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We finally have the U.S. Citizenship Act Bill Text! I'm going to go through some portions of the bill right now and highlight some of the major changes and improvements that it would make to our immigration system.

Thread:

> The immigration bill text is out!
>
> Senate version: https://t.co/aJUmtVW6Ir
>
> House version: https://t.co/JMKjQaDi04
>
> Excuse me while I go at this with a highlighter.
>
> — Nicole Narea (@nicolenarea) February 18, 2021

First the Bill makes a series of promises changes to the way we talk about immigrants and immigration law.

Gone would be the term "alien" and in its place is "noncitizen."

Also gone would be the term "alienage," replaced with "noncitizenship."

SEC. 3. TERMINOLOGY WITH RESPECT TO NONCITIZENS.

(a) IMMIGRATION AND NATIONALITY ACT.—

(1) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(A) in section 101(a) (8 U.S.C. 1101(a))—

(i) by striking paragraph (3) and inserting the following:

"(3) NONCITIZEN.—The term 'noncitizen' means any person not a citizen or national of the United States."; and

(ii) by adding at the end the following:

"(53) NONCITIZENSHIP.—The term 'noncitizenship' means the condition of being a noncitizen.";

(B) by striking "an alien" each place it appears and inserting "a noncitizen";

Now we get to the "earned path to citizenship" for all undocumented immigrants present in the United States on January 1, 2021.

Under this bill, anyone who satisfies the eligibility criteria for a new "lawful prospective immigrant status" can come out of the shadows.

TITLE I—EARNED PATH TO CITIZENSHIP AND OTHER REFORMS

Subtitle A—Earned Path to Citizenship

SEC. 1101. LAWFUL PROSPECTIVE IMMIGRANT STATUS.

(a) IN GENERAL.—Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

So, what are the eligibility criteria for becoming a "lawful prospective immigrant status"? Those are in a new INA 245G and include:

- Payment of the appropriate fees
- Continuous presence after January 1, 2021
- Not having certain criminal record (but there's a waiver)

"(2) PAYMENT OF FEES.—

"(A) IN GENERAL.—A noncitizen who is 18 years of age or older shall pay to the Department of Homeland Security a processing fee in an amount determined by the Secretary.

"(B) RECOVERY OF COSTS.—The processing fee referred to in subparagraph (A) shall be set at a level sufficient to recover the cost of processing the application.

"(C) AUTHORITY TO LIMIT FEES.—The Secretary may—

"(i) limit the maximum processing fee payable under this paragraph by a family; and

"(ii) for good cause, exempt individual applicants or defined classes of applicants from the requirement to pay fees under this paragraph.

"(D) DEPOSIT.—Fees collected under this paragraph shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m).

After a person has been in "lawful prospective immigrant status" for at least 5 years, they can apply for a green card, so long as they still pass background checks and have paid back any taxes they are required to do so by law.

However! Some groups don't have to wait 5 years.

"SEC. 245C. ADJUSTMENT OF STATUS OF LAWFUL PROSPECTIVE IMMIGRANTS.

"(a) REQUIREMENTS.—Notwithstanding any other provision of law, the Secretary may adjust the status of a lawful prospective immigrant to that of a lawful permanent resident if the lawful prospective immigrant—

"(1) subject to subsection (b), satisfies the eligibility requirements set forth in section 245G(b), including all criminal and national security background checks and the payment of all applicable fees;

"(2) submits an application pursuant to the procedures under section 245G(b)(1);

Specifically, the bill incorporates the Dream Act, the American Promise Act, and the Agricultural Workers Act.

People who qualify or have DACA, who have TPS, and who have been farmworkers for at least five years, can apply directly for a green card with the 5 year wait.

"SEC. 245D. ADJUSTMENT OF STATUS FOR CERTAIN NONCITIZENS WHO ENTERED THE UNITED STATES AS CHILDREN.

"(a) REQUIREMENTS.—Notwithstanding any other provision of law, the Secretary may grant lawful permanent resident status to a noncitizen if the noncitizen—

"(1) satisfies the eligibility requirements set forth in section 245G(b), including all criminal and national security background checks and the payment of all applicable fees;

"(2) submits an application pursuant to the procedures under section 245G(b)(1);

"(3) was younger than 18 years of age on the date on which the noncitizen initially entered the United States;

"(4) has earned a high school diploma, a commensurate alternative award from a public or private high school or secondary school, a general education development certificate recognized under State law, or a high school equivalency diploma in the United States;

"(5)(A) has obtained a degree from an institution of higher education, or has completed at least 2 years, in good standing, of a program in the

There ARE some individuals who are present on visas who would be able to apply for "lawful prospective immigrant status," including:

- Spouses/children of qualified individuals
- H-2As
- Anyone who has "has engaged in essential critical infrastructure labor or services"'

"(A) IN GENERAL.—A noncitizen shall be ineligible for status under section 245B, 245C, 245D, 245E, and 245F if on January 1, 2021, the noncitizen was any of the following:

"(i) A lawful permanent resident.

"(ii) A noncitizen admitted as a refugee under section 207 or granted asylum under section 208.

"(iii) A noncitizen who, according to the records of the Secretary or the Secretary of State, is in a period of authorized stay in a nonimmigrant status described in section 101(a)(15)(A), other than—

"(I) a spouse or a child of a noncitizen eligible for status under section 245B, 245C, 245D, 245E, or 245F;

"(II) a noncitizen considered to be in a nonimmigrant status solely by reason of section 702 of the Consolidated Natural Resources Act of 2008 (Public Law 110–229; 122 Stat. 854) or section 244(f)(4) of this Act;

Going back to the criminal bars, first the law excludes those who are inadmissible for pretty much all criminal-related grounds of inadmissibility, or any felony, or 3 misdemeanors (excluding most cannibis-related offenses).

However! There are waivers.

"(c) GROUNDS FOR INELIGIBILITY.—

"(1) CERTAIN GROUNDS OF INADMISSIBILITY.—

"(A) IN GENERAL.—Subject to subparagraph (B), a noncitizen shall be ineligible for status under section 245B, 245C, 245D, 245E, and 245F if the noncitizen—

"(i) is inadmissible under paragraph (2), (3), (6)(E), (8), (10)(C), or (10)(E) of section 212(a);

"(ii) has been convicted of a felony offense (excluding any offense under State law for which an essential element in the noncitizen's immigration status); or

"(iii) has been convicted of 3 or more misdemeanor offenses (excluding simple

Specifically most of the criminal-related inadmissibility-related grounds are waivable, although not all of them. Even some felonies (but not all) would be waivable if they had occurred at least 10 years in the past (5 for misdemeanors) and there have been no new convictions.

"(B) WAIVERS.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the Secretary may, for humanitarian purposes, family unity, or if otherwise in the public interest—

"(I) waive inadmissibility under—

"(aa) subparagraphs (A), (C), and (D) of section 212(a)(2); and

"(bb) paragraphs (6)(E), (8), (10)(C), and (10)(E) of such section;

Importantly, anyone who was facially eligible for this new status could NOT be deported while they went through the process.

"(1) OPPORTUNITY TO APPLY AND LIMITATION ON REMOVAL.—A noncitizen who appears to be prima facie eligible for status under section 245B, 245C, 245D, 245E, or 245F shall be given a reasonable opportunity to apply for such adjustment of status and, if the noncitizen applies within a reasonable period, the noncitizen shall not be removed before—

"(A) the Secretary has issued a final decision denying relief;

"(B) a final order of removal has been issued; and

I'm going to take a break on this thread now because there is a LOT here and otherwise this thread is going to be 500 tweets long.

Will come back to the bill in a little bit later.

Back to the bill! There's a whole lot of provisions about judicial review and challenges to the system of implementing the new path to the system which I'm going to skip, because frankly it's only a tiny few people who will care enough to dig into it (pages 58-61, folks).

Continuing with the path to citizenship, the bill would allow anyone who applies for the status to work legally in the interim while the government processed the application—which given the number of applicants could be a long time.

"(B) EMPLOYMENT AUTHORIZATION.—A document issued under subparagraph (A) shall—

"(i) serve as interim proof of the non-citizen's authorization to accept employment in the United States; and

"(ii) be accepted by an employer as evidence of employment authorization under section 274A(b)(1)(C) pending a final decision on the application.

Moving now to the changes to the legal immigration system! First, we have the expansion of "V visas" to any family-sponsored immigrants, allowing them to come to the US in the meantime, rather than wait decades outside the United States for the visa to become available.

Subtitle B—Other Reforms

SEC. 1201. V NONIMMIGRANT VISAS.

(a) NONIMMIGRANT ELIGIBILITY.—Section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) is amended to read as follows:

"(V) subject to section 214(q)(1), a noncitizen who is the beneficiary of an approved petition under section 203(a) or 245B.".

(b) EMPLOYMENT AND PERIOD OF ADMISSION OF NONIMMIGRANTS DESCRIBED IN SECTION 101(A)(15)(V).—Section 214(q)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(q)(1)) is amended to read as follows:

Next, we have a HUGE provision redefining what a "conviction" is under immigration law.

It would exclude any convictions which were "dismissed, expunged, deferred, annulled, invalidated, withheld, or vacated"—all of which currently count to block people.

SEC. 1202. EXPUNGEMENT AND SENTENCING.

(a) DEFINITION OF CONVICTION.—Section 101(a)(48) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(48)) is amended to read as follows:

"(48)(A) The term 'conviction' means, with respect to a noncitizen, a formal judgment of guilt of the noncitizen entered by a court.

The bill also resurrects an old provision of immigration law killed decades ago called "judicial recommendations against removal."

These allow a criminal court judge to declare that a person's conviction should not provide grounds to deport them—with ICE allowed to weigh in.

(b) JUDICIAL RECOMMENDATION AGAINST REMOVAL.—The grounds of inadmissibility and deportability under sections 212(a)(2) and 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2) and 1227(a)(2)) shall not apply to a noncitizen with a criminal conviction if, not later than 180 days after the date on which the noncitizen is sentenced, and after having provided notice and an opportunity to respond to representatives of the State concerned, the Secretary, and prosecuting authorities, the sentencing court issues a recommendation to the Secretary that the noncitizen not be removed on the basis of the conviction.

For those interested in crimmigration issues, the bill also expands the definition of a "petty offense" that doesn't provide grounds for deportation, expanding it to two offenses, not just one.

SEC. 1203. PETTY OFFENSES.

Section 212(a)(2)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)(ii)) is amended—

(1) in the matter preceding subclause (I), by striking "to a noncitizen who committed only one crime";

(2) in subclause (I), by inserting "the noncitizen committed only one crime," before "the crime was committed when"; and

(3) by amending subclause (II) to read as follows:

"(II) the noncitizen committed not more than 2 crimes, the maximum

Another very important provision restores a general waiver for most grounds of deportability and inadmissibility, that would apply both in immigration court and for the adjudication of benefits.

This would restore authority killed in 1996 by a "tough on crime" Congress.

SEC. 1204. RESTORING FAIRNESS TO ADJUDICATIONS.

(a) WAIVER OF GROUNDS OF INADMISSIBILITY.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by inserting after subsection (b) the following:

"(c) HUMANITARIAN, FAMILY UNITY, AND PUBLIC INTEREST WAIVER.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, except section 245G(e)(1)(B), the Secretary of Homeland Security or the Attorney General may waive the operation of any 1 or more