



## The DIGNITY Act: Bill Summary

Rep. Maria Elvira Salazar (R-Florida) introduced the Dignity Act ([H.R. 3599](#)) in the U.S. House of Representatives on May 23, 2023, a bipartisan effort to strengthen border security in the United States, provide undocumented individuals with an opportunity to obtain legal status if they meet certain requirements, and update aspects of the U.S. legal immigration system. Additional co-sponsors [include](#) Reps. Veronica Escobar (D-Texas), Lori Chavez-DeRemer (R-Oregon), Mike Lawler (R-New York), and Jennifer Gonzalez-Colon (R-Puerto Rico).

This bipartisan effort comes as [new polling](#) indicates that more than 4 in 5 Americans - including 80 percent of Republican registered voters - support Republicans and Democrats working together on immigration reforms that address labor shortages and inflation, and protect people already in the U.S. and contributing to their communities. During the rollout of the legislation, Rep. Salazar [indicated](#) that the bill is intended to follow the biblical principles of Dignity and Redemption. The bill also aims to focus on modernizing America's immigration system to meet the country's economic needs and to do so in a manner that supports American workers.

The bill is divided into the following five sections:

- A. **Border Security for America Act;**
- B. **American Dream and Promise;**
- C. **Improving Season Guest Worker Opportunities;**
- D. **American Agricultural Dominance Act;** and,
- E. **American Prosperity and Competitiveness.**

This analysis details the main provisions within the bill's five separate sections. While it is not a comprehensive summary of the 483-page bill, it does underscore key takeaways from the legislation.

### **Division A: Border Security for America Act**

The bill requires the Department of Homeland Security (DHS) to deploy physical barriers, tactical infrastructure, technology, and personnel along the border where it is most effective. Specifically, it authorizes at least \$35 billion in funding to enhance and improve infrastructure and technology between and at ports of entry. It also reforms the U.S. asylum system to make a final determination of asylum eligibility for most asylum seekers at the border within 60 days.

#### **Border Security**

- **Border Security: Barriers and Technology.** Authorizes \$25 billion, available in segments until fiscal year (FY) 2031, to complete "an impenetrable border infrastructure system." This system would include physical barriers and barrier levees. It would also

include associated detection technology, roads, lighting, and technology to fully secure the border.

- The bill includes several provisions related to border infrastructure and technology, including investing in tunnel task forces, nonintrusive inspection operations, use of an electromagnetic spectrum, and more. It also updates current law to explicitly authorize the construction of physical barriers and barrier levees.
- **Ports of Entry.** Authorizes \$10 billion over fiscal years (FYs) 2024 to 2028, or \$2 billion each year, for improvements, including the construction of new ports or modernization and expansion of current ports as needed.
  - Within five years, DHS must expand vehicle, cargo, and pedestrian inspection lanes at ports of entry.
- **Personnel.** The bill requires CBP to hire, train, and maintain by September 30, 2025 a minimum staffing level of 22,478 Border Patrol agents, 27,725 Office of Field Operations (OFO) officers at ports of entry, and 1,200 CBP processing coordinators.
  - The bill authorizes recruitment and retention bonuses, as well as special pay for personnel assigned to remote and hard-to fill locations. It also increases the minimum pay for Border Patrol agents at the GS-12 level by at least 14 percent.
- **Biometric Exit.** The bill directs DHS to implement a biometric exit data system at all air, land, and sea ports within five years. It authorizes \$100 million in funding.
- **Operation Stonegarden.** Under the bill, this grant program is funded at \$110 million for fiscal years (FYs) 2024 to 2028, up from \$90 in FY 2023. The grant provides funds to state, county, tribal, and other entities near the border to help enhance border security.

The bill establishes an **Immigration Infrastructure Fund**, which would be used to pay for the new infrastructure, personnel, and others costs associated with the bill. Under the bill, a fee of 1.5 percent would be levied from the income of individuals provided work authorization under the Dignity Program (*described in Division B*). That money would then be deposited into the immigration infrastructure fund.

## **Asylum Reform**

The bill would reform the U.S. asylum system to adjudicate most asylum claims made at the border via an asylum officer within 60 days and prevent the release of most individuals from custody while they wait for a final determination on their claim.

- **Establish Five Humanitarian Campuses.** The bill would create five humanitarian campuses (HC's) managed by CBP along the southern border. Migrants would be held in these facilities. Asylum officers would conduct asylum interviews and make final determinations on these campuses. Migrants would have access to medical staff, licensed social workers, mental health professionals, child advocates, and private organizations that provide humanitarian assistance and legal counsel.
- **Initial Screening (First 15 Days).** Under the bill, migrants would receive a 72-hour rest period. After that, HC staff would provide an initial screening within 15 days. Staff will

conduct criminal background checks, analyze biometric data, verify identification, conduct medical assessments, screen for human trafficking victims, and perform an initial credible fear interview.

- Migrants unable to establish a credible fear during an initial screening are subject to expedited removal from the U.S.
- **Secondary Screening and Asylum Determination (Days 15 to 60).** Within 45 days of passing the initial credible fear interview, a trained U.S. Citizenship and Immigration Services (USCIS) asylum officer would review the individual's asylum claim and make a final determination. Asylum officers must deny, approve, or refer complex/uncertain cases to an immigration judge.
  - Asylum seekers would have limited options to request additional review of such decisions, with denials resulting in expedited removal.
- **Referral to Immigration Judge.** For those referred to an immigration judge, the bill would create a system by which asylum seekers would receive a notice to appear, be released from the humanitarian campus, take part in a case management program, and be monitored via a GPS tracker and weekly check-ins.
- **In-Country Processing in Latin America.** The U.S. would establish five facilities in the Western Hemisphere where migrants could be pre-screened for asylum, unmarried children under 21 with parents legally in the U.S. could be considered for family reunification, and potential noncitizen workers could learn about work visas or other pathways to citizenship.
  - As part of this section, a new humanitarian visa would be created for individuals who choose to be pre-screened for asylum and have credible cases. The visa would be capped annually at the same level as the annual refugee ceiling.
- **Sponsorship of Unaccompanied Minors.** The bill requires criminal history background checks - with biometric samples where appropriate - for potential sponsors of unaccompanied children and other adult members of the household, prohibit placement of an unaccompanied child with potential sponsors who are being tried or have been convicted of especially serious offenses, mandate regular follow-up calls with unaccompanied children once released, and impose heightened criminal penalties for fraud connected to the transfer of custody of an unaccompanied migrant child.
- **Two-Strike Policy.** Under this provision, anyone who crossed between ports of entry would be logged and directed to apply for asylum at a port of entry. If they tried to cross between ports of entry again, they would be subject to expedited removal.

## Other Sections

The bill also includes provisions related to visa security, transnational criminal organizations, employment verification, and economic development in Central America.

- **Visa Security & Integrity.** The bill would expand the Visa Security Program (VSP) managed by Immigration and Customs Enforcement (ICE) to the 75 most high-risks posts

worldwide, require CBP to employ electronic passport scanning and some facial recognition technology at airports, require a report on visa overstays, direct DHS to ensure the Student and Exchange Visitor Information System (SEVIS) is available to CBP officers at all ports of entry, and permit DNA verification of family relationships on a case-by-case basis with the intent to prevent human trafficking, among other provisions.

- **Transnational Criminal Organizations.** The bill aims to combat drug trafficking organizations, gangs, and criminals. It would require the DHS Secretary to designate certain cartels as Special Transnational Criminal Organizations and increases penalties for smuggling noncitizens into the U.S. if a firearm is involved. The bill also increases penalties for those charged with illegal re-entry to the U.S. In addition, the bill incorporates “Sarah’s Law,” which would mandate detention for certain noncitizens charged with crimes that resulted in someone’s death or serious bodily injury.
- **Mandatory E-Verify.** The bill would require employers to attest, under penalty of perjury, that they have verified that a potential employee is not an undocumented immigrant. Employers must verify workers' employment eligibility through a new Employment Eligibility Verification System (EEVS) administered by DHS. If the employer gets confirmation that they are ineligible for employment after hiring a foreign national, the employer must terminate the employment.
  - This section would become mandatory in different timeframes for employers, ranging from 6 to 24 months, depending on the number of employees: 10,000 or more employees (6 months), 500 to 10,000 (12 months), 20 to 500 (18 months), and one or more employees (24 months).
  - Employers of agricultural workers would have up to 30 months to comply with the provisions of the law regardless of the number of employees.
  - The bill would increase civil and criminal penalties for persons engaged in a pattern of systemic violations.
- **Development in Central America.** The bill requires the Secretary of State to develop a four-year strategy to tackle the root causes of irregular migration from Guatemala, El Salvador, and Honduras, with a focus on strengthening the rule of law, tackling poverty, confronting gang violence, and other similar issues. The bill would also expand the investigation and prosecution of human smuggling and trafficking networks and increase the criminal penalties of smugglers to up to 20 years in prison.

### **Division B: American Dream and Promise**

The bill provides Dreamers, including DACA recipients, and certain Temporary Protected Status (TPS) holders with an opportunity to adjust to lawful status. It also establishes the Dignity Program, which provides undocumented immigrants with an opportunity to obtain legal status if they meet certain requirements.

#### **Dreamers**

The bill incorporates a version of the [Dream Act](#), which allows young undocumented immigrants who were brought to the U.S. as children and have lived in the U.S. for most of their lives to obtain

legal status. This section could allow up to 1.9 million Dreamers, including the roughly 600,000 DACA recipients, to live and work in the U.S.

- Dreamers and DACA recipients would be eligible for a “conditional permanent resident” status valid for up to 10 years that would protect them from deportation, allow them to work legally in the U.S., and permit them to travel outside the country.
- To qualify as a “conditional permanent resident,” individuals must have continuously lived in the U.S. for three years, entered the U.S. at an age younger than 18 years old, and graduated high school and/or be enrolled in secondary school.
- Dreamers and DACA recipients can remove the conditional basis of their status to become a lawful permanent resident (LPR) if they achieve one of the following:
  - Obtain a college or graduate degree;
  - Serve at least three years in the U.S. military; or,
  - Are employed and working for at least four years.
- Applicants may be required to pay a fee of up to \$495.
- The bill would extend in-state tuition access in higher education to Dreamers and DACA-recipients.

### **TPS Holders**

This section includes a version of the [American Promise Act](#), which allows certain TPS and Deferred Enforced Departure (DED) holders to adjust to lawful permanent resident (LPR) status. It could allow around 335,000 TPS holders to continue to live and work in the U.S.

- TPS holders would be eligible for LPR status if they have been continuously present in the U.S. for three years and were eligible for TPS status as of March 8, 2021, and meet certain other requirements, including a background check.
- The provision would generally help most TPS recipients from El Salvador, Honduras, and Nicaragua, but the cut-off date would not include those from Venezuela, Afghanistan, Haiti, and Ukraine.
- Applicants may be required to pay a fee of up to \$1,140.

### **Dignity Program**

The Dignity Program would allow undocumented immigrants in the U.S. to earn legal status if they pass a criminal background check, pay back any taxes owed, and meet other requirements. Participants must also pay restitution to be eligible.

- **Dignity Program.** The bill establishes a seven-year deferred action program that would grant employment and travel authorization to undocumented residents who have been continuously in the U.S. for at least five years before the bill was enacted. Under the program, participants must pay a fine and contribute to the American Worker Fund.

- The program requires participants to pay taxes and enroll in health coverage, while barring use of any federal means-tested benefits or entitlement programs.
- During the duration of the program, participants would need to be gainfully employed or in school for at least four years with limited exceptions.
- All noncitizens who are present in the U.S. without lawful status are directed to depart if they do not apply for the Dignity Program or participate in other alternatives.
- **Restitution and Good Standing.** Participants must pay a total of \$5,000 over the seven years of the program, check-in with DHS every two years, and remain in overall good public standing.
- **Continued Legal Presence.** Those who successfully complete the Dignity Program would have two avenues for continued legal presence:
  - 1) **Dignity Status.** A five-year lawful status with employment authorization and the ability to re-enter the U.S., which can be renewed every five years;
  - 2) **Redemption Program.** A five-year conditional redemption status with employment and travel authorization. Individuals must complete the seven-year Dignity Program to qualify. Upon completion of the Redemption Program, individuals could have an opportunity to adjust to lawful permanent resident (LPR) status.
    - Individuals must learn English and U.S. civics, and contribute to their community, including through local volunteer work or continued contributions into the American Worker Fund.
    - The implementation of a mandatory E-Verify System and certification of a fully secure border must be completed before individuals can obtain permanent legal status.
- **American Worker Fund.** The bill establishes a fund with contributions from the Dignity and Redemption Programs. The fund would manage grants to states and organizations to help U.S. citizens looking for work or transitioning to different careers. The grants would cover apprenticeships, work-based earn-and-learn programs, and educational opportunities for high-demand careers. The bill aims to cover the upskill or to retrain at least one American worker for every participant in the Dignity Program.

**Division C:  
Improving Season Guest Worker Opportunities**

This section would expand the statutory definition of "returning worker" to include any worker who entered on an H-2B visa in any one of the previous three fiscal years.

- **H-2B Cap Relief.** A "returning worker" includes any worker who entered on an H2B visa for seasonal guest workers in any of the previous three fiscal years.

- **Oversight.** The bill authorizes the Department of Labor (DOL) to investigate and take action as required to ensure compliance of the H-2b program, to establish a complaint process, and to impose remedies including temporary or permanent disqualification from the program for multiple violations.
- The bill requires H-2B employers to develop and maintain worksite safety and compliance plans. It also prohibits employers or recruiters from receiving fees for the recruitment of H-2B employees.

### **Division D: American Agricultural Dominance Act**

The bill would create a new uncapped temporary worker visa program for current unauthorized farmworkers called Certified Agricultural Worker (CAW) status. CAW visas would be renewable and five-and-a-half years in length.

- **Certified Agricultural Worker (CAW).** The CAW visa would be available for unauthorized immigrants who have spent at least 180 days of the last two years in agricultural employment.
  - For unauthorized farmworkers who have not worked enough days to qualify, additional H-2A visas would be made available for those who have worked for a lower threshold of at least 100 days over the last three years.
- **Adjustment of Status.** After successfully maintaining either eight years of CAW status or four years of CAW status plus ten years of previous agricultural work experience, unauthorized farmworkers would be able to apply for lawful permanent resident (LPR) status.

The bill would also allow employers to complete their H-2A applications in a single platform.

### **Division E: American Prosperity & Competitiveness**

The bill updates aspects of the U.S. legal immigration system with an aim towards protecting family unity, reducing backlogs, and improving employment-based opportunities.

- **Spouses or Children of an LPR.** The bill would exempt spouses and minor children of lawful permanent residents (LPRs) from current family preference green card caps.
  - The 89,700 annual visas that normally go to spouses and minor children of LPRs (F2A category) would be reassigned to the F1 (unmarried sons and daughters age 21 or over of U.S. citizens) family preference category, increasing the number of visas for that group from 23,400 to 111,300 per year.
- **Elimination of Backlogs.** The legal visa backlog is reduced to a maximum of 10 years. Individuals who have been waiting in the backlog (either family or employment-based) for over ten years will receive that visa.
- **Per-Country Caps.** The bill raises the green card per-country cap from 7 percent to 15 percent of the total number of employment-based or family-sponsored preference visas

each year. This provision aims to reduce and eventually eliminate country-specific backlogs when combined with other reforms.

- **Documented Dreamers.** The bill protects Documented Dreamers from aging out of status once they turn 21 due to delays in visa availability.
- **F-1 Visas for International Students.** The bill would change F student visas, reserved for international students, to be dual intent visas. In other words, international students would no longer be required to demonstrate their intention to go back to their home countries after completing their studies.
- **Employment-Based Visas: Derivatives.** The bill would prevent derivatives (children and spouses) from being counted against annual visa totals. Under this provision, only the principal applicant would count as part of the total visa numbers. This provision could increase the annual number of high-skilled workers by 50 percent without raising visa caps.
- **H-4 Visa Work Authorization.** Under this provision, the spouses of H-1B immigrants would automatically be granted work authorization upon receiving their H-4 visa.
- **O-Visa Eligibility.** The bill would create a presumption of eligibility for an O visa, reserved for individuals with extraordinary ability, for students who have earned a doctoral degree in a STEM-related or medical field.

The bill would also create an Immigration Agency Coordinator to oversee immigration functions at USCIS, the Department of State and the Department of Labor and authorize about \$3.5 billion to help improve processing and reduce visa and work authorization backlogs.