

What You Should Know About the U.S. Citizenship Act



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In his first month in office, President Biden worked with Congressional leaders to introduce the U.S. Citizenship Act, a package of comprehensive reforms to modernize our immigration system and restore American values in our laws. Along with the White House, Senator Menendez (NJ) and Representative Sánchez (CA) have crafted a policy that would bring communities out of the shadows, increase order along our border, create more opportunity for legal immigration, improve our court system, and safeguard the vulnerable—in a way that would benefit all Americans.

While immigration is continually framed as a politically polarizing issue, the components of the U.S. Citizenship Act are in line with the mainstream views of most Americans and would do much to solve the continued challenges our system faces after years of legislative neglect. The U.S. Citizenship Act, if enacted, would allow the nation to move past the rancor and move forward with a system that works for everyone—immigrant and natural born citizen alike.

Here's what you need to know about key provisions of the U.S. Citizenship Act.

1. It Promotes Order along the Border.

The U.S. Citizenship Act would promote order and safety on our southern border by making substantial improvements both to the process for those who arrive at our border seeking asylum and to regional trade. Critically, the bill would modernize our ports of entry across the entire border and increase resources to handle asylum seekers.¹ This would help border officials more efficiently process those who reach our country seeking to make their case for asylum. It would also vastly improve monitoring and flow of daily cross-border traffic, something border communities and businesses have requested for years. With Mexico being our number one trading partner and accounting for \$358.1 billion dollars in imports in 2019, investing to make our border work both to stop what shouldn't cross and expedite what should only makes sense.²

The bill also balances the continued need to regulate our border with our values. It invests in new technology to be deployed at the border to increase efficiency in border regulation with assurances for privacy safeguards from the Inspector General of the Department of Homeland Security.³ And to support and improve the professionalism of those who patrol our border, it increases resources and training for border agents and reforms the use force standards for Customs and Border Patrol.⁴ And the bill ensures we have the resources and tools to target bad actors along the border, codifying criminal penalties for human traffickers and smugglers.⁵

It would take significant steps to address the root causes of migration, helping to decrease the need for people to flee their home countries while also improving the process for those in need of asylum as allowed under our laws. It authorizes programs for and devotes key resources to the Central American region, including initiatives to combat gang violence, domestic violence, corruption, and poverty—all significant contributors to migration in the past decades.⁶ The bill recognizes that it is in everyone's best interest to solve the root causes of migration and that we can make strides to do so in cooperation with the region.

Importantly, the bill would also devote resources to establish and run in-country processing centers for those seeking refuge.⁷ This is a critical tool to test whether a person has a valid claim for refuge in the United States without them making the often perilous thousand-miles journey to the border. And to that end, if enacted, the law would kick start regional information campaigns to warn of the dangers of such journeys and direct people to instead make their case in their home country to see if they are legally eligible for protection under U.S. asylum law.⁸

2. It Improves Our Court and Asylum Systems.

Our immigration courts have faced backlogs for decades, which were only exacerbated by the COVID-19 pandemic. The average immigration case in 2019 took over 700 days to reach a conclusion.⁹ The U.S. Citizenship Act would hire 220 more immigration judges nationwide over

four years and would provide improved training and resources to immigration judges to ensure our laws are fairly and swiftly enforced.¹⁰

To that end, the bill also takes measures to increase access to counsel for immigrants who need to make their case in the court system, especially children.¹¹ Most importantly, it ensures that all children and vulnerable persons are provided with counsel to help them navigate our immigration court proceedings, as they should not be expected to be capable of doing so on their own.

It also doubles down on proven means to safely and smartly reduce immigration detention levels. The bill expands the Family Case Management Program and emphasizes the use of alternatives to detention.¹² These programs have very high compliance rates. When the Obama Administration started a pilot program of the family case management program for asylum applicants, it allowed families to remain outside of immigration detention with regular check-ins with a case manager. And when it came time for court proceedings and hearings, the program had a compliance rate of a whopping 95% when it came to folks showing up to make their case.¹³

This legislation would also make much-needed improvements to the asylum case system. First, it would remove the deadline that requires a person to file their case within one year of arrival—if they are eligible under our asylum laws, they can still plead their case.¹⁴ And it allows those with pending asylum cases to receive work authorization while their case is being decided, an important change that would allow asylum applicants to support themselves and integrate into our communities.¹⁵

3. It Protects Against Abuse.

For far too long, our broken immigration system has meant that those who are left in the shadows are exposed to mistreatment and abuse. The U.S. Citizenship Act would create a commission to examine better ways to enforce employment authorization verification, rather than relying solely on the e-verify system.¹⁶ And it increases accountability for employers who abuse workers through violence, threats of retaliation, or by abusing the immigration process if a worker complains or files a workplace claim.¹⁷ For those who face or witness abuse from employers, the bill would open access to already-existing U visas. The U visa program provides visas to those who are victims of certain serious crimes in the United States or in violation of our laws, in exchange for assisting law enforcement in these cases.¹⁸

Moreover, the bill ensures that federal, state, and local labor laws apply to workers, regardless of immigration status or work authorization. Not only is this an important reform to protect the rights of everyone who works in the United States, but it also removes incentives for employers to hire undocumented immigrants instead of Americans or those here legally.

And finally, it better safeguards those working in the agricultural industry by ensuring overtime payment rights and setting new criminal penalties and fines for those who abuse seasonal

agricultural workers. The bill would phase in overtime pay for agricultural workers, starting after 55 hours per week in 2022, then lowering the threshold 5 hours a week every year until it reaches the standard 40 hours per week in 2025.¹⁹ And the new criminal provisions include prohibitions and penalties for those who withhold passports from workers, threaten or restrict workers' ability to travel, or kidnap, sexually abuse, or kill workers (or attempt to do so).²⁰

4. It Expands Our Legal Immigration System in a Way that Benefits Americans.

The U.S. Citizenship Act also makes important reforms to our entire legal immigration system. For decades, backlogs have left thousands of allocated family-based visas unused. The bill allows those unused visas to be recaptured to help families reunite legally in the United States through the standard family visa sponsorship system. Additionally, it would help more families stay together by removing spouses and minor children from the annual visa limit allocations.²¹

The legislation also takes several steps to ensure that American employers can draw the best talent from the entire global community. It adds 30,000 employment-based green cards, bringing the total number of annually allocated employment green cards to 170,000.²² And it removes per country limits generally, better allowing employers to draw talent from across the globe.²³ It removes doctoral graduates from American universities from overall visa caps, allowing our country to retain American-educated talent.²⁴ It also adds 30,000 more visas to the third preference of "other workers," bringing the total to 40,000.²⁵ These visas are essential to expanding legal employment-based immigration outside of college-educated positions.

The bill also reforms and improves the quality of our seasonal agricultural worker visa program. If enacted, those working seasonally on H-2A agricultural visas would be given the flexibility to stay united with their families, gaining work authorization for their spouses and children in addition to themselves.²⁶

The U.S. Citizenship Act also reinforces America's commitment to a globally diverse immigrant pool. It would add 25,000 more diversity visas.²⁷ The diversity visa program provides visas to countries that are lowly represented in the overall permanent legal immigration system and with most diversity visas currently from Africa and Eastern Europe.²⁸ In total, 80,000 diversity visas would be available annually with the new additions, a number that has not increased in 30 years since the program was created.

These changes reflect strong priorities for our families, communities, and economy. For decades, our legal immigration visa numbers have remained stagnant as America has grown both in size and workforce need. And Americans are overwhelmingly pro-immigration, with 76% saying that immigration makes us better off.²⁹ Even as the debate over immigration continues in Washington, more Americans say we should increase legal immigration than decrease it.³⁰ The U.S. Citizenship

Act would put our legal immigration system in better sync with what we all know: America is a nation of immigrants, and we all prosper when it is a beacon for talent from around the world.

5. It Creates an Earned Pathway to Citizenship.

The U.S. Citizenship Act would address challenges many communities have faced for decades. First, it provides an immediate opportunity for Dreamers (those brought to the U.S. as children without documentation), recipients of Temporary Protected Status (TPS), and certain agricultural workers to gain permanent legal residency (commonly referred to as a green card). After three years, they would be eligible to apply for citizenship (expedited from the typical five years).³¹ Specifically, these groups would be eligible for status under the following conditions:

- **Dreamers** are eligible for permanent legal status if they 1) they arrived before they were 18, 2) have a high school degree or GED, and 3) have a college degree, have served in the military for two years, or have at least three years of work experience.³²
- **TPS Recipients** are eligible for permanent legal status if they have been continuously present in the US since January 1, 2017, and have met the general requirements of the TPS program as of January 1, 2017.³³
- **Agricultural Workers** are eligible for permanent legal status if they have worked 2,300 hours or 400 days in the United States during the 5 five years before they apply.³⁴

Other undocumented immigrants who were physically present in the United States before January 1, 2021, would be eligible to apply for a 6-year Lawful Prospective Immigrant (LPI) Status. This would bring them out of the shadows and allow them to continue working within the United States on a conditional basis, paying taxes and contributing to their communities. After five years with LPI status, a person would then be eligible to apply for permanent legal residency and then could later apply for citizenship as any other immigrant with that status can do.³⁵

All those applying for adjustment of status will be required to complete both criminal and national security background checks. Moreover, applicants must also pay applicable processing fees and any taxes they owe the federal government before their status is adjusted.³⁶

These pathways for longstanding immigrant communities are consistent with the beliefs and values of most Americans. Voters agree there should be an earned pathway to citizenship and that the current broken system isn't working. That's why 69% of voters believe that undocumented communities who have been here for years and who have stayed out of trouble should be given an opportunity to earn legal status and citizenship. And 72% of voters believe the same thing when it comes to Dreamers, who were brought here as children through no fault of their own.³⁷

Conclusion

From fixing the legal immigration process to better regulating our border, the U.S. Citizenship Act would bring our immigration system into the modern era. It would meet the needs of our economy and help millions come out of the shadows. Last November, Americans voted to move past the divisive immigration rhetoric of the past four years. President Biden, Senator Menendez, and Representative Sánchez have put forward a comprehensive package of reforms in line with that mandate. The U.S. Citizenship Act is our opportunity to finally solve the immigration challenges we face while staying true to our values as a nation.

TOPICS

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