

The Dignity Act of 2023

This **comprehensive, bipartisan** bill addresses border security, border infrastructure, grants legal status to undocumented immigrants already living in the United States with the possibility of earning citizenship, establishes new pathways for asylum seekers, and creates new legal pathways for economic migrants and unaccompanied minors.

- **Border Security:**

- ***Funding for border infrastructure and equipment*** – technology upgrades and acquisitions, research and development, and task force development.
 - Requires CBP to construct and deploy enhanced barriers where it is most effective and beneficial to establishing an operational advantage at the border.
 - Requires CBP to develop a 5-year technology investment plan.
 - Requires CBP to make several essential technology upgrades including secure communication technology, integrated surveillance systems, updates to license plate readers, and a biometric exit data system.
 - **No** funding for restarting construction of the Trump border wall or similar cross-border barrier projects.
- ***Increased personnel*** – funding for additional U.S. Customs and Border Patrol agents and officers, incentives for retaining current workforce, increased funding for civilian Border Patrol Processing Coordinators, increased training, and reports and studies on current staffing models.
- ***Investments in border communities*** – codifies the newly created Shelter and Services Program to ensure that local governments and non-governmental organizations who assist arriving migrants will be able to continue providing vital services.
- ***“Operational Control”*** – replaces the current definition of operational control, which is currently statutorily defined as “the prevention of **all** unlawful entries into the United States”, an unrealistic and unworkable metric that was established in the Secure Fence Act of 2006.
 - ***Redefines it to “Operational Advantage”*** – “as the ability to detect, respond, and interdict border penetrations in areas deemed as high priority for threat potential or other national security objectives”
- ***Southern Border Threat Analysis*** – requires the Department of Homeland Security to develop an assessment of potential threats along the southern border.
- ***Northern Border Threat Analysis*** – requires the Department of Homeland Security to develop an assessment of potential threats along the northern border.
- ***Border Patrol Strategic Plan*** – requires the Department of Homeland Security to develop a plan regarding security enhancements for our international borders, security gaps at ports of entry, information sharing improvements, situational awareness and human trafficking prevention efforts, an assessment of training programs, and information relating to staffing requirements; the plan will be updated every two years.

- **Ports of Entry Infrastructure:**

The Dignity Act of 2023

- **Funding for Expansion** – \$10 billion over 5 years, and requires DHS to expand and modernize ports of entry, including to expand vehicle, cargo, and pedestrian inspection lanes.
- **Additional Funding** – establishes the Immigration Infrastructure Fund to ensure funding for necessary infrastructure, personnel, and costs of the newly-created Dignity Program.
- **Legal Status for Undocumented Individuals:**
 - **Dignity Program** – Creates the Dignity Program and the “Dignity” legal status. Dignity status would grant undocumented people in the United States legal status, along with work and travel authority, and grant them a permanently renewable legal status for as long as they meet criteria. This could bring up to 11 million undocumented people out of the shadows.
 - Participation in the program would require Dignity beneficiaries to pay \$5,000 over the course of 7 years (the duration of the program), as well as pass a criminal background check, pay any outstanding taxes, and begin or continue paying taxes.
 - **Certified Agricultural Worker** – Creates a renewable legal status for undocumented agricultural workers.
 - Creates an opportunity for long-term agricultural workers to adjust to Legal Permanent Resident (LPR) status after a certain number of years working in an agricultural setting.
- **Pathways to Citizenship:**
 - **Dreamers** – The Dream and Promise Act.
 - **Keeping Families Together** – The American Families United Act.
 - **Redemption Program** – A secondary five-year program available to Dignity recipients at the end of the initial 7-year Dignity Program. Participants must complete additional requirements; upon completion, recipients would be eligible to apply for citizenship.
 - **Military Service** – Dignity recipients within enlistment age have the option of enlisting in the Armed Forces and pursuing their citizenship through service if they so choose.
- **Asylum Reform:**
 - **Regional processing centers in key Latin American countries** –
 - Directs for the construction of 5 facilities in Latin America to offer services to potential asylum seekers or economic migrants.
 - These will offer pre-screening for asylum eligibility.
 - If found eligible for asylum, they will be issued a humanitarian visa with which they will be authorized to travel to the United States to have their claim adjudicated.
 - Migrants will be able to apply for guest worker visas (H2A and H2B) and assess their eligibility for other legal pathways.
 - **Humanitarian Campuses in the United States** –

The Dignity Act of 2023

- Provide a screening process to determine whether an asylum seeker meets the standard for credible fear through a Credible Fear Interview (CFI)
- The CFI will be administered within the first 15 days of arrival, but **not before** a 72-hour rest period and after having an opportunity to consult with legal counsel.
- Following an establishment of credible fear, asylum seekers will have their asylum case determined by an asylum officer within 45 days.
 - Asylum officers may refer cases to immigration judges if they are too complex to resolve within the 45-day window.
 - Those who are unable to establish credible fear will be removed.
- ***Opportunity for Review*** – Asylum seekers may request a secondary review of their final determination, which must be completed within 7 days.
 - Migrants who are part of vulnerable groups may request reviews to be referred to an immigration judge for a final decision.
- ***Additional Asylum Officers*** – directs DHS to have no less than 500 asylum officers available across Humanitarian Campuses to determine asylum cases.
- ***Family Reunification*** – creates an expanded reunification program for minors, similar to the Central American Minors program (CAM), for children and young adults under the age of 21 with a parent or guardian in the United States who holds legal immigration status, such as Dignity Status.
- ***Loan Repayment Program*** - authorizes a new federal loan repayment program for lawyers serving at Humanitarian Campuses.
- **E-Verify**
 - Implements E-Verify through the *Legal Workforce Act* and gradually phases in the required use of E-Verify for businesses.
 - As opposed to previous measures requiring E-Verify, the Dignity Act grants undocumented individuals in the country legal status, including work authorization, which would be implemented alongside E-Verify, to ensure an even and fair transition without adversely impacting immigrant workers.
- **Addressing Visa Backlogs and Caps**
 - ***Backlogs*** - cuts the visa backlog to a maximum of 10 years, meaning 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.
 - Creates an Immigration Agency Coordinator position to oversee immigration functions at USCIS, the Department of State, and the Department of Labor.
 - Provides \$2.56 billion to the Operations and Support Account at United States Citizenship and Immigration Services (USCIS), \$852 million to the Bureau of Consular Affairs and Visa Service at the U.S. Department of State, and \$225 million to the Office of Foreign Labor Certification at the U.S. Department of Labor.
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 - ***Raising Visa Caps*** - the per-country cap set in the Immigration Act of 1990, from 7% to 15%. Under current law, no country can receive more than 7% of the total number of employment-based or family-sponsored preference visas each year.

The Dignity Act of 2023

- ***Protects Children from Aging Out of Visas due to delays*** - ensures that children legally present in the United States do not age out of receiving certain visas due to processing delays. Specifically, it guarantees they receive visas they are eligible for, even if they grow out of the age of eligibility, if processing delays by USCIS were the reason they did not receive a visa in time.
- **Guest Visa Reform**
 - ***Visa Security*** – improves visa security by expanding ICE’s Visa Security Units (VSU) to the 75 most high-risk posts worldwide, enhances counterterrorism vetting and screening, provides additional training to CBP and ICE international posts, and establishes the Visa Security Advisory Opinion Unit to respond to specific security-related requests.
 - ***Visa Overstay Reporting*** – mandates that DHS issue a visa overstay report for the previous Fiscal Year to the appropriate Congressional Oversight Committees.
 - ***New visa for certain foreign visitors*** – Through the Temporary Family Visitation Act, creates a new 90-day visitor visa that can be used by foreign visitors to travel to the United States for business, pleasure, or family purposes to any foreign visitor who has family members who are legal permanent residents of the United States or U.S. citizens.
 - ***F Visas/Student Visas*** - This changes F student visas to be “dual intent.”
- **Worker Visa Reform**
 - ***H-2B Program*** - exempts returning workers from any one of the three previous fiscal years from counting against the cap, ensuring that small and seasonal businesses can fulfill their labor needs.
 - Improves the application process and requires the Department of Labor to maintain a publicly accessible online job registry.
 - ***H-2A Program*** – makes the program available to both season and year-round agricultural employers, opening up the program to dairy and other year-round agricultural sectors to participate. Allows additional industries to participate in the H-2A program, including forestry-related occupations, cider pressing, aquaculture, fish or shellfish processing, and equine management.
 - ***H-4 Program*** – H-4 Work Authorization Act allows the spouses of H-1B immigrants to automatically be granted work authorization upon receiving their H-4 visa. It removes the requirement for visa holders to apply for a Form I-765, Employment Authorization Document (EAD), which can take considerable time to be approved.
 - ***Pilot Program for “Portable” H-2A Visa*** – Requires the Department of Homeland Security (DHS), in consultation with DOL and USDA, to establish a 6-year pilot program authorizing portable H-2A status for up to 10,000 H-2A workers.
 - ***Spouses and Children of Lawfully Admitted Permanent Residents*** - exempts spouses and minor children of lawful permanent residents (LPR’s) from current family preference green card caps set in the Immigration and Nationality Act (INA).