SUMMARY OF H.R. 15
Border Security, Economic Opportunity, and Immigration Modernization Act of 2013

OCTOBER 2013

On October 2, 2013, Rep. Joe Garcia (D-FL) and other Democrats in the U.S. House of Representatives introduced a broad immigration reform bill, the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 (H.R. 15). Based on the Senate Judiciary Committee–passed version of the bipartisan Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 (S. 744), this bill has the same name and contains identical language for many provisions. Most importantly, the bill envisions a path to U.S. citizenship for the approximately 11 million undocumented immigrants living in the U.S.

The most significant differences are in the border enforcement titles that include language from H.R. 1417, the Border Security Results Act, passed unanimously by the House Homeland Security Committee on May 20, 2013, and from the Senate Judiciary Committee version of S. 744.

While we applaud the House Democrats for introducing a bill that would help make it possible for millions of hard-working immigrants to participate more completely in U.S. society, the bill is far from perfect. We remain concerned—as we were with respect to the Senate committee's bill, as well as the version of S. 744 bill that passed the full Senate—that the 10- to 13-year road to citizenship it envisions is too long, is extremely narrow, and will be especially difficult for low-income immigrants. For example, immigrants who qualify for registered provisional immigrant (RPI) status—the first step toward citizenship under the Senate bill—would be allowed to live and work in the U.S. but would be denied access to health care subsidies under the Affordable Care Act and to other federal benefit programs paid for by their tax dollars.

Pre-Title: Current Border Security Status

- **Initial implementation.** Within 90 days after enactment of the bill and every 180 days thereafter (or every 365 days, depending upon a review by the comptroller general[1]), the U.S. Department of Homeland Security (DHS) must submit a report to appropriate congressional committees and the U.S. Government Accountability Office (GAO) on the state of "situational awareness" and "operational control" with respect to the border.

[1] The comptroller general is the chief executive officer of the U.S. Government Accountability Office (GAO).

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- **Situational awareness.** *Situational awareness* is defined as knowledge of current illicit cross-border activity, including trafficking and unlawful crossings along land and maritime borders. It also includes the ability to forecast future shifts in trends.
- **Operational control.** *Operational control* is defined as an effectiveness rate of 90 percent or higher in preventing unlawful border crossings and a significant reduction in the movement of illicit drugs and other contraband into the U.S.
- **Additional information**. The reports prepared by DHS must also identify, for each sector along the northern and southern borders, "high traffic" areas and the rates at which people are successful at crossing illegally into the U.S.
- **GAO data verification.** No later than 90 days after receiving each report, GAO must report to the appropriate congressional committees on the methodology and data verification used by DHS to determine to what extent it had operational control over the border during the period covered by the report.

Metrics and Goals

The main border security goal is to establish and maintain situational awareness of high-traffic areas and operational control all along the southwest border of the U.S., including high-traffic areas. The bill outlines specific data that must be measured within 120 days of the plan's initial implementation in order to assess the effectiveness of security at ports of entry, between ports of entry, and at maritime borders. For example, rates at which people successfully cross the border unlawfully must be measured, as well as the rates at which illegally trafficked drugs are seized. DHS must submit to GAO not only its data but also the methodologies it uses to gather and measure the data. Within 270 days of receiving the data, the GAO must submit a report to Congress on the suitability and statistical validity of the data DHS has submitted.

Certifications and Reports of Operational Control

- **High-traffic areas.** If the secretary of DHS determines that DHS has achieved situational awareness and operational control of high-traffic areas within two years of submitting the implementation plan, he or she must submit a certification to Congress and the comptroller general.
- **Southern border.** If the DHS secretary determines that DHS has achieved operational control along the southern border within five years of submitting the implementation plan, he or she must submit a certification to Congress and the comptroller general. After the initial certification has been submitted, the DHS secretary must certify to Congress and the comptroller general every year that operational control along the southwest border is being maintained.
- **Review by the comptroller general.** The comptroller general must review these certifications by the DHS secretary and submit a report to Congress.
- **Failure to achieve situational awareness or operational control.** If the DHS secretary determines that situational awareness or operational control has not been achieved or

maintained, he or she must submit a report to Congress outlining impediments, remedies, and recommendations for achieving them.

Southern Border Security Commission

If the DHS secretary certifies that the 90 percent effectiveness rate has not been reached for one fiscal year during the first five years after the bill's enactment, an advisory Southern Border Security Commission will be established. This commission will issue a report and recommendations to the president on the personnel, technology, and resources necessary to achieve the 90 percent effectiveness rate.

Border Security Results Strategy

Contents of Strategy

No later than 180 days after the bill's enactment, DHS must submit to the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs a comprehensive strategy to gain and maintain situational awareness of high-traffic areas within two years after the submission of the implementation plan and operational control within five years. Among other things, the strategy must take into consideration the following:

- **Principal threats**. Assessment of principal border security threats relating to smuggling and trafficking of humans, weapons, and drugs.
- **Surveillance.** Efforts to increase situational awareness in accordance with privacy, civil liberties, and civil rights protections, including surveillance capabilities developed by the Department of Defense and the use of manned aircraft and unmanned aerial systems deployed (including camera and sensor technology).
- **Assessment of existing technology.** An assessment of existing efforts and technologies used for border security and their effects on civil rights and liberties, privacy, and private property rights.
- **Coordination with state, local, and tribal governments.** Cooperative agreements and information-sharing with other law enforcement agencies that have jurisdiction on land and sea borders.
- **Input from community stakeholders.** Border security information from border community stakeholders, including law enforcement, agriculture and ranching operations, and representatives from businesses and civic organizations along the northern and southern borders. This includes public meetings with stakeholders.
- **Crime rates**. Crime rates in border communities.
- **Training.** An assessment of training programs regarding:
  - Identifying fraudulent documents.
  - Protecting civil, constitutional, human and privacy rights.
  - Scope of enforcement authorities and use-of-force policies.

- Screening, identifying, and addressing vulnerable populations (e.g., children, victims of human trafficking).
- Social/cultural sensitivity toward border communities

Implementation Plan

No later than 90 days after submitting the strategy, DHS must submit an implementation plan to Congress and GAO. Among other things, the plan should address what protections will be put in place to ensure that resources necessary for maintenance of operations *at* ports of entry are not diverted in favor of operations *between* ports of entry. In addition, it must also include a master schedule and cost estimate, along with a comprehensive technology plan to improve surveillance.

US-VISIT Plan

No later than 180 days after the bill's enactment, the DHS secretary must submit to Congress a plan to implement biometric exit capability at ports of entry under the US-VISIT program in accordance with the Enhanced Security and Visa Entry Reform Act of 2002.[2] If the secretary determines that this is not feasible, he or she must submit a plan to implement an alternative program within two years that provides the same level of security.

Alternate Model for Border Security Strategy Development

Although titled "Alternate Model for Border Security Strategy Development," the section of the bill summarized below provides that its provisions *also* must be implemented before applications for registered provisional immigrant (RPI) or lawful permanent resident (LPR) status (under Title II of the bill) may be processed. As the bill is currently written, these border enforcement measures are somewhat duplicative of the mandatory "Border Security Results Strategy" steps summarized above.

- **RPI trigger.** Before the DHS secretary may process applications for RPI status, he or she must issue a "Notice of Commencement" which states that the "Comprehensive Southern Border Security Strategy" and the "Southern Border Fencing Strategy" have been implemented. The former (the border security strategy) must have a 90 percent effectiveness rate at all border sectors, and the latter (the fencing strategy) must identify places where fencing, infrastructure, and technology may be deployed.
- **Funding.** The bill allocates an initial $8.3 billion to a "Comprehensive Immigration Reform Trust" fund. Out of that total, the bill makes the following allocations:
  - $3 billion for implementation during the first five years of the Border Security Results Strategy.
  - $2 billion over 10 years available to the DHS secretary in order to carry out recommendations made by the Southern Border Security Commission.

[2] US-VISIT stands for "United States Visitor and Immigration Status Indicator Technology." According to DHS's website, US-VISIT has been replaced by the Office of Biometric Identity Management (OBIM) as of March 2013. See *Office of Biometric Identity Management* (U.S. Dept. of Homeland Security, undated), www.dhs.gov/obim.

- $1 billion must be used for fencing, infrastructure, personnel, and technology at ports of entry, with the option to spend an additional $500 million.
- $750 million to expand and implement a mandatory electronic employment eligibility verification system, or "EEVS" (the federal government's current, mostly optional EEVS is E-Verify).
- $900 million for one-time start-up costs of implementing the bill.
- $150 million available to be transferred to the secretaries of labor or agriculture or to the attorney general for costs associated with implementing the bill's provisions.

➢ **LPR triggers.** Before RPIs may adjust to lawful permanent resident (LPR) status (i.e., obtain a "green card"), the DHS secretary must:

- Certify that the Comprehensive Southern Border Security Strategy and the Southern Border Fencing Strategy have been "substantially deployed" and are "substantially operational."
- Implement a mandatory electronic employment eligibility verification system, to be used by all employers in the U.S.
- State that DHS is using an electronic system to identify those who are exiting the country at air and sea ports of entry.

➢ **Exceptions.** The "trigger" requirements that must be met before RPIs may adjust to LPR status may be set aside as a result of *force majeure* events or circumstances or litigation challenging the act's constitutionality, or if ten years have elapsed since the act was passed.

➢ **Waiver of laws and federal court review.** The DHS secretary may waive any laws in order to implement the Southern Border Fencing Strategy. Only constitutional claims may be brought in federal district court to challenge the DHS secretary's implementation of the fencing strategy. Even challenges based on this act or other federal statutes would not be allowed.

Title I: Border Security

➢ **Border Patrol.** The bill mandates that the corps of U.S. Customs and Border Protection (CBP) officers be increased by 3,500 from the number of officers in CBP on the date the bill is enacted.

➢ **National Guard.** The bill authorizes the deployment of the National Guard to the southern border to construct fencing and do other enforcement tasks.

➢ **Criminal prosecution of border-crossers.** The bill would increase funding available to criminally prosecute people who cross the border illegally in the Tucson, Arizona, sector. Currently, about 70 people per day are prosecuted; the increased funding would make it possible to prosecute 210 people per day—a three-fold increase.

➢ **Operation Stonegarden.** The bill provides increased funding for "Operation Stonegarden," a program in which local law enforcement collaborates with federal enforcement agencies to do immigration enforcement along U.S. borders.

- **SCAAP.** The bill would expand the State Criminal Alien Assistance Program (SCAAP), which reimburses state and local law enforcement agencies for the cost of incarcerating immigrants who are convicted of crimes, so that the cost of holding people *charged* with offenses can also be reimbursed.
- **Use of force.** The bill provides that use-of-force policies and trainings would be implemented, along with a complaint procedure. U.S. Customs and Border Patrol officers, along with other federal law enforcement officials, would be subject to a prohibition on racial or ethnic profiling.
- **Training.** DHS personnel must be provided training on the new use-of-force policies and the appropriate use of force; on people's civil, constitutional, human, and privacy rights; on screening and identifying particularly vulnerable populations, including children, refugees, and survivors of crime and human trafficking; on social and cultural sensitivity to border communities; and on the impact of border operations on border communities and the environment.
- **Children and families.** DHS must also establish standards for children in CBP custody to ensure that they receive humane treatment in detention. In addition, DHS entities at the border are required to inquire about the family status of immigrants they are detaining and whether a detained person is traveling with a spouse or child. CBP officers must be trained in child welfare and family law, and must consider the best interests of the child as well as family unity when deciding whether to repatriate or prosecute migrants.
- **Border Oversight Taskforce.** The bill requires that an independent 33-member Border Oversight Task Force be established to conduct hearings, take testimony, receive evidence, and administer oaths in order to review and recommend changes to existing border policies.
- **DHS ombudsman.** The bill requires that the new position of "ombudsman for immigration-related concerns" be established to address complaints, inspect facilities, and issue recommendations regarding enforcement policies and strategies.
- **Reporting of human trafficking.** The bill includes human trafficking in the statutory definition of "violent crimes" for purposes of ensuring the compilation of data and the reporting of human trafficking crimes in the Federal Bureau of Investigation's Uniform Crime Report.
- **Limits on dangerous deportation practices.** The bill mandates that, with some exceptions, when noncitizens are removed from the U.S. through an entry or exit point on the southern border, the removals must be done only during daylight hours.

Title II: Immigrant Visas

Registered Provisional Immigrant (RPI) Status

In order to be eligible for RPI status, a person must:

- Have been physically present in the U.S. on or before December 31, 2011,

- Have maintained continuous presence in the U.S. until the date of application,
- Have settled any assessed federal tax liability,
- Not have been convicted of certain criminal offenses, and
- Not have been a lawful permanent resident, asylee, refugee, or present in the U.S. in a lawful nonimmigrant status.

After 6 years of having RPI status, the person to whom it was granted must apply to renew it. After 10 years in RPI status, the person would be eligible to apply for LPR (or "green card") status. An additional 3 years in LPR status is required before individuals may apply for U.S. citizenship.

- **Fees and fines.** Fees paid by the applicant must cover the cost of the application process, and fines would be assessed as follows: $1,000 at RPI application, which may be paid in installments until renewal; and $1,000 at adjustment to LPR status.
- **Taxes.** A person with RPI status must pay taxes and resolve any federally assessed tax liability issues prior to adjusting to LPR status.
- **Time-limit to file.** Immigrants may file for RPI status up to one year after the time that the final regulations are published by DHS. The DHS secretary may extend this limit for an additional 18 months.
- **Ability to apply for family members.** A person with RPI status would also be able to apply for RPI status for dependent children or his/her spouse, provided they were in the U.S. on the date the RPI status was granted to the principal applicant and also that they were present in the U.S. on or before December 30, 2012.
- **Individuals in custody or removal proceedings.** Individuals who are apprehended by immigration authorities before the application period, are in removal proceedings, or have been ordered removed would be able to apply after establishing eligibility for RPI status.
- **Individuals outside the U.S.** Individuals who departed from the U.S. subject to an order of exclusion, deportation, removal, or voluntary departure, and who are outside the U.S. or who reentered unlawfully after December 31, 2011, without receiving DHS consent to reapply for admission would not be eligible to apply for RPI status. However the DHS secretary may waive this bar for spouses or children of a U.S. citizen or LPR, parents of a child who is a U.S. citizen or LPR, or individuals who meet certain requirements under the DREAM-related provisions that are included in the bill. In addition, prior to granting this waiver, DHS must determine whether the individual has a criminal conviction, notify and consult with any victim to determine whether to grant the waiver, and notify the victim that the waiver was granted.
- **Who is not eligible.** Those who have been convicted of the following are not eligible for RPI status: a felony, an aggravated felony, 3 or more misdemeanors (other than immigration status–related convictions), certain foreign offenses, and unlawful voting. Aggravated felonies can include minor offenses such as shoplifting.
- **Nationality-based additional security screening.** DHS is required to conduct an additional security screening of RPI applicants, spouses, and children who resided in a country

or region "known to pose a threat, or that contains groups or organizations that pose a threat to the U.S."

- **Requirements for renewal.** At renewal, RPIs must demonstrate that they have been employed regularly and are not likely to fall below the federal poverty level.
- **Requirements for lawful permanent residence (LPR status or "green card").** At the stage of applying for adjustment to LPR status, RPIs must demonstrate that they are employed regularly and show that they are likely to have income or resources at 125 percent of federal poverty level income or satisfy certain education requirements. They must also demonstrate that they are pursuing a course of study in English and U.S. history/civics.
- **Waiver.** The DHS secretary would have the authority to waive certain restrictions for humanitarian purposes, to ensure family unity, or if it is in the national interest.

DREAM Provisions

An expedited road to citizenship would be available to those who entered the U.S. before the age of 16, graduated from high school (or received a GED) in the U.S., and attended at least 2 years of college or served 4 years in the uniformed services. DREAMers would apply for RPI status, and, after 5 years, would be eligible to apply for adjustment to LPR status. They then would be able to apply immediately for U.S. citizenship.

- **No age cap.** There would be no upper-age limit for those who apply under this provision. This makes sense, since the relevant issue is the person's age at the time of entry into the U.S., not his or her current age.
- **DACA streamlining.** The DHS secretary would have the discretion to establish streamlined procedures for people already granted Deferred Action for Childhood Arrivals (DACA).
- **No penalty for offering in-state tuition.** The bill would repeal a provision of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 that prohibited public universities from offering in-state tuition rates to undocumented students on the basis of residence in the state, unless they offered the same rates to nonresidents of the state.
- **Educational loans.** RPIs who entered the U.S. prior to age 16 (and agricultural workers with "blue card" status) may qualify for federal work-study and federal student loans. They remain ineligible for federal Pell Grants until they adjust to LPR status.

Family- and Employment-based Immigration

The bill provides for significant changes to the family- and employment-based immigration system, including the elimination of certain immigration/visa categories altogether and the lifting of visa caps for others. A new "merit"-based system would be created, and the substantial backlog in the current preference system would be eliminated.

- **Eliminated categories.** The bill would eliminate family-based visas for siblings of U.S. citizens and set a cap at age 31 for married sons and daughters of U.S. citizens seeking immigrant visas. These changes would take effect prospectively, 18 months after the date of

enactment of the bill, and people could file visa petitions to immigrate these relatives up until this effective date.

- **Uncapped categories.** Importantly, spouses and children of LPRs would be considered immediate family members and therefore would no longer be subject to arbitrary visa caps. Spouses and children of those receiving STEM (science, technology, engineering and math) visas, other professionals, and foreign doctors would also be able to have their spouses and children join them.
- **Merit-based "Track One" immigrant visas.** The bill initially would allocate 120,000 immigrant visas per year for Track One visas, a number that could increase by as much as 5 percent each subsequent year as long as U.S. unemployment remains under 8.5 percent, up to a cap of 250,000 visas. The visas would be allocated based on a point system that takes into account various factors, including educational degrees, employment experience, the needs of U.S. employers, U.S. citizen relatives, and age.
- **Merit-based "Track Two" visas**. Track Two visas would be available for people who are currently beneficiaries of backlogged employment and family-based visa petitions, for immigrants who have been waiting for a visa for at least 5 years, and also for individuals who have been lawfully present in the U.S. for at least 10 years. Family members with pending petitions would be allocated transitional merit-based visas such that they should all be allocated over the 7-year period from 2015 to 2021.
- **Repeal of the Diversity Visa Program.** The Diversity Visa Program would be repealed as of October 1, 2014, although noncitizens who were selected in the diversity visa lottery in fiscal year 2013 or 2014 would remain eligible to receive a visa under the program.
- **V nonimmigrant visas.** The bill would create a new nonimmigrant V visa for the beneficiaries of family visa petitions to live and work in the U.S. while waiting for their immigrant visas to be approved.
- **W nonimmigrant visas.** The bill would create a new immigrant worker program for low-skilled workers who will work for 3 years for registered employers in an occupation with labor shortages, with the ability to renew the visa for an additional 3 years. W visa–holders would have the ability to eventually apply for merit-based green cards and to switch to another registered employer and job at will. Dependents would be able to join the W visa–holder and would receive work authorization.

Access to Public Benefits and the Affordable Care Act (ACA)

- **Federal public benefit programs.** People granted RPI status, "blue card" status (agricultural workers), and V nonimmigrant visas will not be eligible for the following "federal means-tested public benefits" programs: nonemergency Medicaid, Children's Health Insurance Program (CHIP), Supplemental Nutrition Assistance Program (SNAP or food stamps), Temporary Assistance for Needy Families (TANF), or Supplemental Security Income (SSI) for the duration of their provisional status. When most of these individuals adjust to LPR status, they will be forced to wait at least 5 additional years before becoming eligible for these

programs. As a result, a person with RPI status who is otherwise eligible for public benefits would not be able to enroll in programs such as Medicaid and SNAP for 15 years.

- **Affordable Care Act.** People granted RPI, "blue card," or V nonimmigrant visa status will be able to buy private health insurance at full cost through the insurance marketplaces created under the Affordable Care Act (ACA). However, during the duration of their provisional status, these people will not be eligible for the ACA's premium tax credits and cost-sharing reductions that help make health insurance affordable for low- and middle-income, working families. As a result, those with RPI, "blue card," or V nonimmigrant visa status will not be subject to the ACA's requirement to have health insurance or pay a tax penalty.

  Other categories of immigration status that are included in the bill, including workers in expanded H-category visas, low-skilled workers who obtain W visas, and people who adjust to LPR status from RPI or "blue card" status or through the clearing of the visa backlogs, will be eligible for the ACA and related subsidies under existing law while in that status. They will not be eligible for federal means-tested public benefits until they adjust to LPR status and then meet the five-year waiting period.

Integration Into Society

The bill contains provisions to facilitate immigrants' language acquisition, civic engagement, financial self-sufficiency, and upward economic mobility. It provides for the creation of three new entities, the Office of Citizenship and New Americans, the Task Force on New Americans, and the United States Citizenship Foundation, that will help immigrants apply for RPI status and for naturalization, and help with integration issues.

Title III: Interior Enforcement

Electronic Employment Eligibility Verification System (EEVS)

The bill would require all employers to use the federal government's EEVS to verify the employment eligibility of newly hired employees; the requirement would be phased in by employer size. The EEVS provision contains significant due process and worker protections for U.S. citizens and employment-authorized people who are affected by a system error. An example of an electronic employment eligibility verification system is E-Verify.

- **Implementation.** Employers with *more than 5,000* employees must begin using the EEVS, for newly hired employees and employees with expiring work-authorization documents, within 2 years after the regulations are published. Similarly, employers with *more than 500* employees must begin using the EEVS within 3 years, and *agricultural employers and all other employers* must begin using the EEVS within 4 years.

Increased Worker Protections

- ***Hoffman Plastic* fix.** The bill would create an important legislative fix of the Supreme Court's decision in *Hoffman Plastic Compound, Inc. v. NLRB*, 535 U.S. 137 (2002), by specifying that neither back pay nor any other damages (except any reinstatement remedy

prohibited under federal law) shall be denied to an individual based on his or her immigration status.

- **POWER Act.** The bill incorporates some of the provisions of the Protect Our Workers from Exploitation and Retaliation (POWER) Act, which was first introduced in Congress in June 2011. H.R. 15 would increase legal protections for immigrant workers who are wrongfully terminated or who experience significant workplace abuse. The bill would bolster legal remedies for immigrant workers who are fired in violation of labor laws, while providing for U-visa relief for whistleblowers who experience serious workplace abuse, exploitation, or retaliation.

Preemption

- **No fix to racial profiling laws.** The bill contains no language to make clear that state laws that inevitably result in racial profiling by law enforcement, such as Arizona's SB 1070, violate the U.S. Constitution and are preempted by federal immigration law.

Administrative Review

- **Single level of administrative review.** The DHS secretary would designate a single level of administrative review for denials or revocations of RPI status. The applicant for RPI status would have 90 days from the date of the negative decision to administratively appeal a denial or revocation of RPI status, "unless delay was reasonably justifiable." Notably, there would be a stay of removal pending appeal, newly discovered or previously unavailable information would be allowed, and there would be no accrual of unlawful presence during administrative appeal.

Judicial Review

- **Review in federal court.** The bill provides for judicial review of denied RPI applications or revocations of RPI status in federal district court in the judicial circuit where the applicant resides. The judge would have discretion to issue a stay of removal (meaning the noncitizen could not be deported) pending appeal, and there would be no accrual of unlawful presence during the judicial review. These determinations could then be appealed to the circuit court of appeals. For people seeking to appeal a denial or revocation of RPI status in connection with an order of removal, however, judicial review would be available only in the circuit court of appeals, if the decision had not already been upheld in a prior decision.

Confidentiality

- **Information on applications or provided by employers.** The bill limits disclosure of information on applications, except in some narrow instances for criminal prosecution or investigations. It also allows audits for immigration fraud schemes. Employers will not be held liable for having hired unauthorized immigrants for whom they provide information to support RPI applications.

Detention/Bond/Alternatives to Detention and Stipulated Orders of Removal

- **Bond**. The bill contains a host of provisions to increase the ability of detained immigrants to get bond quickly and to have an immigration judge review decisions to hold an immigrant in custody.
- **Stipulated orders of removal.** The bill requires an in-person hearing before an immigration judge to determine whether the individual who has signed a stipulated order of removal did so knowingly, voluntarily, and intelligently. This is a much-needed provision to ensure that stipulated orders of removal comport with due process.
- **Oversight of detention facilities.** The bill requires the DHS secretary to inspect all immigration detention facilities annually and, in addition, calls for unannounced inspections. It imposes significant financial penalties for failure to comply with detention standards at any immigration detention facility. These penalties are an important first step in ensuring that facilities that fail to meet basic standards face consequences and that noncitizens in detention have access to basic services.

New Grounds of Inadmissibility

The bill includes several changes to immigration law that would increase the number of people who would not be admitted into the U.S. or who would be removable from the U.S.

- **Fraud**. The bill creates new, stringent civil and criminal penalties for misuse of a passport, likely including instances in which a worker uses a fraudulent passport or a passport that belongs to another person for employment eligibility verification purposes. The bill takes steps to punish *notario* fraud and other unscrupulous people who defraud people needing help with the immigration process. It creates penalties of fines and incarceration of up to 10 years for people who provide fraudulent immigration services, as well as fines and incarceration of up to 15 years for a person who misrepresents him/herself as an attorney or accredited representative.
- **Gang, DUI, domestic violence.** New grounds of inadmissibility include convictions for gang activity, 3 convictions for driving under the influence, sexual abuse, and domestic violence.

Title IV: Reforms to Nonimmigrant Visa Programs

This title reforms the nonimmigrant visa programs for skilled workers and creates new programs for less-skilled workers, investors, and visitors. The visa cap on the H-1B skilled-worker program is raised, while worker protections are increased. A new W nonimmigrant visa for less-skilled workers creates a new process for hiring foreign labor. A new nonimmigrant investor visa and an immigrant investor visa are also created.