

New Democrat Coalition Immigration and Border Security Task Force's Framework for Commonsense Immigration Reform

Note on Bipartisanship

This is a framework and a discussion. The best immigration solutions have bipartisan consensus. New Democrats are committed to lasting solutions to our nation's problems and recognize such solutions are often the result of bipartisan efforts. There are areas to be flexible within this framework.

Section I: Strengthen America's Economic Competitiveness

To build a 21st Century economy in which all Americans can succeed and establish the United States as the strongest economy in the world, the nation must develop a workforce that can continue to lead the world in innovation and advanced manufacturing. A key component of this effort is expanding and improving our high-skilled immigration to attract and retain the brightest minds from around the world. As business leaders from across the country have said, the United States should streamline the immigration process for high-skilled workers, recent college graduates and entrepreneurs to come, stay and contribute to our economy.

- Eliminate the per-country cap for employment-based (EB) immigration visas and raise the family-sponsored per-country visa cap from 7 percent to 15 percent.
- Increase the number available EB visas to keep up with workforce demands.

Section II: Build the Workforce Our Economy Needs

Worker shortages are creating supply chain bottlenecks and driving up costs for our most essential goods and services. From food to construction to health care, nearly every sector of the American economy faces rising costs due to workforce challenges. At the same time, small businesses can't grow without a stable, reliable workforce. New Democrats believe the United States must take significant steps to meet the needs of American businesses and reform our worker visa system to meet labor market demands—because it's good for business and for consumers.

- Establish a pathway for migrant farmworkers in the United States to earn legal status and make commonsense reforms to the H-2A visa program.
- Permanently authorize the Conrad 30 waiver program, which allows physicians studying in the United States on a J-1 visa a pathway into the country upon graduation.
- Create a new temporary non-immigrant visa category for year-around work in industries experiencing occupation shortages.

Section III: Secure Our Nation's Border, Once and For All

Both migrants and U.S. citizens deserve a secure southern border. Transnational criminal organizations trafficking drugs like illicit fentanyl and exploiting vulnerable migrants pose a danger to communities across America. The Customs and Border Protection agents who put their lives on the line every day to keep our communities safe have made clear that Congress needs to provide more funding to recruit and retain qualified personnel, and for improved technology and infrastructure. Migrants seeking to enter the United States are often forced to bypass legal pathways due to limited options, processing delays, and inconsistent adjudications.

- Fund the Department of Homeland Security (DHS) at a sufficient level that ensures that Customs and Border Protection has no fewer than 22,000 full-time Border Patrol agents, increase the

number of CBP officers at ports of entry by at least 500 to help halt the flow of illicit drugs such as fentanyl, increase CBP retention bonuses and raise the minimum pay rate of Border Patrol agents at or below the GS-12 pay scale level.

- Fund DHS at a sufficient level that ensures it can upgrade the technology used at the border including investment in radar surveillance systems, mobile remote video surveillance systems, manned and unmanned vehicles; drones; the CBP One app; and CBP's internal communications systems and improve infrastructure at the border including investment to upgrade roads and other pathways; clear invasive species that impede sightlines, and—in strategic locations where necessary—upgrade physical barriers.
- Direct DHS to implement biometric monitoring at their ports of entry by 2030 in accordance with Congressional Mandate.

Section IV: Embrace Those Who are a Part of the American Fabric: A Pathway to Citizenship for Dreamers and TPS Holders

New Democrats agree with the majority of Americans that our nation is long overdue in providing certainty, stability and opportunity for Dreamers and TPS holders. These young people have lived in the United States for most of their lives and become integral members of communities across the country. Dreamers and TPS holders strengthen America everyday by getting an education, caring for their families, earning a living, and paying taxes. Nationwide, millions of small businesses, schools and doctors offices rely on these young people for a qualified, trained and stable workforce.

- Grant Dreamers conditional permanent resident status if they sufficiently meet criteria, including passing security and law enforcement background checks; paying reasonable application fees; have received a high school diploma, GED, are in a program assisting them in obtaining a high school diploma or GED; or are working.
- Grant Dreamers lawful permanent resident status if they acquire a degree from an institution of higher education, or complete at least two years of a post-secondary level degree program while remaining in good standing; complete at least two years of military service or are honorably discharged; OR maintain continued employment for a minimum of three years, at least 75 percent of which the individual was authorized to work in the United States.
- Pursuant to current naturalization requirements, permit Dreamers to apply for U.S. citizenship upon maintaining permanent resident status for five years.
- Grant Temporary Protected Status (TPS) and Deferred Enforced Departure (DED) Holders lawful permanent residence if they have been in the country over three years and pass security and law enforcement background checks.

Section V: Provide A Path to Legal Status for Those Who Pass a Background Check and Pay a Fine

If undocumented immigrants have been in this country for more than five years, working and paying taxes, they should be afforded the opportunity to earn their way to legal status. However, they have to satisfy certain requirements—including meeting strict eligibility criteria, paying a fine, and passing a criminal background check.

- Grant undocumented immigrants who arrived to the United States when they were over age 18 and have been present for five years temporary legal status, only if they pay fine, pass a criminal background check, have not been convicted of a felony offense in the United States or their country of origin, and are enrolled in school or work full time.
- At the end of five years, grant those individuals lawful permanent residence status if they continue to meet certain criteria.

Section VI: Fully Enforce Our Nation's Immigration Laws

The American people need to have confidence that the United States will enforce all immigration laws. Undocumented immigrants who committed a felony, and those who fail to earn legal status, must be held accountable.

- Initiate legal proceedings for undocumented immigrants that do not qualify for temporary legal status. Undocumented immigrants who committed a felony, and those who fail to earn legal status, must be held accountable.
- Modernize compliance tools to digitally ensure U.S. employers can determine the work eligibility of new hires, with assistance to small businesses and safe harbor for employers that attempt in good faith to comply.
- Provide judicial discretion for immigration judges to consider marital, veteran, and other ties to the United States and specific communities when deciding legal status cases.

Section VII: Reform our Broken Asylum System and Safeguard it From Abuse

Seeking asylum from violence and persecution is a human right protected under existing law, but paralyzing backlogs and chronic understaffing in immigration courts mean asylum seekers can wait years for a hearing. That's unacceptable. New Democrats propose a structural overhaul of the broken immigration court system, one that reestablishes trust and transparency. Additionally, we must encourage and provide resources for migrants to apply for asylum before they make the dangerous journey to our border.

- Transition the nation's immigration court system into an independent judiciary, consistent with Article I of the U.S. Constitution.
- Provide funding to hire additional immigration judges and staff support to address the significant backlog of asylum cases and accelerate the adjudication process.
- Establish new regional processing centers (RPCs) in Latin America to allow asylum-seekers to visit the nearest RPC before traveling, receive an interview, and if eligible, be processed for lawful entry into the United States, Canada, Spain and other participating nations.

Section VIII: Strengthen U.S. Bilateral Relationships and Address Root Causes of Migration

The United States cannot do this work alone. We must prioritize deep and sustained engagement with Latin American nations—especially Mexico—as well as regional NGOs and the private sector to address the root causes of migration and combat drug trafficking. With Mexico surpassing China as the United States' top trading partner last year, our economic relationship with Latin America is becoming increasingly important. Bolstering regional economic integration will improve the lives of people across the hemisphere and address the root causes of irregular migration.

- Work with the Department of State, international non-governmental organizations (NGOs), and local authorities to disrupt the flow of drugs and illicit fentanyl and fentanyl-related substances, including by sharing information on precursor chemicals, providing more detection tools, addressing gang recruitment, and encouraging local education for local work.
- Improve economic partnerships, including by exploring trade opportunities, access to financial markets, and foreign direct investment to solidify relationships.

Section IX: Expand Legal Immigration Pathways

Under current law, migrants face convoluted and restrictive legal pathways to immigrate to the United States. Therefore, they often choose to bypass the legal immigration process altogether

and attempt dangerous and illegal border crossing between ports of entry. Expanding legal immigration pathways would alleviate the stress at the border, expand the workforce, and ensure migrant families remain united.

- Expand employment-based pathways—including allocating 100,000 additional green cards per year for international graduates of U.S. colleges and universities, exempting the dependents of employment-based green card holders from numerical caps that apply to employment-based green cards, and establishing a “startup visa” program that would provide legal permanent status for immigrants seeking to start businesses in the United States.
- Replace the outdated existing numerical caps for visas on employment, family reunification, and diversity bases with percentage-based caps that allow immigration to grow with the American population and economy.

Section X: Encourage the President to Take Executive Action

New Democrats urge the President to use all executive powers vested to him under the Constitution to take targeted steps that improve our immigration system. This may include, but is not limited to, actions that protect DACA recipients and TPS holders; extend TPS designations for countries in crisis as warranted; and streamline legal immigration pathways.

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