



Summary of the Real Enforcement with Practical Alternatives for Immigration Reform (REPAIR) Proposal

On April 29, 2010, Senators Reid, Durbin, Schumer, Menendez, and Feinstein released a [draft proposal](#) for comprehensive immigration reform. The following is a summary of the core elements: border security, interior enforcement, employment verification, legal immigration reforms, and registration of undocumented workers. A detailed summary by the American Immigration Lawyers Association is available [here](#).

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I. Border Security

The proposal calls for increases in personnel and resources to achieve operational control of U.S. borders. Some of these benchmarks or “triggers” must be met before the estimated 11 million undocumented immigrants in the country can be granted Legal Permanent Resident (LPR) status, but they will obtain temporary status in the meantime.

These triggers include:

- Increased numbers of Customs and Border Patrol (CBP) and Immigration and Customs Enforcement (ICE) personnel to combat smuggling; trafficking of drugs and other contraband; illegal entry; worksite violations of immigration laws; and document fraud.
- Improved technology, infrastructure, and resources to assist CBP and ICE.
- Increased resources for immigration courts and for prosecuting smugglers and unauthorized border crossers.

Beyond meeting these benchmarks, the proposal also calls for:

- Increased personnel and resources for the Drug Enforcement Administration (DEA) and the Bureau of Alcohol, Tobacco and Firearms (ATF).
- Increased ports-of-entry and supporting resources, and training on fraud, vulnerable populations, and the dangers of racial profiling.

- The Secretary of Homeland Security to deploy National Guard to the border when needed.
- A high-tech ground sensor system at the border, replacing the SBInet program.
- A bipartisan commission to make border security recommendations that Congress can approve or reject.
- Federal pre-emption of state immigration laws.
- Alternatives to detention and custody standards at border stations.

II. Interior Enforcement

The proposal establishes a “zero tolerance” policy to combat future illegal entry and reentry. After passage of this legislation, all future unauthorized immigrants will be identified and deported. The proposal will:

- Increase capacity and systems to identify and deport individuals who enter unlawfully or overstay temporary visas, including the expansion of the US-VISIT entry and exit tracking program to all ports of entry.
- Call for the deportation of all criminals in federal, state, and local prisons who are not authorized to be in the U.S. This provision does not specify the level of criminal offenses.
- Create new crimes and expanded penalties for document fraud and smuggling.
- Create detention standards for immigration jails, including private contract facilities.
- Establish uniform standards to decide who should and should not be detained.
- Require consideration of a child’s best interest when making transfer and release decisions about his or her parent.
- Impose penalties, including civil and criminal sanctions, on unscrupulous employers who exploit unauthorized labor and offers incentives to victims of labor exploitation for cooperating with law enforcement actions against employers.
- Require states and municipalities that participate in the state and local 287(g) program to improve their data collection and reporting to ensure compliance with federal policy.
- Grant refugees and asylees Legal Permanent Resident status immediately upon being granted refugee status or asylum.

III. Employment Verification

The proposal establishes a new biometric identification and employment verification system to prevent the employment of unauthorized workers.

- Within 18 months of enactment, the Social Security Administration (SSA) will issue fraud- and tamper-resistant social security cards that include a photograph and biometric data. Within five years after the date of enactment, the new biometric Social Security card will be the only document accepted to prove work authorization.
- Employers must verify eligibility to work of all new employees with the new Biometric Enrollment Locally-stored Information, and Electronic Verification of Employment

(BELIEVE) System. If there is a denial, employees will have the right to contest it and to file for administrative review.

- The proposal imposes civil fines on employers that engage in unfair immigration-related employment practices related to the new card or the BELIEVE system, and calls for procedures to ensure the privacy protections of the system.
- All state and local immigration or employment verification laws will be preempted by federal immigration law.
- The proposal also includes various protections against fraud, violations of privacy and other misuses of the system.
- A national birth and death registration system will be established to prevent fraud and ensure uniformity.

IV. Reforms to the Legal Immigration System

The proposal covers employment-based visa programs and family-based immigration.

- Makes it easier for high-skilled immigrants, especially students who are educated in U.S. universities, to gain permanent status.
- Includes AgJOBS provisions.
- Expands labor protections in existing temporary worker programs, such as:
 - For the H-1B program: revises wage determination requirements; requires Internet posting and description of employment positions; authorizes the Department of Labor to conduct compliance audits and impose penalties for violations of the law.
 - For the L-1 program: prohibits the employer from hiring an L-1 nonimmigrant worker who would be stationed at a worksite other than that of the petitioning employers; specifies wage rates and working conditions; authorizes Department of Homeland Security to investigate non-compliant L-1 employers.
 - For the H-2A program: these provisions are covered in the AgJOBS legislation. Protections include the right for H-2A workers to file a federal lawsuit to enforce their wages, housing benefits, transportation cost reimbursements, minimum-work guarantee, motor vehicle safety protections, and the other terms of the written H-2A job offer.
 - For the H-2B program: gives aggrieved workers a right to file a civil action against the employer.; requires employers to notify the Department of Labor within 30 days of an H-2B employee's termination and submit to DOL payroll records showing that the employer paid the required wage, transportation and other expenses.
- Creates a new visa program for non-seasonal, non-high-skilled workers (H-2C), with portability after a year, the same labor protections as American workers and a path to Legal Permanent Resident status after six years.
- Establishes a commission to regulate the number of employment-based visas according to labor market need (covers all programs, not just H-2C).
- Authorizes recapture of immigrant visas that go unused due to processing delays.

- Clears the family immigration backlog in eight years.
- Moves spouses and children of Legal Permanent Residents to “immediate relative” immigration category, reducing their waiting period to enter the U.S.
- Allows U.S. citizens and lawful permanent residents to sponsor permanent partners for immigration.
- Raises the per-country ceiling for family-based immigration and eliminates the ceiling for employment-based immigrants, which will reduce backlogs that may develop in the future.

V. Registration Program for the Undocumented

The proposal creates a two-phase program to register undocumented immigrants and put them on a path to legal status and eventual citizenship.

- Eligible undocumented immigrants and those with TPS will be immediately considered for first phase of the legalization program, an interim “Lawful Prospective Immigrant” (LPI) status.
 - Must be in U.S. on date of bill introduction.
 - LPI status includes work and travel permission, and protection from deportation.
 - Spouses and minor children of eligible immigrants who are living abroad will be eligible for legalization once that resident relative gets their LPI status.
 - Applicants must register, supply biometric information, pass criminal and national security background checks, and pay fines and taxes.
- The second phase begins eight years after enactment, when current visa backlogs are cleared and certain security metrics are met. At that time, LPIs can petition for adjustment to Lawful Permanent Resident (LPR) status (green card), and start working toward full U.S. citizenship. Requirements for a green card include:
 - Basic citizenship and English language skills, and continuous residence in the United States.
 - Additional background and security checks.
 - Payment of all taxes, fees and civil penalties.
 - Registration for Selective Service.
- The proposal allows for some administration and judicial review of denials.
- The proposal also includes the DREAM Act and AgJOBS.