

THE DIGNITY ACT

Topline Summary: The Dignity Act provides a reasonable, compassionate, and complete solution to America's immigration crisis. It ends illegal immigration to the United States once and for all, reestablishes law and order, provides a practical solution for the undocumented, revitalizes the American workforce, fixes our legal immigration system, and restores America's economy.

*This bill is fully funded by fees and from restitution payments by immigrants, requiring no taxpayer funding.

Key Points:

- Secures the Border.
- Mandates E-Verify.
- Reforms the Asylum System.
- Protects Dreamers.
- Dignity Program: Undocumented immigrants can enter a 7-year program for renewable legal status.
- Redemption Pathway: Provides an optional path to more permanent legal status, with enhanced criteria, for those who have completed the Dignity Program.
- Provides workforce retraining for unemployed or displaced American workers.
- Implements market-based reforms for Agricultural and Guest Workers.
- Eliminates backlogs and improves our legal immigration system, ensuring U.S. competitiveness.

Background on the Dignity Program: The last time the United States saw serious immigration reform was through the Immigration Reform and Control Act (IRCA) of 1986, passed and signed into law under President Ronald Reagan. The IRCA made it unlawful to knowingly hire illegal immigrants, while legalizing most undocumented immigrants who had arrived prior to 1982. Two important take-aways from this effort inform the Dignity Proposal.

1. Despite a relatively straightforward pathway to citizenship provided to almost 3 million undocumented immigrants under the IRCA, only 1 million (1/3 of those eligible) accepted the offer to become U.S. citizens. The other 2 million were content to have a legal status that allowed them to stay and work in the U.S. and have protection from deportation. They did not feel the need to adjust to a higher status or pursue citizenship.
2. It failed to secure the border and put proper enforcement measures in place to stop the future flow of illegal immigration to the United States. Without proper safeguards, the undocumented population grew out of control over the last few decades and led to the major problem we face today.

The Takeaways: The Dignity Act considers that the majority of the undocumented population may not be looking for a citizenship-or-nothing deal, but would likely be content with the opportunity to live in the U.S. legally, work and pay taxes, have protection from deportation (for non-felons), and be able to travel to their country of origin and be with family for the holidays. It also recognizes that real border security and effective enforcement measures must be in place to ensure any fix would be a final one and would never be needed again.

A Shining City on a Hill: The United States has historically been a beacon of refuge for those fleeing violence and oppression or seeking a new life and opportunities. In recent decades, our broken immigration system has been exploited, leading to a situation that is unbecoming of our great nation. While the United States is a nation of laws, we are also a nation of second chances. Through Dignity and a chance at Redemption, this legacy can continue.

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PART 1: BORDER SECURITY AND ENFORCEMENT

Border Security: Authorizes funding for a full border infrastructure system to gain and maintain operational control of the southern border. An impenetrable border infrastructure system includes enhanced physical barriers, employing the most up-to-date technology, and securing our ports of entry. The border must be certified as secure before subsequent reforms in this proposal are vested.

- **Gain Operational Advantage at the Southern Border:**
 - Directs DHS to employ a comprehensive Southern Border Strategy, including a Border Patrol Strategic Plan and Southern Border Threat Analysis, to gain situational awareness and operational advantage of the southern border.
 - Establishes clear metrics that must be met to achieve full border security.
- **Construct Enhanced Physical Barriers:**
 - Requires DHS to deploy physical barriers and tactical infrastructure along the border where it is most effective and practical to prohibit unlawful entries.
 - Authorizes emergency funding to complete a full border infrastructure system.
- **Deploy Improved Technology:**
 - Deploys the most up-to-date technology at the border to achieve situational awareness and operational advantage.
 - This includes integrated fixed towers, mobile and remote video surveillance systems, ground sensors, unmanned aircraft, Next-Generation Radar systems, and sensor upgrades.
- **Authorize Fortified Security Initiatives:**
 - Employs Operation Stonegarden, which increases coordination between CBP, state, and local law enforcement agencies to enhance border security.
 - Ensures that Air and Marine Operations carry out no fewer than 95,000 annual flight hours and operate unmanned aerial systems on the border 24/7.
 - Establishes the Tunnel Task Force program to detect and destroy international and cross-border tunnels. Authorizes the use of electromagnetic spectrum to support border security operations.
- **Increase Border Security Personnel:**
 - Raises the number of U.S. Border Patrol agents (22,478), CBP officers (27,725), K-9 units, Agricultural Specialists, and intelligence units to strengthen our ability to stop the flow of illegal immigration and drug smuggling.
 - Improves hiring practices, training, pay, and retention incentives.
- **Target Criminal Organizations and Traffickers:**
 - Sets severe penalties for anyone caught at the border with a firearm.
 - Implements new authorities to go after illicit spotters used by transnational criminal organizations to avoid border agents.
 - Increases penalties for harboring or helping individuals illegally cross the border, and for destroying equipment and sensors intended to deter illegal border crossings.
- **Ports of Entry Security Enhancements:**
 - **Integrated Surveillance:** Fully implements the Border Security Deployment System and expands the integrated surveillance and intrusion detection system at land ports of entry.
 - **Updates License Plate Readers:** Requires the update of all license plate readers on incoming and outgoing vehicle lanes along the northern and southern borders.
- **Ports of Entry Infrastructure to Improve Commerce:**

- **Additional Inspection Lanes:** Requires DHS to expand vehicle, cargo, and pedestrian inspection lanes at ports of entry on the southern border by installing additional primary and secondary inspection lanes.
- **Non-intrusive Inspection Systems:** Improves commerce using X-ray and imaging technology for commercial vehicles and freight rail entering the U.S. at land ports of entry along the border.
- **Enhancing Trade and Supply Chains:** The efficient flow of legal commerce of goods and people through our ports of entry is essential to our economic prosperity.

Enforcement: Enhances enforcement measures to stop and deter illegal crossings, verify employment authorization, stop visa overstays, and combat gangs and cartels.

- **Mandatory E-Verify:**
 - Modernizes, fully implements, and mandates use of E-Verify nationwide.
 - Requires a nationwide audit to certify full implementation.
- **Deter Illegal Crossings:**
 - Increases penalties for illegal border crossings. Imposes severe penalties and increased prison time for border crossers with prior deportations or criminal records.
- **Detention of Criminal Aliens:**
 - Requires authorities to keep an alien in custody if they are accused of murder, inflicting serious bodily injury, driving while intoxicated, or pose a serious danger to the community.
- **Expose and Remove Criminal Gangs:**
 - Authorizes DHS Secretary to officially designate an organization as a criminal street gang.
 - Makes any alien involved in a criminal gang inadmissible and deportable.
 - Any alien charged in immigration court proceedings as a criminal gang member would be subject to mandatory custody during the court proceeding.
- **Cartels:**
 - Designates Mexican cartels as Special Transnational Criminal Organizations, allowing the U.S. government to freeze their assets.
- **Combat Visa Overstays:**
 - Directs DHS to complete and implement biometric exit at all air, land and sea ports of entry.
 - Requires electronic passport screening and biometric matching for international travelers.
- **DNA Testing for Family Verification:**
 - Provides DHS the authority to use DNA testing to verify family relationships.

PART 2: ASYLUM REFORM

Asylum Reform: Reforms the asylum system to adjudicate most asylum claims within 60 days and end catch and release policy. It establishes 5 Humanitarian Campuses near the U.S. southern border to expedite processing and quickly hear cases to determine if the individual qualifies for asylum in the United States. It also establishes 5 additional centers in Latin America where individuals can be screened or processed abroad. This will prevent individuals from making a long land journey and will disrupt human trafficking and smuggling operations that are sending historic numbers of individuals to our southern border. To stop bad actors, expedited removal authority will be used on individuals crossing between ports of entry.

- **Ends Catch and Release:**
 - Individuals and family units claiming asylum in the United States will stay at a Humanitarian Campus until their case is decided, ending the current catch and release policy.

- **Humanitarian Campuses (HC's) near the Southern Border:**
 - Establishes at least 5 humanitarian campuses that will take in individuals families units arriving at the southern border for immediate processing.
 - HC's will:
 - Run criminal background checks, analyze biometric data, verify identification, and conduct medical screenings.
 - Process individuals and conduct credible fear interviews within 15 days.
 - Have sufficient medical staff, licensed social workers, mental health professionals, child advocates, secure sleeping arrangements, and sufficient space.
 - NGO's and private organizations may have access to the facility to provide humanitarian assistance or legal counsel.
- **Expedited Asylum Processing:**
 - After passing the initial credible fear interview at a Humanitarian Campus, individuals will undergo a secondary screening and have their cases reviewed by trained Asylum Officers for final determinations.
 - In this secondary screening, Asylum Officers are given authority to make final decisions on most asylum cases (75%+) within +45 days (for a total of up to 60 days at Humanitarian Campus).
 - Asylum Officers must either deny, approve, or refer complex/uncertain cases to Immigration Judges. Limited review options are available.
 - If a case is referred to an Immigration Judge after a secondary review, that individual would be placed in a case management program with strict monitoring requirements while awaiting their hearing.
- **Optional Processing in Latin America:**
 - Creates 5 in-country processing centers in Latin America, to prevent individuals from making a long land journey and to disrupt human trafficking and smuggling operations that are sending historic numbers of individuals to our southern border.
 - These facilities will offer asylum pre-screening, family reunification services for children, and employment consultation services.
- **Plan to curb Irregular Migration from Central America:**
 - Addresses the root causes of instability in Central America by helping bring law, order, and increased development to Guatemala, El Salvador, and Honduras.
 - Increases U.S. authorities to target transnational criminals, smugglers, human traffickers, drug traffickers, and gangs like MS-13.
- **Fraud Prevention:**
 - Enhances the notice of consequences for frivolous asylum applications and increases penalties for those that make false statements or provide false documentation.
 - Authorizes USCIS to terminate asylum applications if fraud is detected.
- **Expedited Removal:**
 - New two strike policy for anyone caught crossing at a non-Port of Entry. The first time, they will be given the chance to go and enter through a Port of Entry.
 - Anyone caught trying to enter between Ports of Entry a second time will be subject to expedited removal.

PART 3: DIGNITY AND REDEMPTION

PROTECTION FOR DREAMERS:

Legal Status and Pathway for Dreamers: The United States has never punished children for the actions of their parents. Dreamers were brought here as children through no fault of their own. While this may be the only home they have ever truly known, a dream can become a nightmare if it can never be realized. They deserve a true home. Under this section, Dreamers and DACA recipients are provided a conditional permanent resident status for 10 years, allowing them to legally live in the U.S. and work during this time. It provides an earned pathway to adjust to lawful permanent resident (LPR) status through work experience, military service, or higher education.

- **Eligibility for Conditional Status:**
 - Dreamers/DACA recipients must have arrived at the age of 18 or younger and arrived at least 3 years prior to the enactment of this Act.
 - They must have completed high school, obtained a GED, or be currently enrolled in secondary school.
 - They must pass a criminal background check and register for the draft if eligible.
- **Requirements to adjust to full legal status (LPR):**
 - **Education Track:** Acquire a degree from a U.S. institution of higher education.
 - **Military Track:** Complete at least 3 years of military service.
 - **Work Track:** Be employed for at least 4 years.

Pathway for Temporary Protected Status (TPS) Recipients: TPS can be granted when foreign nationals living in the U.S. are unable to safely return to their home countries due to civil unrest, violence, or natural disasters. In some cases, individuals may be in TPS status for decades. This section provides the option for TPS recipients that have lived in the U.S. for an extended period of time, or received deferred enforced departure (DED) and are unable to return to their home country due to clear and present danger, to adjust to lawful permanent resident status.

- **Eligibility:** Individuals who were eligible for TPS as of March 8, 2021.
- **Adjustment:** Must accumulate 5 years of continuous presence in the United States to adjust to LPR status.

*Any undocumented individual that is not a dreamer or eligible for Certified Agricultural Worker (CAW) status, and has been in the U.S. for 5 years or more, may apply for the Dignity Program.

THE DIGNITY PROGRAM:

The Dignity Program (7 Years): The Dignity Program provides a practical solution for the undocumented. Through the Dignity Program, undocumented immigrants that have been in the U.S. for more than 5 years will be provided a chance to work, pay restitution, get right with the law, and earn legal status.

- This is a 7-year program that provides work authorization and protection from removal proceedings, but only if conditions are being met.
- Applicants must comply with all federal and state laws, pass a criminal background check, pay back taxes owed, and start paying income taxes.
- They must report to DHS, pay an initial fine, and contribute to the American Worker Fund.
- Dignity participants will pay \$5,000 in restitution during the 7 years of the program.
 - They must check in with DHS every 2 years and remain in good public standing.

- Individuals in the Dignity Program will not have access to federal means-tested benefits or entitlements. They will be net contributors to tax revenue and the U.S. economy.

*Upon successful completion of the Dignity Program, the individual must decide between two options:

Option A - Dignity Status: They can immediately receive a 5-year Dignity Status, which provides full work authorization, the ability to live in the U.S., and travel authorization outside the U.S.

- **Holders of the Dignity Status are not eligible for citizenship.**
- Dignity Status holders will remain ineligible for means-tested benefits and entitlements.
- Dignity Status can be renewed an indefinite number of times as long as the individual remains in good standing with the law.

Option B – Redemption: They can register for the Redemption Program.

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THE REDEMPTION PROGRAM:

The Redemption Program (+5 years): The Redemption Program is optional. Individuals must complete the 7-year Dignity Program to start the Redemption Program. It offers a chance at redemption and to earn permanent legal status.

- The 5-year Redemption Program requires that participants learn English and U.S. civics.
- It requires those seeking permanent legal status to contribute to their local community either through:
 - 200 hours of local volunteer work or national community service; or
 - An additional \$5,000 in restitution payments that will go into the American Worker Fund.

Successful completion of the Redemption Program provides eligibility for existing pathways to citizenship but would not be a special pathway. Individuals applying would go to the back of the line.

PART 4: AMERICAN WORKERS

This bill not only protects American workers but provides them major opportunities to find a new job or a better job. Funds paid into the Dignity Program will be used to provide workforce training, upskilling, and education for unemployed or displaced American workers.

Contribution to American Workers:

- As part of the earned pathway to legal status for undocumented immigrants through the Dignity and Redemption Programs, an American Worker Fund contribution will be implemented.
- For every participant in the Dignity Program, the \$5,000 restitution they pay will be able to train or retrain at least 1 American worker.
- This money will go to workforce education initiatives and apprenticeships to help U.S. citizens looking for work or transitioning to different careers.
- The money will be provided as:
 - **Apprenticeship Grants** for work-based learning and in-demand careers.
 - **Grants to States** will provide upskilling programs or on-the-job education as they see fit to unemployed individuals or those looking to transition careers.

Paying for the Dignity Act:

***No taxpayer funds will be used to pay for the Dignity Act.**

- The border infrastructure, improved ports of entry infrastructure, new humanitarian campuses, increased personnel, and all other associated costs in this bill are paid for by an “Immigration Infrastructure Levy.”
- A 1.5% levy will be deducted from the paychecks of individuals given work authorization under the Dignity Program. These levies will be deposited into the Immigration Infrastructure Fund to be used to carry out the provisions of this act.

PART 5: AMERICAN AGRICULTURAL DOMINANCE

Agricultural and Guest Worker Reforms: The American Agricultural Dominance Act reforms and modernizes the H-2A agricultural guest worker program to create an effective agricultural workforce program for the 21st century. It also creates a Certified Agricultural Worker program. Through these policies, the Dignity Act will help America’s farmers and ranchers grow and innovate, and ultimately dominate for decades to come. This is critical for our ability to keep feeding American families and exporting products around the world.

Why the Dignity Act benefits Farmers and U.S Agriculture:

- This bill sets a policy that works for all of America’s farmers, growers, and ranchers.
- Updates the antiquated definition of farming to reflect modern-day farming practices.
- Ensures a resilient and reliable agricultural commodity supply chain.
- Creates a market-based solution for our labor shortages by expanding and modernizing the H-2A Agricultural Guest Worker program so it can rapidly respond to workforce needs - allowing American agriculture to thrive.
- Combats price increases so families can continue to have access to affordable groceries and a large variety of products that originate from American farms.

H2A Guest Worker Reforms:

- **Creates a year-round AG Workforce:**
 - Updates a 50-year-old definition of agriculture by removing “seasonal” requirements on the H-2A program, expanding it to year-round labor and ensuring there are no visa caps on any industry.
 - This allows full participation of dairies, greenhouses, livestock producers, and all other industries with year-round needs in the H-2A program.
- **Provides Wage Stability for Farmers:**
 - Repeals the current wage formula, the complicated and unpredictable Adverse Effect Wage Rate (AEWR) set by the Department of Labor and government bureaucrats.
 - New Wage: It sets a simpler minimum wage – either 125% of the Federal minimum wage, or the applicable state or local minimum wage.
 - The Effect: These new wage rates protect American workers, while helping farmers increase productivity and bring affordable food from farms to grocery stores and kitchen tables.
- **Streamlines the Employer Petition Process:**
 - Streamlines the H-2A application process by reducing the burden on employers, allowing employers to file with all the relevant agencies (Homeland Security, Labor, and State Department) in a single platform.

- Allows Staggered Entry for advanced planning so employers can have workers start at different dates of the year to meet their specific needs.
- **Invites New Industries to Participate:**
 - Opens the H2A program to: apple cider pressing on farms, aquaculture, the equine industry, forestry activities, conservation, forest management, and wild fish and shellfish processors.
 - Includes special procedures regulations for shepherding and goat herding, shearing, bee keeping, and custom combining.

Certified Agricultural Workers (CAW):

- Creates a Certified Agricultural Workers (CAW) program, with visas would be renewable and five-and-a-half years in length. These are only available to undocumented workers that have been working in agriculture for several years previously.
- **Eligibility requirements:**
 - Unauthorized immigrants who have spent at least 180 days of the last two years in agricultural employment.
 - Applicants must meet existing work visa admissibility requirements and pass a criminal background check. DHS would accept applications only for 18 months after the bill goes into effect.
- **Adjustment of Status:**
 - Foreign workers could apply for lawful permanent residence (LPR) after successfully maintaining either eight years of CAW status or four years of CAW status plus ten years of previous agricultural work experience.
 - They would have to make restitution by paying a fine and any back taxes owed.

H2B Reform:

- **Returning Worker Exemption:** Reforms the H-2B program by exempting returning workers from the visa caps of the three previous fiscal years, ensuring that small and seasonal businesses can fulfill their labor needs and contribute to our nation's post-pandemic economic recovery.
- Improves the application process and requires the Department of Labor to maintain a publicly accessible online job registry.
- Strengthens program integrity measures and anti-fraud provisions to protect both American workers and H-2B workers.

PART 6: AMERICAN PROSPERITY AND COMPETITIVENESS

Fixing our Legal Immigration System: These provisions ensure the United States economy will be prosperous and competitive for generations to come. It protects the U.S. family-based immigration system, reduces backlogs, provides parity for our legal immigration system, improves employment-based visa opportunities, and streamlines student visa processing. Combined, these reforms will grow our economy and guarantee a talented future workforce.

- **Increasing Employment-Based Opportunities:**
 - Increases the annual number of high-skilled Employment Visas (by as much as 50%) without raising visa caps, by only counting the principal applicant and excluding derivatives (children and spouses) from counting towards the visa cap.

- Allows STEM PHD Graduates from American Universities to receive an O Visa for Individuals with Extraordinary Ability or Achievement, allowing them to stay and work in the U.S.
- Allows spouses of H-1B immigrants to automatically be granted work authorization upon receiving their H-4 visa.
- **Family Immigration and Visitation:**
 - Includes the **American Families United Act**, which authorizes discretion if an undocumented child or spouse of a U.S. citizen is denied a visa or has received a deportation order. These families can be granted relief on a case-by-case basis.
 - Includes the **Temporary Family Visitation Act**, which creates a new, 90-day visitor visa that can be used by foreigners to travel to the United States for business, pleasure, or family purposes – such as weddings, birthdays, family reunions, or funerals.
- **Reducing Backlogs and Promoting Fairness for Immigrants:**
 - Cuts the legal immigration backlog at 10 years, ensuring anyone that has been waiting for a legal visa (either family-based or employment-based) for 10 years or more (calculated by priority date) will be provided that visa.
 - More than doubles the per-country cap set in the Immigration Act of 1990, from 7% to 15%. This provision will greatly reduce and eventually eliminate those backlogs when combined with other reforms in this bill.
 - Ensures that children legally present in the United States do not age out of receiving certain visas due to USCIS processing delays.
- **Student Visas:**
 - Requires students working in the United States as part of the Optional Practical Training (OPT) program to pay FICA (Social Security and Medicare) taxes. Currently, foreign students working as part of OPT program in the United States are exempt from paying FICA taxes.
 - Modernizes student visa, changing the F visa to be “dual intent.”
- **Resources and Coordination for Processing Visas:**
 - Creates an Immigration Agency Coordinator position to oversee immigration functions at USCIS, the Department of State, and the Department of Labor.
 - Surges resources to USCIS operations and support account, the Bureau of Consular Affairs and Visa Service at the U.S. Department of State, and the Office of Foreign Labor Certification at the U.S. Department of Labor to fix delays and improve all visa processing.