

# THE COMPREHENSIVE IMMIGRATION REFORM ACT OF 2011

Introduced June 22, 2011 by

Senators Robert Menendez (D-NJ), Harry Reid (D-NV), Patrick Leahy (D-VT) and Richard Durbin (D-IL)

## Title I

### Subtitle A – Registration of Undocumented Individuals

- Creates Lawful Prospective Immigrant (LPI) status for non-criminal undocumented immigrants living in the U.S. since June 1, 2011. Requires applicants to submit biometric and biographical data, undergo security and law enforcement checks, and pay a \$500 fine plus application fees. LPI status lasts four years and can be extended. It includes work authorization and permission to travel abroad; immediate family members are also eligible for status under the program.
  - Immigrants may apply for LPI status even if they are in deportation proceedings at the time of application or have an outstanding removal order.
  - In order to transition from LPI status to Lawful Permanent Residency (i.e. a “green card”), applicants are required to wait in line between six and eight years; pay taxes and a \$1000 fine; learn English and U.S. civics; and undergo additional background checks. They will not obtain green cards before those who were waiting “in line” to immigrate as of date of enactment.
  - The LPI program includes a level of administrative and judicial review, confidentiality protections for applicants and their employers, and fraud prevention measures.
- Incorporates the DREAM Act, which creates a path to legal status for individuals who were brought to the U.S. in an undocumented status as children, provided they meet age and other criteria and enroll in college or the U.S. military.
- Incorporates the AgJOBS bill, which provides a path to permanent residency for farm workers and revises agricultural employer sponsorship requirements.
- Revises unlawful presence bars to immigration so that individuals with family ties are not permanently banished from the U.S.

### Subtitle B – Worksite Enforcement

- Mandates the use of an employment verification system for all employers within five years.
- Creates a new fraud-resistant, tamper-resistant Social Security card; requires workers to use fraud- and tamper-resistant documents to prove authorization to work in the United States.
- Requires the Social Security Administration to create a reliable and secure way of verifying Social Security numbers and work authorization.
- Adds criminal penalties for fraud and misuse of Social Security numbers.
- Provides protections for workers to prevent fraudulent use of social security numbers, correct government database errors, and combat employment discrimination.
- Creates a voluntary pilot program using biometric identifiers to demonstrate work authorization.

## **Title II**

### **Subtitle A – Border Enforcement**

- Establishes border enforcement “triggers” that must be met before any unauthorized immigrants can apply for permanent residency.
- Requires DHS to review assets and staffing needed for border security and enforcement.
- Funds port of entry improvements and tools and technology, in line with this review.
- Expands Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) staffing, in line with this review.
- Improves training and accountability for DHS border and immigration officers.
- Enhances cooperation with Canada and Mexico, as well as local law enforcement agencies, to improve border security and coordinate crime fighting.
- Clarifies that the power to regulate immigration resides with the federal government, not states and localities, and that state and local police do not have the “inherent authority” to enforce federal immigration laws.
- Involves border communities in enforcement policy through creation of a U.S.-Mexico Border Enforcement Commission and a Border Communities Liaison Office.

### **Subtitle B – Interior Enforcement**

- Requires DHS to track the departure of noncitizens to ensure that individuals do not overstay their visas.
- Refines existing law on illegal entry, illegal reentry and voluntary departure of noncitizens to ensure enforcement of those provisions and heighten penalties for those who commit serious offenses.
- Funds and expands the State Criminal Alien Assistance Program to cover additional criminal justice costs borne by state and local governments.
- Expands penalties for passport, visa, and immigration fraud; unlawful flight from immigration or customs controls; and gang activity.
- Expands other civil penalties and grounds of inadmissibility for certain serious criminals.
- Provides common-sense rules governing the detention of families, elderly or ill immigrants, crime victims, and other “vulnerable populations” like torture survivors, as well as enforcement actions that involve children.
- Improves detention conditions to meet basic standards; expands secure alternatives to detention.
- Makes the asylum and refugee determination process more efficient, humane and fair.

### **Subtitle C – Reforming America’s Legal Immigration System**

- Creates a Standing Commission on Immigration, Labor Markets, and the National interest to evaluate labor market and economic conditions and recommend quotas for employment-based visa programs that Congress and the President would act on. The Commission will be made up of the Secretaries of DHS, State, Labor, Health and Human Services, and Agriculture, as well as the Attorney General, Social Security Commissioner, the Secretary of Commerce and seven non-governmental members appointed by the President.

- Ensures that the number of family and employment green cards authorized by Congress do not expire because of processing delays; allows certain graduates in the science, math and engineering fields to apply for permanent residence immediately; and expands the share of visas that each country can access within existing quotas that limit overall immigration.
- Exempts certain immigrants from counting against the annual green card quotas so that they can immediately reunite with loved ones in the U.S., including spouses and minor children of green card holders.
- Incorporates S. 821, the Uniting American Families Act, which allows permanent partners to access the family-based immigration system.

#### **Subtitle D – Immigrant Integration and Other Reforms**

- Enhances programs and policies to help immigrants learn English and U.S. civics, such as: tax credits for teachers of English language learners and businesses who provide such training for their employees; a revamped DHS Office of Citizenship and New Americans to assist with immigrant integration; and grants for states who work to successfully integrate newcomers.
- Provides humanitarian immigration visas for Haitian children orphaned by the 2010 earthquake; Liberian nationals who fled civil strife and received Temporary Protected Status in the U.S.; and the immediate relatives of September 11<sup>th</sup> terrorism victims.
- Improves access to interpreters in state courts.
- Evaluates the factors that drive undocumented migration from key sending countries and requires the State Department to develop a strategy to reduce migration pressures.
- Expands programming under USAID to provide alternatives to emigration for individuals in communities likely to experience significant emigration to the United States.