IMMIGRATION POLICY CENTER

AMERICAN IMMIGRATION COUNCIL

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Real Enforcement with Practical Answers for Immigration Reform (REPAIR) Proposal Summary

On April 29, 2010, Democratic Senators Schumer, Reid, Menendez, Feinstein, and Leahy unveiled a proposed outline for a comprehensive immigration reform bill. The "conceptual framework" offers a broad platform for re-inventing our immigration system and attempts to find a middle ground that may appeal to more conservative Democrats and moderate Republicans. Consequently, details are noticeably lacking in many areas of the proposal. Nonetheless, the underlying concept reflects a more comprehensive approach to immigration reform which attempts to balance traditional enforcement priorities with the creation of legal means for entering and working in the United States.

The short summary below offers some of the key concepts and provisions within each section of the outline. Notably, the legalization section acknowledges that a successful program must cover the largest number of people currently living in the country illegally as possible; the legal immigration proposal balances the American values of family unity and economic progress. In sections that are more controversial, the proposal also includes the development of a wholly new form of employment verification and a biometric identification card; and it creates a new Commission on Employment Based Immigration that will monitor employment trends and make recommendations about future immigration levels. While the framework does not include many details, it is unfortunately that the proposal lacks additional due process protections such as a guarantee that individual immigrants are judged on the merits of their cases.

Border Enforcement

Key Concept: To "secure our borders in a manner that is consistent with America's best values and traditions." During the eight years before undocumented persons may adjust to LPR status:

➤ The number of Customs and Border Patrol (CBP) officers will be increased, as will as Immigration and Customs Enforcement (ICE) agents to combat smuggling and look for drugs, contraband, and illegal immigrants at ports of entry.

➤ New technology and resources will be used to protect against and prosecute smuggling and unauthorized border crossers.

➤ Establishes a Border Communities Liaison Office responsible for conducting outreach to residents of border towns and fielding complaints related to CBP.

Interior Enforcement

Key Concept: "There will be zero tolerance for illegal entry and reentry into the United States."

➢ Increased government ability to monitor visa-overstays and closer regulation of the [Visa Waiver Program](#).

➢ All visitors to the U.S. will be required to provide biometric information to prevent visa overstays.

➢ Increased criminal penalties for trafficking and human smuggling.

➢ Prevents the transfer of detainees away from their children and requires minimum detention facility standards.

➢ When persons are granted refugee or asylee status, they will be immediately admitted as lawful permanent residents (LPRs).

➢ State and local governments will be barred from enacting their own immigration laws.

Biometric Identification and Employment Verification

Key Concept: "We will not be completely effective unless we can prevent the hiring, recruitment, or referral of unauthorized aliens in America's workplaces. Jobs are what draw illegal immigrants to the United States."

➢ This section establishes a biometric social security card used to prevent the employment of unauthorized workers.

➢ The card will contain only the cardholder's name, photograph, birth date, social security number, and biometric data.

➢ All employers will be required to enroll in the verification system within 6 years (though certain employers will be required to before that, and the federal government must use it within 3 years of enactment).

➢ The proposal includes provisions for legal action and back-pay if there is an error or delay in employment verification.

Future Flows, Employment Visas, Family Immigration

Key Concept: "To permanently attract the world's best and brightest while preventing the loss of American jobs to temporary labor contractors."

➢ Immediate green cards to students with an advanced degree from a U.S. institution of higher education in a field of science, technology, engineering, or mathematics, and who have an offer of employment in a field related to their degree from a U.S. employer.

➢ In addition, it would create a new provisional H-2C visa for non-seasonal, non-agricultural workers that includes the ability to change employers after one year and possible LPR status if certain requirements are met.

➢ Incorporates the AgJOBS bill, a bi-partisan agreement of stakeholders in the agricultural industry.

➢ Creates a Commission on Employment Based Immigration to help manage future flow of workers.

Key Concept: "Reform America's Green Card system to ensure efficiency and equity in legal immigration to the United States."

➢ The proposal would clear the family immigration backlog over an 8 year period, after which the caps would return to current levels.

➢ Spouses and children of LPRs would be classified as "immediate relatives," and per country caps will be raised from 7 percent to 10 percent.

➢ Permanent partners will be recognized in the family visa system.

➢ The proposal would also make technical corrections for widows, orphans, stepchildren, and adoptive children of U.S. citizens.

Registration and Legalization Plan

Key Concept: "All illegal immigrants living in the U.S. [must] come forward to register, be screened, and, if eligible, complete other requirements to earn legal status, including paying taxes. These criteria are intended to exclude individuals who threaten public safety or national security and to ensure that those individuals taking advantage of the program intend to stay in the U.S., integrate into society, and become productive, tax-paying members of the community…the program must be simple and straightforward to implement."

➢ All unauthorized immigrants would be required to register with the federal government, get a background check, be fingerprinted, and pay fees, penalties, and taxes.

➢ Once they complete registration, they will be considered for Lawful Prospective Immigrant (LPI) status, which gives authorization to work and to travel outside the United States.

➢ Unauthorized immigrants will be ineligible for LPI status if they: 1) have been convicted of three or more misdemeanors or any felony punishable by a prison term of more than one year; 2) engaged in the persecution of others; 3) are inadmissible for national security or criminal grounds; 4) are in the country in an authorized immigrant status; or 5) entered the country illegally after the bill's enactment date.

➢ After 8 years (when the current visa backlogs will be cleared), LPIs may petition for adjustment to LPR status.

➢ Requirements for adjustment to LPR status include: demonstrating basic citizenship skills, learning English, payment of all taxes, fees, and fines, and registration (if eligible) for the Selective Service.

➢ The legalization components of DREAM Act and AgJOBS will also be included.

Miscellaneous

Key Concept: "To enhance the efficiency and effectiveness of America's immigration system."

➢ Establishes a new program to provide visas to promote property ownership by foreign nationals.

➢ Makes the religious worker visa permanent.

➢ Foreign doctors, nurses, and physical therapists will be given easier paths to worker visas.

➢ Nationwide integration programs will be established.