

THE COMPREHENSIVE IMMIGRATION REFORM ACT OF 2010

Introduced by Senator Robert Menendez (D-NJ) and Senator Patrick Leahy (D-VT)

Title I – Border Enforcement

- Establishes border enforcement “triggers” that must be met before any unauthorized immigrants can apply for permanent residency.
- Requires DHS to review assets and staffing needed for border security and enforcement.
- Funds port of entry improvements and tools and technology, in line with this review.
- Expands Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) staffing, in line with this review.
- Improves training and accountability for DHS border and immigration officers.
- Enhances cooperation with Canada and Mexico, as well as local law enforcement agencies, to improve border security and coordinate crime fighting.
- Clarifies that the power to regulate immigration resides with the federal government, not states and localities, and that state and local police do not have the “inherent authority” to enforce federal immigration laws (outside of 287(g) agreements).
- Involves border communities in enforcement policy through creation of a U.S.-Mexico Border Enforcement Commission and a Border Communities Liaison Office.

Title II – Interior Enforcement

- Requires DHS to track the departure of noncitizens to ensure that individuals do not overstay their visas.
- Denies “visa waiver” privileges to countries whose citizens attempt to overstay visas.
- Refines existing law on illegal entry, illegal reentry and voluntary departure of noncitizens to ensure enforcement of those provisions and heighten penalties for those who commit serious offenses.
- Funds and expands the State Criminal Alien Assistance Program to cover additional criminal justice costs borne by state and local governments.
- Enhances efforts to ensure that DHS does not mistakenly deport U.S. citizens and residents.
- Expands penalties for passport, visa, and immigration fraud; unlawful flight from immigration or customs controls; and gang activity.
- Expands other civil penalties and grounds of inadmissibility for certain criminals.
- Provides common-sense rules governing the detention of families, elderly or ill immigrants, crime victims, and other “vulnerable populations” like torture survivors, as well as enforcement actions that involve children.
- Improves detention conditions to meet basic standards; expands secure alternatives to detention.
- Ends the waiting period for refugees and asylees to obtain green cards.

Title III – Worksite Enforcement

- Mandates the use of an employment verification system for all employers within five years.

- Creates a new fraud-resistant, tamper-resistant Social Security card; requires workers to use fraud- and tamper-resistant documents to prove authorization to work in the United States.
- Requires the Social Security Administration to create a reliable and secure way of verifying Social Security numbers and work authorization.
- Adds criminal penalties for fraud and misuse of Social Security numbers.
- Provides protections for workers to prevent fraudulent use of social security numbers, correct government database errors, and combat employment discrimination.
- Creates a voluntary pilot program using biometric identifiers to demonstrate work authorization.

Title IV – Reforming America’s Legal Immigration System

- Creates a Standing Commission on Immigration, Labor Markets, and the National interest to evaluate labor market and economic conditions and recommend quotas for employment-based visa programs that Congress and the President would act on. The Commission will be made up of the Secretaries of DHS, State, Labor, Health and Human Services, and Agriculture, as well as the Attorney General, Social Security Commissioner, and seven non-governmental members appointed by the President.
- Creates the structure for a new nonimmigrant visa program (H-2C) to address gaps in existing worker programs that have led to undocumented migration. The number of H-2C workers admitted to the program is completely dependent upon the Commission’s recommendations regarding the impact on the labor market and economy. Workers must have a job offer and meet various application requirements. Once in the U.S., H-2C visa holders are able to change jobs, provided their new employer is authorized to hire H-2C workers.
 - The H-2C program has various features to protect U.S. workers, such as: bars to use of the program in high-unemployment areas; requirements for employers to recruit and hire American workers first; employer-paid program fees; employer banishment from the program for improper use or misrepresentation; etc.
 - H-2C workers are eligible to apply for green cards after having worked in the U.S. for four years, or immediately if they are sponsored by their employer.
- Significantly expands labor protections in current H-2A, H-2B, H-1B, and L-1 visa programs.
- Ensures that the number of family and employment green cards authorized by Congress do not expire because of processing delays; expands the share of visas that each country can access within existing quotas that limit overall immigration.
- Exempts certain immigrants from counting against the annual green card quotas so that they can immediately reunite with loved ones in the U.S., including spouses and minor children of green card holders.
- Revises unlawful presence bars to immigration so that individuals with family ties are not permanently banished from the U.S.
- Incorporates the AgJOBS bill, which provides a path to permanent residency for farm workers and revises agricultural employer sponsorship requirements.
- Incorporates the Uniting American Families Act, which allows permanent partners to access the family-based immigration system.

Title V – Legalization of Undocumented Individuals

- Creates Lawful Prospective Immigrant (LPI) status for non-criminal undocumented immigrants living in the U.S. since 9/30/10. Requires applicants to submit biometric and biographical data, undergo security and law enforcement checks, and pay a \$500 fine plus application fees. LPI status lasts four years and can be extended. It includes work authorization and permission to travel abroad; immediate family members are also eligible for status under the program.
 - Immigrants may apply for LPI status even if they are in deportation proceedings at the time of application or have an outstanding removal order.
 - In order to transition from LPI status to Legal Permanent Residency (i.e. a “green card”), applicants are required to wait at least six years; pay taxes and a \$1000 fine; learn English and U.S. civics; and undergo additional background checks. They will not obtain green cards before those who were waiting “in line” to immigrate as of date of enactment.
 - The LPI program includes a level of administrative and judicial review, confidentiality protections for applicants and their employers, and fraud prevention measures.
- Incorporates the DREAM Act, which creates a path to legal status for individuals who were brought to the U.S. illegally as children, provided they meet age and other criteria and enroll in college or the U.S. military.

Title VI - Immigrant Integration and Other Reforms

- Enhances programs and policies to help immigrants learn English and U.S. civics, such as: tax credits for teachers of English language learners and businesses who provide such training for their employees; a revamped DHS Office of Citizenship and New Americans to assist with immigrant integration; and grants for states who work to successfully integrate newcomers.
- Provides humanitarian immigration visas for Haitian children orphaned by the 2010 earthquake; Liberian nationals who fled civil strife and received Temporary Protected Status in the U.S.; and the immediate relatives of September 11th terrorism victims.
- Establishes a Commission on Wartime Treatment of European Americans and a Commission on Wartime Treatment of Jewish Refugees to review the country’s immigration and foreign policies during World War II.
- Improves access to interpreters in state courts.
- Evaluates the factors that drive undocumented migration from key sending countries and requires the State Department to develop a strategy to reduce migration pressures.