

SENATE IMMIGRATION REFORM BILL

Summary of Immigrant Integration Provisions

JULY 11, 2013

On June 28, 2013, in a historic vote, the U.S. Senate passed S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act. The bill is a comprehensive overhaul of much of our nation's immigration system and includes a road to citizenship for millions of currently unauthorized noncitizens. Although, this legislation cannot move forward without action from the House of Representatives, a thorough understanding of the Senate bill may aid members of the House, as well as the public, as the debate on immigration reform measures continues. A general summary of the bill, as well as analyses of the bill's Titles I, II and III, are available at www.nilc.org/irsenate2013.html.

The summary below focuses on provisions in the bill that support public and private immigrant integration efforts. Most of the provisions summarized here are contained in Subtitle E, the integration subtitle of Title II. However, a few other provisions outlined below, provisions that are scattered throughout the bill, also impact integration efforts. These efforts will be crucial to achieving successful implementation of effective immigration reform.

GRANT PROGRAM TO ASSIST ELIGIBLE RPI APPLICANTS

Section 2106 of the bill authorizes the secretary of the Department of Homeland Security (DHS) to establish a program within U.S. Citizenship and Immigration Services (USCIS) to provide competitive grants to eligible nonprofits that will use the funding to help eligible applicants who wish to adjust to registered provisional immigrant (RPI) or lawful permanent resident (LPR) status.

- **Eligible nonprofit organizations.** Tax-exempt nonprofit organizations whose staffs have demonstrated qualifications, experience, and expertise in providing quality services to immigrants, refugees, or asylum-seekers are considered eligible nonprofits. These include community, faith-based, or immigrant-serving organizations.
- **Who may be assisted.** Under the terms of this section, funding may be used to help those applying for RPI status and RPIs or DREAMers who are seeking to adjust to LPR status under sections 245C and 245D of the Immigration and Nationality Act (INA), respectively. In addition, those who are applying for blue-card (agricultural worker) status or to adjust from blue-card to LPR status may also be served through grants provided for in this section.

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- **Use of funds.** Funds allocated through this provision may be used to provide information to the public regarding the eligibility and benefits of registered provisional status. Assistance may also include:
 - Screening prospective applicants' eligibility or lack of eligibility.
 - Completing applications and petitions, including providing help in obtaining supporting evidence.
 - Applying for any relevant waivers.
 - Any other assistance the DHS secretary or grantees consider useful or necessary to people applying for RPI or blue card status.
- **Appropriated funds.** The DHS secretary may use up to \$50,000,000 from the Comprehensive Immigration Reform Trust Fund to support this grant program. In addition, the section authorizes appropriation of such sums as may be necessary for fiscal years 2014-2018 to carry out this program.

OFFICE OF CITIZENSHIP AND NEW AMERICANS

The bill expands the scope and responsibilities of the current Office of Citizenship in USCIS and renames it the Office of Citizenship and New Americans. The chief of this office is tasked with providing leadership on immigrant integration issues within the federal government and with external partners. These changes will take effect one year after the bill's date of enactment.

Responsibilities of the Chief

- **Promote citizenship training.** The chief is charged with supporting the development of educational materials on naturalization requirements for those who are on the path to citizenship.
- **Lead immigrant integration efforts.** The chief is tasked with providing leadership and coordination of federal, state, and local immigrant integration programs. This includes providing information regarding the demand for existing English education programs. The chief will also assist states in coordinating activities under new grant programs for immigrant integration (discussed below).
- **Advise senior officials.** The chief, along with the Task Force on New Americans, will advise the director of USCIS, the secretary of DHS, and the Domestic Policy Council on challenges and opportunities with respect to the linguistic, economic, and civic integration of immigrants and their children. The chief also will provide counsel on immigrant integration considerations relating to federal budgets.
- **Establish national integration goals and evaluation.** The chief will establish national goals for introducing new immigrants into the U.S. and evaluate the scale, quality, and effectiveness of federal government efforts in integration.

- **Enhance awareness of naturalization ceremonies.** The chief, in consultation with the National Park Service and the archivist of the U.S., is charged with developing and implementing a strategy to enhance public awareness of naturalization ceremonies by using venues that have particular historical significance.
- **Report to Congress.** The office must submit a biennial report to appropriate congressional committees regarding its activities.

Funding

- **Initial funding.** The bill authorizes the appropriation of \$10,000,000 to the Office of Citizenship and New Americans for the five-year period ending on September 30, 2018.
- **Future funding.** The bill authorizes such sum “as may be necessary” for fiscal year 2019 and beyond.
- **Gifts.** The office may accept gifts from the United States Citizenship Foundation (described below) to carry out its functions.

TASK FORCE ON NEW AMERICANS

The DHS secretary is required to establish a Task Force on New Americans not later than 18 months after the date the bill is enacted. The task force’s mission will be to establish a coordinated federal program and policy response on integration issues and to advise and assist the federal government in carrying out related policies and goals.

Task Force Structure and Responsibilities

- **Membership.** The DHS secretary will serve as the task force’s chair. Members of the task force may delegate a senior official to perform necessary functions. Members will serve as liaisons to their respective federal agencies. The task force will be comprised of the following:
 - Secretary of the treasury
 - Attorney general
 - Secretary of commerce
 - Secretary of labor
 - Secretary of health and human services
 - Secretary of housing and urban development
 - Secretary of transportation
 - Secretary of education
 - Director of the Office of Management and Budget
 - Administrator of the Small Business Administration
 - Director of the Domestic Policy Council
 - Director of the National Economic Council

- National security advisor
- **Meetings.** The DHS secretary will decide when meetings will be held.
- **Coordinated response on policy issues.** The task force will work with executive branch agencies to provide a coordinated federal response on issues that impact the lives of new immigrants and receiving communities. The task force must also ensure that federal policies and programs adequately address these issues, including:
 - Access to youth and adult education programming
 - Health care policy
 - Access to naturalization
 - Community development challenges
- **Recommendations.** Not later than 18 months after the task force is fully functional, it will provide recommendations to the Domestic Policy Council and the DHS secretary on the effects of pending legislation and executive branch policy proposals. In addition, the task force will suggest changes to federal programs and policies, review pending policies, and help develop legislative proposals that impact immigrants and receiving communities.

THE UNITED STATES CITIZENSHIP FOUNDATION (USCF)

The bill authorizes the DHS secretary to create a nonprofit 501(c)(3) foundation envisioned as a public-private partnership that will engage in coordinated work with DHS and the Office of Citizenship and New Americans. The USCF's mission will be to expand citizenship preparation programs for LPRs and to provide direct assistance to noncitizens applying for RPI or LPR status, or for citizenship. The foundation is also tasked with helping coordinate federal immigrant integration efforts with those of state and local entities.

Authorized Activities

- **Naturalization application support.** The foundation will provide citizenship instruction and naturalization support low-income and underserved LPR populations.
- **Grant-making.** The foundation may award grants to eligible public or private nonprofit organizations under the Initial Entry, Adjustment, and Citizenship Assistance grant program (described below). A separate pilot program authorizes state and local government or other qualifying entities to receive grants to establish "new immigrant councils" and to carry out immigrant integration programs.
- **Best practices and technology.** The foundation will develop, identify, and disseminate best practices in citizenship preparation. In addition, the foundation will increase access to and use of technology in citizenship preparation programs.
- **New Citizens Award program.** This program will annually recognize up to 10 naturalized U.S. citizens who have made outstanding contributions to the country.

Directors

USCF will be overseen by a council of directors that is to include the director of USCIS and the chief of the Office of Citizenship and New Americans. These two will in turn appoint ten additional directors from national community-based organizations that assist LPRs with naturalization applications. The council will appoint an executive director to oversee daily operations. On behalf of USCF, the executive director may contract with individuals, public or private organizations, professional societies, and government agencies to carry out the functions of the foundation.

Funding

- **Gifts.** USCF may accept, solicit, and make gifts of money and other property pursuant to section 501(c)(3) of the Internal Revenue Code. The foundation may also provide gifts to support the functions of the Office of Citizenship and New Americans.
- **Coordinated work.** The foundation may coordinate its work with DHS, including the Office of Citizenship and New Americans.

INITIAL ENTRY, ADJUSTMENT, AND CITIZENSHIP ASSISTANCE GRANT PROGRAM (IEACA)

The bill authorizes the DHS secretary, acting through the director of USCIS, to award IEACA grants to eligible public or private nonprofit organizations.

Authorized Use of Funds

- **RPI and blue-card applicants.** IEACA funds are to be used to design and implement direct service programs for noncitizens who are applying for RPI or blue-card (for agricultural workers) status for the first time. Funds may be used for:
 - Screening prospective applicants eligibility or lack of eligibility.
 - Completing applications.
 - Gathering proof of identification, employment, residence, and tax payment.
 - Gathering proof of relationships of family members.
 - Applying for any relevant waivers.
 - Any other assistance the DHS secretary considers useful.
- **LPR applicants.** Funds may be used to provide assistance to RPIs and blue-card holders who are applying to become LPRs.
- **Citizenship applicants.** Funds may be used to serve LPRs seeking to naturalize.
- **Appropriated funds.** The bill authorizes \$100,000,000 for the five-year period ending Sept. 30, 2018, to implement IEACA grant program and the pilot program described below for state and local governments or other qualifying entities to carry out immigrant

integration programs. The Office of Citizenship and New Americans will also receive a portion of these funds to implement the naturalization ceremony strategy.

STATE AND LOCAL IMMIGRANT INTEGRATION PILOT PROGRAM

The chief of the Office of Citizenship and New Americans is authorized to establish a pilot program through which competitive grants may be awarded to state and local governments or other qualifying entities to establish “new immigrant councils” or to carry out programs to integrate new immigrants.

Applications

- **Proposal.** Applicants must submit a proposal to develop, expand or enhance a comprehensive plan to support the integration of immigrants. Objectives should include at least one of the following: improving English language skills, engaging caretakers with limited English proficiency in their children’s education, improving access to workforce training programs, teaching U.S. history and civics, and improving financial literacy. The application should include the number of new immigrants in the jurisdiction. In addition, it should contain a description of the challenges in integrating new immigrants into the local community.
- **Priority.** Under this program, priority is to be given to organizations that use matching funds from nonfederal sources, demonstrate collaboration with public and private entities, are among the top ten states with the highest rate of foreign-born residents, or have experienced a large increase in the foreign-born population, relative to past migration patterns, in the most recent ten-year period.
- **New immigrant councils (NICs).** A grant may be used to establish an NIC that consists of between 15 to 19 people from state or local governments or qualifying organizations. NICs should include a cross-section of representatives from business, faith-based organizations, civic organizations, education stakeholders, philanthropic, and nonprofit immigrant-serving organizations. An NIC must meet at least once per quarter.
- **Subgrants.** A grant may be awarded to state or local governments or other qualifying entities to provide subgrants to local communities, city governments, municipalities, nonprofit organizations, or other qualifying entities.
- **Annual report and evaluation.** Each grant recipient must submit an annual report to the office, and the chief is required to conduct an annual evaluation of the grant program.
- **Appropriated funds.** As noted above, the bill authorizes \$100,000,000 for the five-year period ending September 30, 2018, to fund the pilot immigrant integration programs and other activities. These funds are also allocated to support the IEACA grant program and naturalization ceremonies sponsored by the Office of Citizenship and New Americans.

WAIVER OF ENGLISH REQUIREMENT FOR SENIORS

The majority of applicants for citizenship must demonstrate English language proficiency and knowledge of U.S. history and civics. The bill expands the current waivers of the English and civics requirement for seniors. The following sections highlight these new waivers:

- **English and civics requirement.** Section 2551 of the bill provides that a citizenship applicant who is older than 65 years of age and has been living in the U.S. at least 5 years as an LPR is not subject to the English language and civics requirements.
- **English requirement.** A noncitizen who is older than 60 years of age and has been living in the U.S. for 10 years after being lawfully admitted as an LPR is not subject to the English language requirement.
- **Civics requirement.** The DHS secretary may waive the civics requirement on a case-by-case basis if the applicant is over 60 years of age and has been living in the U.S. at least 10 years as an LPR.

PAPER FILING

Section 2552 of the bill requires the DHS secretary to maintain until October 1, 2020, the option to file paper applications (in addition to the option to file applications electronically) for LPR status and citizenship.

WAIVER OF REQUIREMENTS FOR DECORATED MEMBERS OF THE ARMED FORCES

Section 2555 of the bill provides that members of the armed services who receive certain combat badges and medals will be deemed to have satisfied English, civics, good moral character, and honorable service and discharge requirements for naturalization.