

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, and restores America's economy.

Key Points:

- Secures the Border.
- Enhances Enforcement and Mandates E-Verify.
- Reforms the Asylum System.
- Protects Dreamers.
- Dignity Program: Undocumented immigrants can enter a 10-year program for renewable legal status.
- Redemption Pathway: Provides an optional path to more permanent legal status, but with enhanced criteria, for those that have completed the Dignity Program.
- Provides Workforce Retaining for unemployed or displaced American workers.
- Implements market-based reforms for Agricultural and Guest Workers.

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 Proposal 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. Though Dignity and a chance at Redemption, this legacy can continue.

A DEEPER DIVE

PART 1: BORDER SECURITY, ENFORCEMENT, AND RULE OF LAW

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. A trigger mechanism will ensure that DHS certifies to Congress that the border is fully secure before subsequent reforms in this proposal are vested.

- **Gain Operational Control of 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 and operational control 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 achieve situational awareness and operational control.
 - Updates current law by explicitly authorizing the construction of enhanced physical barriers and barrier levees.
 - It requires DHS to fulfill current border infrastructure contracts.
 - 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 control.
 - This includes integrated fixed towers, mobile and remote video surveillance systems, ground sensors, unmanned aircraft, Next-Generation Radar systems, and sensor upgrades.
 - Ensures that each CBP officer is equipped with a secure two-way radio.
- **Authorize Fortified Security Initiatives:**
 - Employs Operation Stonegarden, which increases coordination between CBP and 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 designed to detect and destroy international and cross-border tunnels.
 - Authorizes the use of electromagnetic spectrum in support of border security operations.
- **Increase Border Security Personnel:**
 - Increases the number of U.S. Border Patrol agents (22,478), CBP officers (27,725), K-9 units, Agricultural Specialists, and intelligence units to increase our ability to stop the flow of illegal immigration and drug smuggling.
 - Improves hiring practices, training, and retention incentives.
- **Target Criminal Organizations and Traffickers:**
 - Sets severe penalties for anyone caught at the border with a firearm.
 - Increases penalties and authorities to go after illicit spotters used by transnational criminal organizations to avoid border agents.
 - Increases penalties for harboring, helping individuals illegally cross the border, and for destroying equipment such as barriers or sensors intended to deter illegal border crossings.

- **Reinforce State Border Security Efforts:**
 - Authorizes reimbursement for state National Guard deployment and state efforts to construct border barriers.
- **Border Trigger Mechanism:**
 - Implements a border trigger mechanism requiring a minimum of 90% detection and apprehension rate of individuals illegally crossing the southern border. Uses a checks-and-balances system requiring certification by each Border Patrol Sector Chief, assessment by the Governor of the Border State in which each Border Patrol Sector is headquartered, and verification by a Border Security Task Force.
- **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 by using X-ray and imaging technology for commercial and passenger vehicles and freight rail entering the US at land ports of entry along the border.
 - **Improving 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, combat visa overstays, and ensure criminals are removed immediately.

- **Mandatory E-Verify:**
 - Modernizes, fully implements, and mandates use of E-Verify nationwide.
 - Requires a nationwide audit to certify implementation before adjustment of status can occur in subsequent sections of this bill.
- **Deter Illegal Crossings:**
 - Increases penalties for illegal border crossings.
 - Implements severe penalties and increased prison time for border crossers with prior deportations or criminal records.
- **Mandatory Detention of Criminal Aliens:**
 - Ensures that illegal aliens that could harm Americans are not released back into our communities.
 - Requires authorities to keep an alien in custody if they are accused of murder, inflicting serious bodily injury, driving while intoxicated, or have previously been arrested for deportable crimes.
- **Expose and Remove Criminal Gangs:**
 - Sets the procedures for the 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.
- **Combat Visa Overstays:**

- Directs DHS to complete and implement biometric exit at all air, land and sea ports of entry.
- Requires CBP to use electronic passport screening and biometric matching for international travelers.
- Expands ICE's Visa Security Units.
- **DNA Testing for Family Verification:**
 - Provides DHS the authority to use DNA testing to verify of family relationships.

PART 2: ASYLUM REFORM

Asylum Reform: Reforms the asylum system to prevent abuse and halt the flow of economic migrants, while improving processing for those genuinely fleeing persecution and violence. Establishes 4 Regional Processing Centers (RPC's) on the U.S. southern border to expedite processing of family units and quickly hear cases to determine if the individual qualifies for asylum or is ineligible to stay in the United States. The goal of the combined reforms below is to have all family units arriving at the southern border and claiming asylum immediately taken to a processing center and have their hearing within 45 days, but no later than 180 days, so they never have to leave the RPC until their case is decided, ending the current catch and release policy.

- **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.
- **Regional Processing Centers (RPC's) on the Southern Border:**
 - Establishes at least 4 regional processing centers that will take in families units arriving at the southern border for immediate processing.
 - RPC's will:
 - Conduct credible fear determinations - an audio recording is required all credible fear interviews.
 - Conduct criminal background checks, analyze biometric data, verify identification, conduct medical screenings, and employ Family Case Management.
 - Have sufficient medical staff, licensed social workers, mental health professionals, child advocates appointed by HHS, secure sleeping arrangements, and sufficient space to carry out the RPC's activities.
 - NGO's and private organizations may have access to the facility to provide humanitarian assistance or legal counsel.
- **Priority Processing to Stem the Tide of Upward Migration:**
 - Establishes the **"Last in, First Out"** policy of immediately processing of those arriving today and going backwards, instead of the current system which releases individuals in the U.S. interior for years while they await their court date before an Immigration Judge.
 - Moving forward all new arrivals will be processed expeditiously, preserving the integrity of the system for those truly seeking refuge from persecution and violence.
- **Expedited Court Determinations:**
 - An asylum hearing before an immigration judge should be concluded within 45 days or less but must take place no later than 6 months after an individual's arrival at a Regional Processing Center.
 - Increased judges, asylum officers, and case managers, and staffers will help expedite hearings and determinations.
- **Ends Catch and Release:**

- Family units will be held and sheltered at Regional Processing Centers until their case is decided, ending the current catch and release policy.
- **Curbs 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 go after transnational criminals, smugglers, human traffickers, drug traffickers, and gangs like MS-13.

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 welcome 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 before the age of 18 and arrived at least 5 years prior to enactment of this Act (July 4, 2016).
 - 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 July 4, 2016.
 - Individuals who were eligible for DED as of January 20, 2021.
 - This applies primarily to Venezuelans unable to return to the current failed state under the Maduro Regime.
- **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 (10 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 10-year program that provides work authorization and protection from removal proceedings, but only as long as 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 \$10,000 in restitution during the 10 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 Visa: They can immediately receive a 5-year Dignity Visa, which provides full work authorization, the ability to live in the U.S., and travel authorization outside the U.S.

- **Holders of the Dignity Visa are not eligible for citizenship** and can never adjust to a higher status.
- Dignity Visa holders will remain ineligible for means-tested benefits and entitlements.
- A Dignity Visa 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.

THE REDEMPTION PROGRAM:

The Redemption Program (+5 years): The Redemption Program is optional. Individuals must complete the 10-year Dignity Program to start the Redemption Program. It offers a chance at redemption and to earn more 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
 - Increased contributions of \$2,500 into the American Worker Fund every 20 months.

Successful Completion of the Redemption Program opens up 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 1 participant in the Dignity Program, the \$10,000 restitution they pay will be able to train or retain at least 2 American workers.
- 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 asylum processing centers, increased personnel, and all other associated costs with this bill shall be paid for by an “Immigration Infrastructure Levy.”
- A 2% 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 guestworker 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 is good for Farmers and U.S Agriculture:

- This bill sets a policy that works for all of America’s farmers, growers, and ranchers.
- It updates the antiquated definition of farming to reflect modern-day farming practices.
- It ensures a resilient and reliable agricultural commodity supply chain.
- It 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.
- It 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 the farm 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, and 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 would be eligible.
 - 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 any one of the three previous fiscal years from counting against the cap, 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.