Immigration Priorities for a Biden Administration

America needs a 21st-century immigration system that advances the economic, security, and societal interests of all Americans. It must strike the proper balance between respect for our laws and border security and treating immigrants with compassion and dignity, recognizing their contributions to our society. It must encourage legal immigration and its significant benefits to the American economy without harming the economic interests of those already here. **A working immigration system can help unite our country through our common patriotism and American identity.**

Democrats and Republicans agree our immigration system is broken and needs repair. Fixing the system is not simple, but is critical to bringing the country together and beginning the hard work to heal our divides. President-elect Biden and his administration should make improving the immigration system a sustained priority for the duration of his presidency. President-elect Biden should bring Democrats and Republicans together to negotiate on immigration reforms ideally with the goal of passing a bipartisan overhaul of our immigration system. The bipartisan effort in the House last year that led to the passage of the Farm Workforce Modernization Act is an example of how immigration legislation can come together. Sustainable **immigration reform that doesn't further divide our country can only occur if the effort is bipartisan.**

An enduring immigration solution is one that provides effective border security, addresses the status of those immigrants who are residing in the U.S. without authorization, fixes an outdated visa system, boosts our economy, values our humanitarian programs, and envisions immigration enforcement that both deters illegal immigration and protects the public.

In addition to sharing below five overarching principles that should guide immigration reforms, we list priorities with strong bipartisan support for the first 100 days of the Biden presidency.

1. **Provide Opportunity for Earned Legalization**

Immigration reform must deal with the existence of the millions of people already living and working in the United States, many of whom are essential workers standing alongside American-born workers to help with COVID-19 response and recovery. It is widely accepted that mass deportation of the 11 million undocumented would not only be extremely costly, unworkable and immoral, but also would destroy businesses and families. Permanent reform requires an opportunity to make restitution and earn legal status (without foreclosing options for citizenship) for those among the 11 million who do not have serious criminal records and who pose no threat to the public. Earned legalization requires otherwise- law-abiding undocumented residents to get right with the law after meeting stringent requirements, such as paying fines and taxes and passing a criminal background check.

First 100 Days Priorities:

- **Address the situation of Dreamers**. Review and revise the existing memo authorizing Deferred Action for Childhood Arrivals (DACA). Allow new applications for DACA and restore DACA's protection from deportation to two years. Support standalone legislation or inclusion of a provision in other legislative vehicles such as government

appropriations or COVID-19 relief that would provide Dreamers permanent resident status and eventual citizenship.

- **Address the situation of TPS holders**. Extend the wind-down period for existing long-term TPS holders. Support legislation that would provide long-term TPS holders permanent resident status and the possibility of citizenship, and reform the TPS system to avoid a repetition of the current situation.
- **Regularize essential workers.** Undocumented workers such as agricultural and health care workers have been essential to COVID-19 response and are key to our economic recovery as well. Support legislation that would allow them to earn permanent resident status and the possibility of citizenship.

2. Expand Opportunities for Legal Immigration

Demographic trends suggest that the composition of the U.S. will result in an older population with the ratio of working age adults to the number of elderly continuing to decrease, leading to a failing Social Security system, the inability to properly provide healthcare to the elderly, inadequate workforce pipelines, and stagnant or declining national and local economies. Researchers have found that immigration reform can be an engine for economic growth, satisfying workforce needs, strengthening the economic circumstances of communities, and enriching the nation as a whole. Reforming our immigration system to expand opportunities for legal immigration that addresses our nation's demographic, economic, workforce and social needs is critical.

Our economy has modernized while our immigration system remains antiquated. Updating our employment visa system using market-based principles will grow our economy, reduce deficits, create jobs, and fill labor shortages, helping the U.S.-born and immigrants alike. We must reform the visa system by applying market-based principles that protect American workers and address the needed number of visas for science, technology, engineering and math (STEM) professions, as well as other sectors such as the service, agriculture, health, and construction industries.

Our broken visa system also undermines the nuclear family. Due to visa backlogs, many people are forced to wait years to immigrate to the United States or adjust to a permanent immigration status. Family unity can best be served by maintaining and improving family-based elements of our current immigration system, clearing existing backlogs as part of a broad-based reform of the legal immigration system, and removing barriers to unification of immediate family members.

First 100 Days Priorities:

- **Lift restrictions on immigration programs.** Revoke President Trump's proclamation suspending many categories of immigration. Suspend rulemaking modifying the H-1B, high-skilled visa program as well as rules restricting international students. Review interim final rules narrowing the H-1B visa program and rescind the rules if conditions no longer warrant those rules to be implemented.
- **Support the Healthcare Workforce Resilience Act.** Support inclusion of the bipartisan Healthcare Workforce Resilience Act in a COVID-19 relief bill to allow more immigrant doctors and nurses to help with coronavirus health treatment and provide an example of how to achieve immigration reform that begins to address the green card backlog, supports family unity, and maximizes the number of visas going to workers by excluding family members from visa caps.

- **Improve USCIS processing services.** Examine the numerous USCIS policy changes implemented during the Trump administration that have resulted in more denials and a more difficult petition process across a number of visa categories, such as additional in-person interview requirements, ending deference for H-1B extensions, and rejecting applications with blank spaces. Reverse or modify those policies that are unnecessarily increasing processing times, leading to an increasing backlog in visa and other applications.

3. Treating Vulnerable Migrants with Compassion

Traditionally, in the administrations of both parties, the United States has been a global leader in welcoming refugees, asylum seekers, trafficking victims and others who seek safety here. These policies reflect a fundamental American value to protect the vulnerable. Throughout our nation's history, Americans have helped persecuted people rebuild their lives in our country of freedom and opportunity. Welcoming those who are being persecuted benefits our national security, societal, and economic interests. Migrants coming to the United States must be treated with dignity and compassion. Families should be kept together throughout the immigration process using alternatives to detention, and those who have been previously separated should be reunited as soon as possible. While not everyone will qualify for asylum, individuals should be given the opportunity to make their case, and adjudications should occur without delay.

First 100 Days Priorities:

- **End family separation.** Identify parents and children whom the Department of Homeland Security (DHS) has separated and reunite them when appropriate. Implement strict policies that allow DHS to separate children from family members crossing the border only when remaining with family would pose a significant safety risk to the children, as determined by independent experts who have training to assess such risks.
- **Re-establish a functioning asylum system.** Suspend all proposed rulemaking restricting asylum. Review interim final rules and rescind the rules if conditions no longer require those rules to be implemented. Reverse the DHS order preventing individuals from entering through the southern border to seek asylum.
- **Review immigration detention conditions.** To reduce health risks and the extremely high costs of detention, release immigrants who do not pose a security threat, such as families with children and employ alternatives to detention, such as electronic monitoring, to reduce health risks and the extremely high costs of detention. Review conditions at all immigration detention facilities and hold accountable supervisors and front-line workers who fail to comply with appropriate standards of care.
- **Restore refugee resettlement.** Restore our nation's position as a global leader in welcoming refugees by revisiting and increasing the presidential determination that sets the annual ceiling for refugees. Reverse the executive order requiring consent from governors and local elected officials while maintaining robust consultation with state and local officials in deciding where to resettle refugees.

4. Provide Effective Border Security

Effective enforcement measures protecting against high-risk threats such as terrorists, transnational criminal organizations and human traffickers, coupled with immigration reforms that facilitate and promote legal immigration, can improve security along the border and make our ports of entry more secure and efficient. Commonsense reform will provide border agencies

with the tools and resources needed to secure our borders. In developing these reforms, we should consider the knowledge and expertise of law enforcement, elected officials, business leaders and landowners who live and work in border communities. In addition to personnel, resources, technology, and physical barriers where necessary, an effective approach to border security will take into account progress already made at the border and will include needed reforms to worker visas and the legal immigration system, the creation of workable border metrics, and achievable goals.

> First 100 Days Priorities:

- **Review spending on border barriers.** Suspend funding and eminent domain actions for additional fencing and re-examine whether new fencing is operationally necessary. Restore funding taken from important Department of Defense projects and seek congressional appropriations for additional physical barrier construction.
- **Increase investment at ports of entry.** Seek additional congressional funding in the next government funding bill for personnel, infrastructure, and technology that will make our ports of entry more secure and facilitate legitimate trade and transit at increased levels.

5. **Enforce Immigration Laws Judiciously**

Concurrent with changing the law to modernize the immigration system, we need sensible enforcement measures that deter illegal immigration and protect the public. Effective federal enforcement measures are built on the expertise of local law enforcement officials tasked with serving and protecting increasingly diverse communities. State and local law enforcement should promote community trust, focusing attention on targeting criminals and ensuring public safety rather than taking on immigration enforcement responsibilities that traditionally have been the role of federal authorities.

Providing opportunity for the legalization of otherwise law-abiding undocumented individuals "shrinks the haystack" so federal and local law enforcement resources are prioritized to seek and remove true threats to public safety. Common-sense immigration reforms include enforcement measures to process and identify those in the country unlawfully, including an electronic worker verification system for job seekers, and promoting appropriate partnerships among federal, state and local law enforcement that recognize the distinct roles and responsibilities they have for public safety. Such enforcement measures deter illegal immigration and advance the security interests of the entire public.

> First 100 Days Priorities:

- **Improve the immigration adjudication system.** Seek funding for hiring additional immigration judges and support personnel, modernizing the immigration filing system, and improving facilities and infrastructure.
- **Institute immigration enforcement priorities.** Review and update the current memo on enforcement priorities, which are so broad that they are meaningless. Prioritization reflects the reality that federal immigration agencies do not have the capacity or resources to remove all undocumented immigrants. Deprioritizing those who pose no threat, allows law enforcement to focus limited resources on serious threats.
- **End over-criminalization of migrants.** In 2018, U.S. attorneys prosecuted more immigration violations than drug-related crimes or violent crimes. Customs and Border Protection (CBP) should be directed to refer for federal criminal prosecution only those cases of individuals who pose a serious threat. Prioritize prosecuting dangerous criminals and not individuals and families trying to seek a better life for themselves. Over criminalization can lead to unnecessary separation of children from their families.