Twitter Thread by Aaron Reichlin-Melnick

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There is a LOT to like about this bill. I want to highlight some of the proposed changes beyond just legalization, including:

- Ending the 3 & 10 year bars
- Curbing the "Muslim ban" authority
- Preventing "aging out" of children on nonimmigrant

Today's press release says the new bill will revoke the 1996 immigration bill's creation of 3 and 10 year bars to getting a visa for those who have been present unlawfully in the US for 6 months or over a year.

Here's @immcouncil's fact sheet on the bars: https://t.co/HgQRO49UOX

The new bill has multiple provisions designed to reduce the current green card backlogs, which for nationals of some countries like India, China, Mexico, and the Philippines, can mean the process of obtaining a green card can take 20+ years (or even longer in some cases).

- **Keep families together.** The bill reforms the family-based immigration system by clearing backlogs, recapturing unused visas, eliminating lengthy wait times, and increasing per-country visa caps. It also eliminates the so-called "3 and 10-year bars," and other provisions that keep families apart. The bill further supports familes by more explicitly including permanent partnerships and eliminating discrimination facing LGBTQ+ families. It also provides protections for orphans, widows, children, and Filipino veterans who fought alongside the United States in World War II. Lastly, the bill allows immigrants with approved family-sponsorship petitions to join family in the United States on a temporary basis while they wait for green cards to become available.

The bill would also create similar reforms for the employment-based immigration system, where backlogs are even worse. Under the current system, some Indian nationals seeking a green card are predicted to have a 100+ year wait for a visa! The new bill would do a lot to fix that.

- **Grow our economy.** This bill clears employment-based visa backlogs, recaptures unused visas, reduces lengthy wait times, and eliminates per-country visa caps. The bill makes it easier for graduates of U.S. universities with advanced STEM degrees to stay in the United States; improves access to green cards for workers in lower-wage sectors; and eliminates other unnecessary hurdles for employment-based green cards. The bill provides dependents of H-1B visa holders work authorization, and children are prevented from "aging out" of the system. The bill also creates a pilot program to stimulate regional economic development, gives DHS the authority to adjust green cards based on macroeconomic conditions, and incentivizes higher wages for non-immigrant, high-skilled visas to prevent unfair competition with American workers.

This particular provision would be a welcome change for thousands of people who grow up in the United States as a "derivative" on their parents' nonimmigrant work visas.

Under current laws, they have to leave the US when they turn 21 (if they can't get another visa).

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By incorporating the NO BAN ACT the bill would eliminate the law that allowed Trump to impose the Muslim Ban and replace it with a provision that requires consultation with Congress, specific factual findings, can only be used for a narrow list of topics, and can't be indefinite.

- **Embrace diversity.** The bill includes the NO BAN Act that prohibits discrimination based on religion and limits presidential authority to issue future bans. The bill also increases Diversity Visas to 80,000 from 55,000.

However, not everything in the bill goes as far as advocates will like. For instance, we have long been calling for the creation of an independent immigration court system, uncoupled from DOJ. This bill doesn't contain that recommendation. But it does

make some important reforms.

- **Improve the immigration courts and protect vulnerable individuals.** The bill expands family case management programs, reduces immigration court backlogs, expands training for immigration judges, and improves technology for immigration courts. The bill also restores fairness and balance to our immigration system by providing judges and adjudicators with discretion to review cases and grant relief to deserving individuals. Funding is authorized for legal orientation programs and counsel for children, vulnerable individuals, and others when necessary to ensure the fair and efficient resolution of their claims. The bill also provides funding for school districts educating unaccompanied children, while clarifying sponsor responsibilities for such children.

One major change the bill would make to immigration court is to require the government to provide counsel for children.

Under current law, a 5-year-old can legally face an immigration judge without a lawyer.

Under the new bill, that wouldn't be allowed. It's a welcome change!

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Another change I like in the immigration court section? Restoring discretion to immigration judges so that everyone can ask for a second chance to remain in the United States.

Congress got rid of a version of that authority in 1996 and it did enormous damage.

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The bill would also make some vital changes to the asylum system, including repealing the one year filing deadline (also introduced in 1996) and authorizing funding to reduce the 300,000+ affirmative asylum backlog at USCIS.

I wish it did more on substantive asylum law, though.

- **Support asylum seekers and other vulnerable populations.** The bill eliminates the one-year deadline for filing asylum claims and provides funding to reduce asylum application backlogs. It also increases protections for U visa, T visa, and VAWA applicants, including by raising the cap on U visas from 10,000 to 30,000. The bill also expands protections for foreign nationals assisting U.S. troops.

The bill's increasing of the U visa numbers from 10,000 to 30,000 is welcoming, though with the current backlog over 100,000 it would still make people wait for years... but with the more generous legalization provisions, the backlog would probably be eliminated anyway.

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One major portion of the bill is designed to address the root causes of migration.

Under Trump, the focus was almost entirely on hardening the border to stop people from getting in. This bill (which mirrors legislation previously introduced in the House) focuses on push factors.

- **Start from the source.** The bill codifies and funds the President's $4 billion four-year inter-agency plan to address the underlying causes of migration in the region, including by increasing assistance to El Salvador, Guatemala, and Honduras, conditioned on their ability to reduce the endemic corruption, violence, and poverty that causes people to flee their home countries. It also creates safe and legal channels for people to seek protection, including by establishing Designated Processing Centers throughout Central America to register and process displaced persons for refugee resettlement and other lawful migration avenues—either to the United States or other partner countries. The bill also re-institutes the Central American Minors program to reunite children with U.S. relatives and creates a Central American Family Reunification Parole Program to more quickly unite families with approved family sponsorship petitions.

While the bill introduced today contains no new funding for immigration enforcement (a welcome move given how much money has been wasted on that over the last decade), it does expand criminal penalties for smuggling & trafficking.

Personally, not a fan of any "tough on crime."

- **Crack down on criminal organizations.** The bill enhances the ability to prosecute individuals involved in smuggling and trafficking networks who are responsible for the exploitation of migrants. It also expands investigations, intelligence collection and analysis pursuant to the Foreign Narcotics Kingpin Designation Act to increase sanctions against foreign narcotics traffickers, their organizations and networks. The bill also requires the Federal Bureau of Investigation (FBI), Drug Enforcement Agency (DEA) and DHS, in coordination with the Secretary of State, to improve and expand transnational anti-gang task forces in Central America.

When it comes to changes to the border, I think many advocates will wish the bill could have gone further. E.g. we get welcome changes like the creation of a Border Community Stakeholder Advisory Committee but no substantive changes to the DHS Secretary's authority to waive laws.

- **Manage the border and protect border communities.** The bill provides funding for training and continuing education to promote agent and officer safety and professionalism. It also creates a Border Community Stakeholder Advisory Committee, provides more special agents at the DHS Office of Professional Responsibility to investigate criminal and administrative misconduct, and requires the issuance of department-wide policies governing the use of force. The bill directs the Government Accountability Office (GAO) to study the impact of DHS's authority to waive environmental and state and federal laws to expedite the construction of barriers and roads near U.S. borders and provides for additional rescue beacons to prevent needless deaths along the border. The bill authorizes and provides funding for DHS, in coordination with the Department of Health and Human Services (HHS) and nongovernmental experts, to develop guidelines and protocols for standards of care for individuals, families, and children in CBP custody.

The Biden bill does increase border enforcement in this section, primarily at ports of entry—where over 90% of all drugs are smuggled into the US.

A lot of this is what has been deemed "smart enforcement," though privacy advocates have raised serious concerns about surveillance.

- **Supplement existing border resources with technology and infrastructure.** The legislation builds on record budget allocations for immigration enforcement by authorizing additional funding for the Secretary of DHS to develop and implement a plan to deploy technology to expedite screening and enhance the ability to identify narcotics and other contraband at every land, air, and sea port of entry. This includes high-throughput scanning technologies to ensure that all commercial and passenger vehicles and freight rail traffic entering the United States at land ports of entry and rail-border crossings along the border undergo pre-primary scanning. It also authorizes and provides funding for plans to improve infrastructure at ports of entry to enhance the ability to process asylum seekers and detect, interdict, disrupt and prevent narcotics from entering the United States. It authorizes the DHS Secretary to develop and implement a strategy to manage and secure the southern border between ports of entry that focuses on flexible solutions and technologies that expand the ability to detect illicit activity, evaluate the effectiveness of border security operations, and be easily relocated and broken out by Border Patrol Sector. To protect privacy, the DHS Inspector General is authorized to conduct oversight to ensure that employed technology effectively serves legitimate agency purposes.

One thing the Biden bill would do which has received little attention is beef up protections for migrant workers, who are often exploited by their employers in really terrible ways.

For example, the bill would block ICE from deporting someone while DOL was investigating abuses.

- **Protect workers from exploitation and improve the employment verification process.** The bill requires that DHS and the Department of Labor establish a commission involving labor, employer, and civil rights organizations to make recommendations for improving the employment verification process. Workers who suffer serious labor violations and cooperate with worker protection agencies will be granted greater access to U visa relief. The bill protects workers who are victims of workplace retaliation from deportation in order to allow labor agencies to interview these workers. It also protects migrant and seasonal workers, and increases penalties for employers who violate labor laws.

Finally, there's the thing I mentioned in the first tweet has already gotten a ton of attention.

This is a bold plan to provide a path to status to ALL undocumented immigrants, not just a favored few.

An earned path to citizenship is overwhelmingly popular. I hope we get it.

- **Create an earned roadmap to citizenship for undocumented individuals.** The bill allows undocumented individuals to apply for temporary legal status, with the ability to apply for green cards after five years if they pass criminal and national security background checks and pay their taxes. Dreamers, TPS holders, and immigrant farmworkers who meet specific requirements are eligible for green cards immediately under the legislation. After three years, all green card holders who pass additional background checks and demonstrate knowledge of English and U.S. civics can apply to become citizens. Applicants must be physically present in the United States on or before January 1, 2021. The Secretary of the Department of Homeland Security (DHS) may waive the presence requirement for those deported on or after January 20, 2017 who were physically present for at least three years prior to removal for family unity and other humanitarian purposes. Lastly, the bill further recognizes America as a nation of immigrants by changing the word “alien” to “noncitizen” in our immigration laws.

As @immcouncil's Policy Director @JorgeLoweree said in our statement today, "President Biden's new vision for immigration reform is extraordinary and a welcome development for America."

Now it's up to Congress.

Read our statement on the bill here:
https://t.co/DJ16zkFbXp