

Congress Should Pass Bipartisan Immigration Reform Bill

By **Laura Reiff** (June 26, 2023)

The Dignity Act, H.R. 3599, a bipartisan immigration bill introduced on May 23, in the U.S. House of Representatives, holds great promise for addressing the pressing issues within our immigration system.

This semi-comprehensive legislation is a brave attempt to tackle a wide range of concerns and presents an opportunity for much-needed reform. While there are some areas that could be further strengthened, the Dignity Act deserves serious consideration and support from both sides of the aisle.



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Our current immigration laws are so antiquated and in need of reform that there have been numerous attempts to address reform through federal administration actions.

The Obama administration created the Deferred Action for Childhood Arrivals, or DACA, program in an attempt to address children who lack permanent legal status in the U.S. The Biden administration has extended Temporary Protected Status, or TPS, and Humanitarian Parole programs to specific groups of individuals.

There have been attempts to provide relief for immigrant visa caps through adjusted filing permissions and other workarounds to provide work authorization for certain categories of individuals subject to current extreme delays in backlogs.

All of these administrative efforts have spawned lawsuits challenging the administration's authorization.

Congress' failure to act has also spawned state legislation, and action to both curb immigration and assist immigrants stuck in a limbo. For example, in May, Florida passed S.B. 1718, a significant, restrictive immigration bill that will make sweeping changes for private employers with 25 or more employees, plus many other changes.

Changing administrations also compounds the instability of our immigration system, as every four years new administration actions are issued that may reverse those of the previous administration. Without new legislation that establishes clear federal immigration law we are stuck in an untenable cycle. That is why the Dignity Act provides some hope.

One of the core components of the Dignity Act is its provision of a path for immigrants lacking permanent legal status. There hasn't been relief for immigrants lacking permanent legal status living in our country since 1986, when part of the Immigration Reform and Control Act offered nearly 3 million of such immigrants a way to convert to permanent status.

It is important to understand the history of congressional attempts to pass immigration reform legislation over the last 20 years. There were significant attempts similar to the Dignity Act in 2006, 2007 and in 2013.

The Comprehensive Immigration Reform Act, S. 2611, was introduced in the U.S. Senate on May 23, 2006. The bill was sponsored by Sens. John McCain, R-Ariz., and Ted Kennedy, D-

Mass.

The bill would have provided a pathway to citizenship for immigrants lacking permanent legal status who met certain requirements, such as paying taxes and passing a background check. The bill would have also increased border security and reformed the legal immigration system. It was supported by a number of business groups, labor unions and religious organizations. Although this bill passed the Senate, it was not taken up by the U.S. House of Representatives.

The failure of S. 2611 was a setback for immigration reform, but it did not end the debate.

On May 12, 2007, the Secure America and Orderly Immigration Act of 2007, S. 1033, also known as the McCain-Kennedy bill, was introduced in the Senate. This comprehensive immigration bill would have provided a pathway to citizenship for immigrants lacking permanent legal status who met certain requirements, such as paying taxes and passing a background check, increased border security, and reformed the legal immigration system.

The bill was supported by a number of business groups, labor unions and religious organizations. The bill failed to pass the Senate in 2007.

This McCain-Kennedy bill was another significant attempt to address the issue of immigration reform in the U.S. The bill's failure to pass was a setback for immigration reform, but it did not end the debate.

Once again in 2013, Sens. Chuck Schumer, D-NY, and John McCain, R-Ariz., sponsored an immigration bill, the Border Security, Economic Opportunity, and Immigration Modernization Act, S. 744.

This bill also would have provided a pathway to citizenship for immigrants lacking permanent legal status who met certain requirements, such as paying taxes and passing a background check. It also would have increased border security and reformed the legal immigration system. This bill passed the Senate in June 2013, but it was not taken up by the House, similar to the fate of the 2006 legislation.

The Dignity Act is modeled after the previous comprehensive immigration bills. It includes a path for millions of individuals currently living in the shadows to come forward, fully contribute to American society and pursue the American dream.

The legislation includes individuals in the DACA and TPS programs. These groups have been living month to month and year to year in uncertainty. By providing a practical solution for the immigrants lacking permanent legal status and other destabilized groups, the bill acknowledges the need for compassion and recognizes the potential of these individuals to positively affect our communities.

Another significant aspect of the Dignity Act is its focus on updating the legal immigration process. The current system is outdated and inefficient. It is riddled with unjustified and irrational quotas and caps on visas, which hinder the timely and fair processing of both nonimmigrant and immigrant visas.

Under the current immigrant visa, or IV, quota system, there is a complex system of priority dates and numerical allocations by category and country. There are approximately 140,000 employment-based immigrant visas available in five preference categories. Each category is allotted a number of immigrant visas that are also subject to per-country limits.

Under the per-country cap established in 1990, no country can receive more than 7% of the total number of employment-based preference IVs in a given year. This bill would increase the per-country quota from 7% to 15%. It would also exempt from the visa count any immigrant visa applicant who has been waiting for an immigrant visa for 10 years or more.

Additionally, the bill would make it clear that Congress only intended the immigrant visa number caps to apply to the principal applicant and not to derivative family members. This change could increase the number of immigrant visa numbers available by 50% to 70%.

By streamlining the process, the bill aims to create a more accessible and transparent path for those seeking legal entry into the U.S. This would not only benefit immigrants, but could also contribute to a stronger, more diverse and competitive workforce.

Another notable provision of the Dignity Act is the establishment of so-called humanitarian campuses on the U.S. border. These campuses would offer essential services such as medical care, legal assistance and other support to asylum-seekers.

By expediting the processing of asylum claims within 60 days and ensuring fair treatment, the bill demonstrates a commitment to upholding human rights and addressing the needs of vulnerable individuals fleeing persecution and seeking refuge.

The asylum system in the U.S. needs significant reform in order to serve those who truly need asylum. The backlogs in the current system would still need to be addressed for reforms in this legislation truly to work.

While the Dignity Act represents a significant step forward, there are some areas that could be further developed. One such area is the inclusion of a new nonimmigrant visa program for lesser-skilled or semi-skilled workers. Currently, there are visa programs available for highly skilled individuals and seasonal workers, but a dedicated program for year-round jobs in industries like health care, construction and agriculture is lacking.

The introduction of such a program, as proposed in the recently reintroduced Essential Worker for Economic Advancement Act, H.R. 3734, would not only address labor market needs but also help alleviate the economic pull that leads many to cross the border illegally.

A new H-2C visa program would address the elephant that has been in the room since the 1986 Act — a legal way for most workers to come to the U.S. through established channels with employers that cannot find U.S. workers to fill jobs.

Additionally, the Dignity Act could require that the U.S. seek to update schedules for the U.S. Mexico Canada Agreement — successor to the North American Free Trade Agreement — governing the admission of professionals from Canada and Mexico. These schedules, dating back to 1990, do not adequately account for current job titles and employer needs, including those in the semi-skilled sectors.

Overall, the Dignity Act encompasses vital border provisions, asylum reforms and solutions for individuals lacking permanent legal status, including DACA recipients and those with temporary protected status. It addresses the long-standing issues of immigrant and nonimmigrant visa numbers in a rational and practical manner.

Passing the Dignity Act would mark a significant turning point in our immigration policy. Naysayers opine that there is no way for this legislation to pass in the 118th Congress. The

fact that there is a Republican-led piece of immigration legislation that has significant bi-partisan support is a win already. With some additional attention from both sides, we should continue working to see this legislation move forward.

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