SUMMARY & PRELIMINARY RESPONSE
Senators' Framework for Immigration Reform
Based on Proposals Released January 28, 2013

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On January 28, a bipartisan group of U.S. senators unveiled a framework for a future bill that, if enacted, would modernize our current immigration system as well as create a process for those living in the U.S. without authorization to apply to become U.S. citizens.* The bipartisan group includes Senators Michael Bennett (D-CO), Dick Durbin (D-IL), Jeff Flake (R-AZ), Lindsey Graham (R-SC), John McCain (R-AZ), Bob Menendez (D-NJ), Marco Rubio (R-FL), and Charles Schumer (D-NY). The framework contains four basic pillars, which would put in place a new system for future immigration while addressing the needs of immigrants currently within the country.

The pillars call for:

A roadmap to citizenship.

- For most individuals, the process would:

  o Require all immigrants applying for eventual citizenship to register with the government, be subject to a background check, pay a fine and back taxes, and demonstrate a "history of work" in the U.S. Currently, there is no requirement of "continuous employment" as in previous proposals.

  o Individuals with a "serious criminal background" would be subject to deportation. The framework does not define what would constitute a "serious criminal background."

  o Immigrants would be able to apply for temporary lawful status immediately for an undefined period of time. These individuals would be able to apply to become citizens after all noncitizens who have applied for green cards as of the time immigration reform legislation is enacted have had their applications resolved.

  o Immigrants with this form of lawful status would not be eligible for many forms of federal public benefit programs. The principles are silent as to whether immigrants granted this temporary lawful status would be eligible for affordable health care under the health care reform law (the Affordable Care Act, or ACA).

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* The senators' document is available at http://s3.documentcloud.org/documents/562512/final-bipartisan-framework-for-immigration-reform.pdf.

- Individuals who were brought to the U.S. as children (sometimes referred to as "DREAMers") and agricultural workers would not be subject to the same waiting periods to apply for citizenship. They would be eligible to obtain a green card and citizenship sooner.

- This road to citizenship is contingent upon "securing our borders." The framework does not define the metrics that would determine when a border is secure. However, the framework includes proposals to:

  o Add drones and other technologies to increase border surveillance;

  o Continue to support the Border Patrol by maintaining high staffing levels as well as the latest technologies;

  o Complete a comprehensive entry-exit system to better determine who enters the U.S. via ports and other border checkpoints;

  o Strengthen laws to stop racial profiling and inappropriate use of force along the border; and

  o Increase oversight, including the creation of a commission of community leaders and elected officials from the Southwest who would monitor border security issues.

A streamlined process to allow highly skilled immigrants and immigrant family members to come to or remain in the U.S.

- A person waiting to be reunited with her or his family would no longer be subject to lengthy visa backlogs. Current visa caps force family members to wait years to be reunited with loved ones.

- Employment visa backlogs would also be remedied.

- Immigrants who earn a master's degree or a Ph.D. in science, technology, engineering, or math from a university in the U.S. would be allowed to apply for a green card and eventual citizenship.

Mandated use of an electronic employment eligibility verification system.

- The proposal calls for all employers to utilize an electronic employment eligibility verification system (such as the current federal E-Verify system) for all new hires.

- This verification system would contain safeguards to protect workers. (Read about NILC's concerns with electronic employment eligibility verification programs such as E-Verify at www.nilc.org/concerns.html.)

A process to allow future workers to enter the country, as well as to protect workers' rights.

- The proposal would allow more workers to enter the U.S. during periods of economic growth, and fewer to enter when the economy contracts.

- Labor protections would also be strengthened.

THIS FRAMEWORK SETS the stage for what will undoubtedly be one of the biggest legislative debates of the year. The National Immigration Law Center's initial take on the framework is summarized in a statement issued the day the senators announced their immigration reform principles (the statement can be read at www.nilc.org/nr012813.html). We have come a long way since much of the rhetoric with respect to what to do about the U.S.'s broken immigration system suggested that "self-deportation" was a viable way forward, and it is comforting to see that there is bipartisan consensus on providing aspiring citizens a road to citizenship, including an immediate temporary status that will at least remove the constant threat of deportation and allow them to continue contributing to their family and local communities.

However, the framework must be strengthened. It is critical that a road to citizenship not be encumbered by roadblocks that render that journey difficult or impossible.

Any immigration reform measure should prohibit abusive employers from using immigration laws to retaliate against workers as a means of undermining their labor rights. Furthermore, businesses should not be forced to use error-ridden employment eligibility verification systems, especially when workers wrongly identified as unauthorized to work in the U.S. have no legal recourse. As the number of workers verified through the system grows exponentially, so will the potential for more errors resulting in workers being denied much-needed work.

In addition, immigrants should have access to affordable health care through the programs created by the Affordable Care Act, as well as to the economic supports our communities utilize to keep our economy vibrant and protect individuals and families in times of crisis. It is common sense that our health care system will work better and be cheaper for everyone if more people pay their fair share. Ensuring access to affordable health care is necessary and is the unfinished business of the ACA.

Finally, we remain deeply troubled by continued calls to further militarize our borders, especially at a time when net undocumented migration is zero. Our tax dollars are better spent elsewhere. Let's focus on creating legislative proposals that create a clear and smooth road to citizenship so that aspiring Americans can fully participate in this great democracy.