

February 19, 2021

Democratic Lawmakers Introduce Sweeping, But Longshot, Immigration Bill

When Congress wraps its latest COVID relief bill later this month, the Beltway's attention will soon shift to immigration reform. Yesterday, Congresswoman Linda T. Sánchez (D-CA-38) and U.S. Senator Bob Menendez (D-NJ) introduced the bicameral U.S. Citizenship Act of 2021, describing the bill as a "bold, inclusive, and humane framework for the future of the United States immigration system." Congress has not attempted comprehensive immigration reform since a failed 2013 attempt, and a comprehensive immigration overhaul hasn't passed into law in more than 30 years.

The U.S. Citizenship Act of 2021 is based on an ambitious framework President Biden sent to Congress on Inauguration Day and touches on reform advocates' top concerns: a path to citizenship for undocumented immigrants, reforming visa systems to clear decades-long backlogs, and reopening the U.S. to asylees and refugees.

However, President Biden, some sponsors of this bill, and even immigration reform groups acknowledge that the U.S. Citizenship Act will not win enough Republican votes to pass into law. In the coming weeks, Democrats plan to introduce and hold votes on narrower, but more popular, proposals more likely to attract GOP support. To ensure quick action, most of these narrower bills will be reintroduced versions of bills from the 116th Congress, with votes set for as soon as early March. Below, the MBS team examines the new U.S. Citizenship Act, and which parts of this comprehensive bill may break away into standalone efforts.

Highlights of the U.S. Citizenship Act, from the bill's sponsors:

- **Creates an "earned roadmap to citizenship"**, providing Dreamers, Temporary Protected Status holders, and some farmworkers with an expedited three-year path to citizenship, while undocumented immigrants who pass background checks and pay taxes could access an eight-year path to citizenship.

Related Practices

Administration Transition Resources
Government Relations, Political Law &
Public Policy

Michael Best Strategies LLC

- **Reforms family-based immigration system** by recapturing visas from previous years to clear backlogs, including spouses and children of green card holders as immediate family members, and increasing per-country caps for family-based immigration. It also eliminates discrimination facing LGBTQ+ families, provides protections for orphans, widows and children, allows immigrants with approved family-sponsorship petitions to join family in the U.S. on a temporary basis while they wait for green cards to become available.
- **Changes to the employment-based immigration system**, eliminating per-country caps, making it easier for STEM advanced degree holders from U.S. universities to stay, improving access to green cards for workers in lower-wage industries, and giving dependents of H-1B holders work authorization, and preventing children of H-1B holders from aging out of the system. The bill also creates a pilot program to stimulate regional economic development and incentivizes higher wages for non-immigrant, high-skilled visas to prevent unfair competition with American workers.
- **Increases funding for immigrant integration initiatives** and supports state and local governments, NGOs, and other community organizations that conduct inclusion programs, provide English language assistance, and make available naturalization resources to immigrant communities.
- **Improves the employment verification process** by establishing a commission involving labor, employer, and civil rights organizations to help improve the employment verification process and granting workers who suffer serious labor violations greater access to U visa relief.
- **Supports asylum seekers and other vulnerable populations** by eliminating the one-year deadline for filing asylum claims, reducing asylum application backlogs, increasing protections for U visa, T visa, and VAWA visa applicants, including by raising the cap on U visas from 10,000 to 30,000.

Congressional Republicans are most likely to reject the U.S. Citizenship Act's "path to citizenship" for all undocumented immigrants, a concept which conservatives have long derided as "amnesty" for breaking the law. Democrats hope to break that logjam by highlighting the plight of "Dreamers," now-adult undocumented immigrants brought to the U.S. as young children. Relief for Dreamers is not only popular with the public, but also large business groups. Since 2014, many of these Dreamers have secured deportation deferrals but lived in legal limbo under the Deferred Action for Childhood Arrivals (DACA) program. Rep. Lucille Roybal Allard (D-CA) along with fellow Latina members of the House plan to reintroduce the American Dream and Promise Act (Dream Act) next week. The Dream and Promise Act would create a pathway to citizenship for DACA recipients. Sen. Dick Durbin (D-IL), another longtime advocate for Dreamers, has already reintroduced his own Dream Act bill to his chamber. Democrats are also considering establishing a pathway to citizenship through the budget reconciliation process, a very risky maneuver that could allow Democrats to circumvent Republican support but would torch any hope for further bipartisan cooperation on other immigration priorities.

Democrats are also hoping to win some GOP support with business-friendly employment visa reforms, such as reforms to agricultural and high-tech visas. For example, Rep. Zoe Lofgren (D-CA-19) could soon reintroduce the bipartisan Farm Workforce Modernization Act that passed the House in 2019. The Farm Workforce Modernization Act would create a pathway to legalization for agricultural or farmworkers, as well as update the visa program for agriculture workers, known as the H-2A visa.

A final barrier to immigration reform: Republicans, especially those most closely aligned with former President Trump, will demand more action on southern border security. Democratic leaders have tried to pre-empt those concerns in the U.S. Citizenship Act with technological and infrastructure investments along the border, in contrast to President Trump's signature "border wall," but it's unclear if those investments will satisfy Congress' immigration hawks.

[Links to U.S. Citizenship Act of 2021 Text:](#)

- [Click here for the bill text of the U.S. Citizenship Act of 2021 in the House.](#)
- [Click here for the bill text of the U.S. Citizenship Act of 2021 in the Senate.](#)

Related People

Denise Bode

dabode@michaelbeststrategies.com

T 202.844.3804

Tami Buckner

Partner

tjbuckner@michaelbeststrategies.com

T 202.844.3821

Anne Canfield

Partner

accanfield@michaelbeststrategies.com

T 202.747.9570

Sarah Helton

Partner

schelton@michaelbeststrategies.com

T 202.747.9575