



On January 20, 2021, newly inaugurated President Biden [announced](#) the U.S. Citizenship Act of 2021, a broad immigration bill he sent to Congress immediately upon taking office. The bill would provide a path to citizenship for the undocumented population, a border management approach that includes a focus on addressing root causes of forced migration, a legal immigration reform platform, a series of humanitarian provisions, and additional rights for immigrant workers.

On February 18, the bill was introduced in the [House](#) by Representative Linda Sanchez (D-California) and in the [Senate](#) by Senator Bob Menendez (D-New Jersey).

### **The U.S. Citizenship Act of 2021 would:**

- 1. Provide an earned pathway to citizenship for the U.S. undocumented population.**

#### **The bill would:**

- **Establish an expedited path to citizenship** for undocumented immigrants who were brought to the U.S. as children (Dreamers), holders of Temporary Protected Status (TPS), and undocumented immigrant farmworkers. Individuals in these categories would all be eligible for green cards immediately provided they meet certain requirements.
- **Provide Lawful Prospective Immigrant (LPI) status**, six years in length and renewable, to all undocumented individuals who arrived in the U.S. before January 1, 2021. After staying for five years on this temporary status, immigrants would have access to a green card and lawful permanent residence, as long as they meet certain requirements including passing a background check and paying any outstanding back taxes. After three years on a green card, these individuals would be able to apply for citizenship.
- **Provide access to this 8-year path to citizenship** to certain individuals who were deported on or after January 20, 2017, who had lived in the U.S. for at least three years prior to their deportation, and whose access to status serves the purpose of family unity or other humanitarian purposes as determined by the Secretary of the Department of Homeland Security (DHS).

- 2. Establish a border management approach to migration at our southern border that focuses on the use of new technology and addressing the root causes of migration.**

#### **The bill would:**

- **Direct DHS to create a plan for the effective use** of new technologies and infrastructure at the border, focusing attention on ports of entry where the majority of drugs and illicit materials are smuggled. Also, the bill would establish new penalties and an increase in prosecutions for cartels and smuggling networks.

- **Address the root causes of migration** by investing in Central American countries from which the majority of asylum-seekers arriving at the U.S.-Mexico border have been coming in recent years. The bill would direct the Secretary of Homeland Security to implement a “4-year strategy” to address violence, crime, poverty, and economic instability in Central America. The bill would authorize \$4 billion from fiscal years 2022 to 2025 to implement the strategy. The bill would also provide additional legal immigration pathways for Central Americans, including by expanding in-region refugee processing, re-instituting the [Central American Minors program](#), and establishing a Central American Family Reunification Parole Program to expedite the unification of families with approved petitions. The bill includes several provisions from the [Secure the Northern Triangle Act](#).
- **Invest in border communities** by establishing a Border Community Stakeholder Advisory Committee and providing additional funding for rescue beacons at the border to help save migrant lives.
- **Promote accountability for border agents and officers**, by investing in training education programs, empowering and broadening the DHS Office of Professional Responsibility (OPR), and establishing use-of-force guidelines for DHS officers and border agents.

### 3. Reform the legal immigration system, including to address green card backlogs and inefficiencies.

#### The bill would:

- **Work to clear the employment- and family-based green card backlogs** which is currently about 5 million people, including by recapturing unused visas from 1992 through 2020 and by eliminating numerical limitations on immigrants whose petitions have been pending for more than ten years. The bill also provides temporary legal status to those in the family-based backlog, and ensures that spouses and children, as well as certain individuals in STEM fields, would no longer count towards employment-based green card caps. The bill would also create exemptions from the family green card limit for the children of Filipino World War II veterans.
- **Equalize wait times for applicants regardless of country of origin**, by eliminating employment-based per-country caps for employment-based visas and raising per-country caps for family-based immigration from 7% to 20%.
- **Raise family-based, diversity-based, and employment-based visa caps while adding some flexibility to the system.** The bill would increase family-based immigration caps from 220,000 to 480,000 and annual available diversity visas from 50,000 to 80,000. It would also increase the total annual employment-based green card cap from 140,000 to 170,000, with the additional 30,000 provided to “other” workers not already classified within an existing employment-based category. The bill would further allow DHS to temporarily reduce employment-based visas during periods when unemployment is high.
- **Eliminate 3- and 10-year bars to re-entry and access to legal status** for noncitizens who have accrued a certain number of days of unlawful presence in the U.S. The bars make it more difficult for undocumented individuals to access legal status even when a pathway to status would otherwise be available to them.
- **Include provisions from the [No Ban Act](#)**, which would prohibit religious discrimination against any nonimmigrant or immigrant visa applicant and limit the President’s authority to suspend or restrict entry of broad groups of noncitizens into the U.S. in the future through section 212(f) of the Immigration and Nationality Act.

- **Establish a pilot temporary visa program** that would allow localities to request a certain number of immigrant workers to work in their city, county or municipality based on local unemployment levels and other factors determined by the DHS Secretary.
  - **Treat spouses and children of green card holders** as “immediate relatives” for the purposes of family-based immigration applications.
  - **Provide employment authorization to H-4 visa holders**, allowing the spouses of H-1B workers to have access to work.
  - **Authorize the elimination of the H-1B lottery.** The bill would allow DHS to institute wage-based consideration of certain temporary worker categories, including for H-1B specialty occupation visas.
  - **Discontinue the word “alien” in the Immigration and Nationality Act** and replace it with the word “noncitizen.”
  - **Require the Secretary of Labor to conduct a study** on the factors affecting employment opportunities in the U.S. for immigrants and refugees with professional credentials obtained in countries other than the U.S. similar to the aims of the Improving Opportunities for New Americans [Act](#).
- 4. Establish additional humanitarian provisions to protect vulnerable migrant populations.**

**The bill would:**

- **Provide additional capacity to process asylum seekers** and populations seeking protection. The bill would provide funding for additional immigration judges, asylum processing personnel, and infrastructure to more quickly adjudicate asylum claims. The bill would also expand discretion for judges to quickly review cases and grant relief to those applying for protection, and it would eliminate the one-year filing deadline for asylum seekers.
  - **Direct the Attorney General to appoint legal counsel, at government expense**, to children, vulnerable populations, and the parents of U.S. citizen children in the immigration court system. The bill would also expand family case management programs which serve as alternatives to detention and increase visas for certain victims of crimes who are cooperating with law enforcement or government officials in the investigation or prosecution of crimes.
  - **Expand protections** for foreign nationals, who have assisted U.S. troops abroad, and their families, including by improving the application process for Afghan nationals and providing up to 5,000 additional visas to Syrian nationals.
  - **Develop minimum standards of care for those held in immigration detention**, and expand the use of alternatives to detention (ATDs).
- 5. Reform the employment verification process and provide additional rights to immigrants at the workplace.**

**The bill would:**

- **Include provisions from the [POWER Act](#)**, which would establish additional protections for immigrant workers. The bill would protect immigrant workers from deportation while they are pursuing any labor claims or complaints. Also, the bill

would increase penalties for employers of temporary nonimmigrant workers who violate certain labor laws.

- **Amend the Fair Labor Standards Act** to remove exemption to the overtime pay requirement for agricultural workers.
- **Establish a coalition of employers, unions, and civil rights advocacy groups** to make recommendations for improving the employment verification process.