Bipartisan Framework for Comprehensive Immigration Reform

Senators Schumer, McCain, Durbin, Graham, Menendez, Rubio, Bennet, and Flake

Introduction

We recognize that our immigration system is broken. And while border security has improved significantly over the last two Administrations, we still don't have a functioning immigration system. This has created a situation where up to 11 million undocumented immigrants are living in the shadows. Our legislation acknowledges these realities by finally committing the resources needed to secure the border, modernize and streamline our current legal immigration system, while creating a tough but fair legalization program for individuals who are currently here. We will ensure that this is a successful permanent reform to our immigration system that will not need to be revisited.

Four Basic Legislative Pillars:

- Create a tough but fair path to citizenship for unauthorized immigrants currently living in the United States that is contingent upon securing our borders and tracking whether legal immigrants have left the country when required;

- Reform our legal immigration system to better recognize the importance of characteristics that will help build the American economy and strengthen American families;

- Create an effective employment verification system that will prevent identity theft and end the hiring of future unauthorized workers; and,

- Establish an improved process for admitting future workers to serve our nation's workforce needs, while simultaneously protecting all workers.

I. Creating a Path to Citizenship for Unauthorized Immigrants Already Here that is Contingent Upon Securing the Border and Combating Visa Overstays

- Our legislation will provide a tough, fair, and practical roadmap to address the status of unauthorized immigrants in the United States that is contingent upon our success in securing our borders and addressing visa overstays.

- To fulfill the basic governmental function of securing our borders, we will continue the increased efforts of the Border Patrol by providing them with the latest technology, infrastructure, and personnel needed to prevent, detect, and apprehend every unauthorized entrant.

- Additionally, our legislation will increase the number of unmanned aerial vehicles and surveillance equipment, improve radio interoperability and increase the number of agents at and between ports of entry. The purpose is to substantially lower the number of successful illegal border crossings while continuing to facilitate commerce.

- We will strengthen prohibitions against racial profiling and inappropriate use of force, enhance the training of border patrol agents, increase oversight, and create a mechanism to ensure a meaningful opportunity for border communities to share input, including critiques.

- Our legislation will require the completion of an entry-exit system that tracks whether all persons entering the United States on temporary visas via airports and seaports have left the country as required by law.

- We recognize that Americans living along the Southwest border are key to recognizing and understanding when the border is truly secure. Our legislation will create a commission comprised of governors, attorneys general, and community leaders living along the Southwest border to monitor the progress of securing our border and to make a recommendation regarding when the bill's security measures outlined in the legislation are completed.

- While these security measures are being put into place, we will simultaneously require those who came or remained in the United States without our permission to register with the government. This will include passing a background check and settling their debt to society by paying a fine and back taxes, in order to earn probationary legal status, which will allow them to live and work legally in the United States. Individuals with a serious criminal background or others who pose a threat to our national security will be ineligible for legal status and subject to deportation. Illegal immigrants who have committed serious crimes face immediate deportation.

- We will demonstrate our commitment to securing our borders and combating visa overstays by requiring our proposed enforcement measures be complete before any immigrant on probationary status can earn a green card

- Current restrictions preventing non-immigrants from accessing federal public benefits will also apply to lawful probationary immigrants.

- Once the enforcement measures have been completed, individuals with probationary legal status will be required to go to the back of the line of prospective immigrants, pass an additional background check, pay taxes, learn English and civics, demonstrate a history of work in the United States, and current employment, among other requirements, in order to earn the opportunity to apply for lawful permanent residency. Those individuals who successfully complete these requirements can eventually earn a green card.

- Individuals who are present without lawful status - not including people within the two categories identified below - will only receive a green card after every individual who is already waiting in line for a green card, at the time this legislation is enacted, has received their green card. Our purpose is to ensure that no one who has violated America's immigration laws will receive preferential treatment as they relate to those individuals who have complied with the law.

- Our legislation also recognizes that the circumstances and the conduct of people without lawful status are not the same, and cannot be addressed identically.

    - For instance, individuals who entered the United States as minor children did not knowingly choose to violate any immigration laws. Consequently, under our proposal these individuals will not face the same requirements as other individuals in order to earn a path to citizenship.

    - Similarly, individuals who have been working without legal status in the United States agricultural industry have been performing very important and difficult work to maintain America's food supply while earning subsistence wages. Due to the utmost importance in our nation maintaining the safety of its food supply, agricultural workers who commit to the long term stability of our nation's agricultural industries will be treated differently than the rest of the undocumented population because of the role they play in ensuring that Americans have safe and secure agricultural products to sell and consume. These individuals will earn a path to citizenship through a different process under our new agricultural worker program.

II. Improving our Legal Immigration System and Attracting the World's Best and Brightest

- The development of a rational legal immigration system is essential to ensuring America's future economic prosperity. Our failure to act is perpetuating a broken system which sadly discourages the world's best and brightest citizens from coming to the United States and remaining in our country to contribute to our economy. This failure makes a legal path to entry in the United States insurmountably difficult for well-meaning immigrants. This unarguably discourages innovation and economic growth. It has also created substantial visa backlogs which force families to live apart, which incentivizes illegal immigration.

- Our new immigration system must be more focused on recognizing the important characteristics which will help build the American economy and strengthen American families. Additionally, we must reduce backlogs in the family and employment visa categories so that future immigrants view our future legal immigration system as the exclusive means for entry into the United States.

- The United States must do a better job of attracting and keeping the world's best and brightest. As such, our immigration proposal will award a green card to immigrants who have received a PhD or Master's degree in science, technology, engineering, or math from an American university. It makes no sense to educate the world's future innovators and entrepreneurs only to ultimately force them to leave our country at the moment they are most able to contribute to our economy.

III. Strong Employment Verification

- We recognize that undocumented immigrants come to the United States almost exclusively for jobs. As such, dramatically reducing future illegal immigration can only be achieved by developing a tough, fair, effective and mandatory employment verification system. An employment verification system must hold employers accountable for knowingly hiring undocumented workers and make it more difficult for unauthorized immigrants to falsify documents to obtain employment. Employers who knowingly hire unauthorized workers must face stiff fines and criminal penalties for egregious offenses.

- We believe the federal government must provide U.S. employers with a fast and reliable method to confirm whether new hires are legally authorized to work in the United States. This is essential to ensure the effective enforcement of immigration laws.

- Our proposal will create an effective employment verification system which prevents identity theft and ends the hiring of future unauthorized workers. We believe requiring prospective workers to demonstrate both legal status and identity, through non-forgeable electronic means prior to obtaining employment, is essential to an employee verification system; and,

- The employee verification system in our proposal will be crafted with procedural safeguards to protect American workers, prevent identity theft, and provide due process protections.

IV. Admitting New Workers and Protecting Workers' Rights

- The overwhelming majority of the 327,000 illegal entrants apprehended by CBP in FY2011 were seeking employment in the United States. We recognize that to prevent future waves of illegal immigration a humane and effective system needs to be created for these immigrant workers to enter the country and find employment without seeking the aid of human traffickers or drug cartels.

- Our proposal will provide businesses with the ability to hire lower-skilled workers in a timely manner when Americans are unavailable or unwilling to fill those jobs.

- Our legislation would:

    - Allow employers to hire immigrants if it can be demonstrated that they were unsuccessful in recruiting an American to fill an open position and the hiring of an immigrant will not displace American workers;

    - Create a workable program to meet the needs of America's agricultural industry, including dairy to find agricultural workers when American workers are not available to fill open positions;

    - Allow more lower-skilled immigrants to come here when our economy is creating jobs, and fewer when our economy is not creating jobs;

- Protect workers by ensuring strong labor protections; and,

- Permit workers who have succeeded in the workplace and contributed to their communities over many years to earn green cards.

###