin, Graham, Menendez, Rubio, Bennet, and Flake—introduced an immigration reform bill that creates a path to citizenship for the 11 million undocumented immigrants already in the country, seeks to better secure the border, and attempts to fix our broken and outdated system to ensure that we can compete in a modern global economy. Does it deliver on its promise, and is the legislation friendly to the vast ideological middle of America? Our careful reading of the bill indicates the answers are “yes” and “yes” to both questions.

On the substance, the bill is tough on the border, it is fair to both taxpayers and undocumented immigrants, and it restores the rule of law in a practical way that solves our immigration problem for good. On the politics, it addresses the concerns of ideological moderates who are open to a path to citizenship but can easily become dubious of legislative solutions. In essence, the bill answers the key questions that reasonable skeptics may pose (Is citizenship appropriately

valued and treasured in the legislation? Are taxpayers' interests protected? Can I be assured that this will actually work as promised? Will it be good for our economy?).

Answering these questions in the affirmative—as this bipartisan legislation does—is critical because in previous Third Way polling we found that voters expressed complex views on immigration. During the last immigration battle, for example, 83% of those polled supported a path to citizenship, yet 60% thought it would be a good goal to deport all undocumented immigrants already in the country if it were practical to do so. Likewise, most Americans felt that immigrants were generally good people and that immigration was a good thing for this country (65%), but they also thought those who came here illegally should be held accountable for breaking the law (60%).

The bipartisan Gang of 8 has crafted a compromise bill that Americans on both sides of the aisle can support, because it adheres to our country's values. It treats citizenship as a precious treasure to be earned, not a commodity to be handed out freely. It ensures that lawbreakers are held accountable. It does not punish children for the sins of their parents. It is tough on the border, fair to taxpayers, and practical to reform our antiquated immigration system once and for all.

## **It's tough on the border and on enforcement.**

For moderate Americans, securing the border and restoring the rule of law is the key that unlocks a path to citizenship. The Gang of 8 bill does just that, enhancing already existing policies to strengthen border security and creating new policies to plug gaping holes in the current system.

Since the last immigration reform bill failed in 2006–2007, border enforcement has already been vastly increased, and this bill carries on in that tradition: within 6 months the Department of Homeland Security (DHS) is required to create a border surveillance and fencing plan designed to catch at least 90% of illegal border crossings. If this 90% benchmark

is not met within five years, the bill would form a Southern Border Security Commission, made up of the 4 border state governors as well as 6 experts in border security, to review the state of border, identify problems, and offer recommendations. The bill initially allocates \$3 billion for the surveillance plan's technology and personnel, focusing on ensuring persistent surveillance of the most high-risk sections of the border. It also provides \$1.5 billion for fencing and \$2 billion more for the Commission, should it be needed. This prioritization aligns with the concerns of the public, 83% of whom support stricter border control and 67% of whom are in favor of higher federal spending on the border.

Additionally, the bill's enforcement "trigger" requires that DHS begin implementation of this surveillance and fencing plan before any undocumented immigrant can receive even provisional legal status, and the plan must be substantially operational before anyone with provisional legal status can receive a green card for permanent legal residence.

In addition to cracking down on the border, the bill addresses the two major holes in the current enforcement system. It mandates nationwide use of the workplace verification technology system E-Verify, to be phased in over 5 years, as well as the creation of an entry-exit tracking system to catch those who overstay their visa—currently estimated to make up about 40% of the undocumented population. Under the enforcement "trigger," both of those systems must be operational before any undocumented immigrant can move from a provisional legal status to a green card. Mandatory E-Verify use is supported by 83% of Americans, and under the bill it would include strong due process shields to protect employment applicants and employees.

In short, on the question of border and workplace security, the bipartisan legislation would create the toughest regime in modern American history.

**It's fair to both taxpayers and undocumented immigrants.**

Nine out of ten Americans say that making immigrants pay their fair share in taxes is a very important priority in immigration reform, and this bill addresses that concern in a number of crucial ways. First, it guarantees that undocumented immigrants gaining legal status must pay their own way. Secondly, the legislation would be good for the economy at large, making America a magnet for global job-creating talent and ensuring we have the workforce our economy needs to grow, which will benefit all American taxpayers.

## **The Legalization Process**

The pathway to citizenship addresses the economic and philosophical concerns of moderates. It is long and difficult, but fair—recognizing that citizenship is a privilege to be earned. Importantly, it will not cost taxpayers one cent. It requires applicants to pass a background check, cover the costs of processing their own paperwork, pay a fine and back taxes, show they can provide for themselves and their families every time they apply for an extension or adjustment of status, and learn English and civics. That means that no taxpaying American has to subsidize the legalization process. And by making undocumented immigrants gaining legal status ineligible for federal benefits for at least 13 years, the bill addresses concerns—fair or not—that immigrants will be a drain on scarce federal resources.

From the perspective of undocumented adults, the pathway to citizenship will take at least 13 years, which is a long time to wait. But during that time, they will be given a legal status which allows them to work, travel, and conduct their affairs without risk of deportation, bringing them out of the shadow economy and ending a life of fear. In short, for 11 million people who have lived, worked, and raised a family in this country, they will finally be able to exhale.

And by creating an expedited path to citizenship for young people who were brought here through no fault of their own, the bill adheres to the American value of not punishing children for the transgressions of their parents.

## **A Future System Focused on America's Economic Needs**

Taxpayers will also benefit from the economic advantages that will accrue to the United States from the passage of this bill. Currently, our outdated system provides nearly all of our annual green card numbers based on family ties, not an immigrant's ability to contribute to our economy. Right now, less than 15% of our green cards go to those who are petitioning on the basis of employment (140,000 of approximated 1 million annually), and that number shrinks to about 7% when you subtract their spouses and children who use approximately half of that allotment. The Gang of 8 bill would bring that ratio closer in line with our global competitors, some of whom base up to 2/3rds of their immigration on employment, by expanding the opportunities to gain entry to our country based on education and the ability to contribute to the U.S. economy. The bill will take us from about 14% of green cards being awarded based on contribution to our economy to at least 40% in one fell swoop:

- Temporary visas for high-skilled immigrants (H-1B visas), which are in high demand and this year ran out only five days after they were opened, will increase from 65,000 to 110,000, with the possibility of rising to 180,000 depending on economic factors. Ensuring that American companies can access these high-skilled immigrants is something that more than 70% of Americans support, including 67% of Republicans and 65% of Independents.
- An entrepreneur visa will be created for those who have generated U.S. jobs, to ensure that the next Google and Facebook are created here.

- Students graduating with a PhD in science, technology, engineering, or math (STEM) will be exempted from green card caps, to ensure that they can come or stay here and grow our economy. This will end the counterproductive current practice of providing many international students with a first-rate American education, often subsidized by U.S. tax dollars, only to force them to leave and compete with us in the global marketplace.
- Children and spouses of employment-based green card holders will be exempted from caps as well, ensuring that all employment visas go to the people with the skills, experience, and education our economy needs to thrive (this effectively doubles employment-based visas immediately, given that about half currently go to these family members).
- At least 120,000 new green cards will be allocated by a merit-based system, which will take into account education, work experience, employment skills, family ties, and English knowledge.
- A new low-skilled guest worker program designates at least 20,000 visas to those industries that rely on immigrant labor, growing annually and fluctuating based on economic need, not to exceed 200,000.

	Current System	Gang of 8 Bill
H-1B high-skilled temporary visas	65,000	110,000 (can rise to 180,000 based on economic conditions)
H-1Bs for advanced degrees from American universities	20,000	25,000 (must be in STEM field)
Entrepreneur visas	0	10,000
Existing employment-based green cards	70,000 (140,000 total but half go to dependents in line below)	140,000
Spouses & kids of employment-based green card holders	70,000 (uses half of current employment visa total)	Unlimited (likely about 140,000 given current use)
Merit-based green cards	0	120,000

		(can rise to 250,000 based on economic conditions)
Green cards for STEM PhDs	0	Unlimited
Low-skilled guest workers	0	20,000 in year 1; 35,000 in year 2; 55,000 in year 3; 75,000 in year 4; Up to 200,000 based on economic conditions
Total Economic Immigration	140,000 green cards; 85,000 other high-skilled temporary visas	<i>At least</i> 410,000 green cards; <i>At least</i> 135,000 other high-skilled temporary visas; <i>At least</i> 20,000 low skilled visas

Note: Shaded cells represent temporary visas.

Through these measures, the bill will improve the U.S. economy by ensuring we have the kind of workers we need. It will make our country a magnet for global talent, and that is good news for all American taxpayers.

## It's practical, fixing the system once and for all.

Moderates want practical reform—the kind that will fix the system going forward and put this issue to bed for good. They do not want to see politicians discussing this issue again in another 10 years, and who can blame them? The Gang of 8 specifically designed their bill to address this concern, and Americans will finally have a workable alternative to deportation or doing nothing, neither of which are viable policy solutions to our broken immigration system.

This bill fixes future flow—it establishes a merit-based allocation system, hinges the number of visas to market need, and eliminates the backlogs within 8 years. Before any undocumented immigrant can get a green card, everyone already in line must have received theirs, and we have to know that the enforcement systems are working. Processing of visas to the United States will be streamlined world-wide. And the bill even creates a New Americans Taskforce to speed up and assist in the seamless integration of immigrants in our country.

The bill would also restore the rule of law in a practical way, by making it much harder for people to come here illegally. Not only will stepped-up enforcement on the border make illegal crossings much more difficult, but the entry-exit tracking system will make it exponentially more difficult to simply overstay your visa, and the mandatory use of E-Verify will ensure that those here illegally cannot work, reducing the draw for undocumented workers. The bill cracks down on dirty employers who cheat the system or give American jobs to immigrants. It increases penalties for smuggling or crossing the border illegally and for visa fraud or abuse. It calls for new social security cards resistant to fraud, tampering, and identity theft. And it establishes a taskforce to oversee DHS border enforcement efforts, providing oversight to ensure our policies and strategies are working. Seventy-nine percent of Americans think “pass[ing] a long term solution that fixes the immigration problem once and for all” is an important goal in any reform effort, and this bill entails the most comprehensive effort to do just that.

## **Conclusion**

The bipartisan Gang of 8 bill was a hard-fought compromise, crafted over a series of months to carefully address the priorities and concerns of both political parties, business and labor, and taxpayers and immigrant advocates. This means, of course, that no legislator and no group will get everything they want. But it also means that moderates will get everything they need to support it.

There is no such thing as a perfect 900-page bill. But this bill adheres to American values, brings 11 million people out of the shadows, and appeals to moderates by being tough, fair, and practical. We believe that Members on both sides of the aisle should support it and revitalize our immigration system to provide a stable and strong structure for our economy to grow.

