

## US Conference of Catholic Bishops—Elements necessary for a Just Immigration Reform Proposal

### Core elements:

**1. Broad-based legalization:** a legalization program which provides an opportunity for permanent residency for undocumented residing in the United States. “Earned” legalization should be achievable and independently verifiable.<sup>1</sup>

**2. New Worker Program:** Worker program which includes:

- Path to permanent residency which is achievable/verifiable
- Family unity which allows immediate family members to join worker<sup>2</sup>
- Job portability which allows workers to change employers<sup>3</sup>
- Labor protections which apply to U.S. workers
- Enforcement mechanisms and resources to enforce worker’s rights<sup>4</sup>
- Wages and benefits which do not undercut domestic workers
- Mobility between U.S. and homeland and within U.S.
- Labor-market test to ensure U.S. workers are not harmed

**3. Family-Based Immigration Reform:** provisions which reduce backlogs in 2A category—immediate family of legal permanent residents--without harming other preference categories.<sup>5</sup>

**4. Restoration of Due Process Protections:** provisions which restore due process protections lost in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) which separate families, including repeal of the 3 and 10-year bars and restoration of judicial discretion in deportation proceedings.

**5. Addressing Root Causes of Migration:** examine root causes of migration, such as lack of development in sending countries, and seek long-term solutions.

**6. Inclusion of the DREAM Act and AgJOBS:** Two proposals addressing specific groups should be included in any reform legislation. The Development, Relief, and Education for Alien Minors Act (DREAM) would place minor undocumented students, who came to the United States with their parents, on a path to citizenship and would make them eligible for in-state tuition. The Agricultural Jobs, Opportunity, and Benefits Act (AgJOBS) would address the legal status of migrant farm workers in the United States.

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<sup>1</sup> Prospective work requirements should be achievable, preferably within 3 years at a reasonable number of days per year. QDEs and other parties should be allowed to independently verify work performed. Specific elements above should be included.

<sup>2</sup> Family members should have work authorization.

<sup>3</sup> Workers should be able to move between industries unless bill targets specific sector.

<sup>4</sup> Enforcement mechanisms should include right to bring action in federal court

<sup>5</sup> Other family preference categories should be held harmless, at a minimum. USCCB supports reform in those categories so that waiting times are reduced.

## Specific Implementation Elements

1. **Confidentiality:** Applicants for either the legalization or temporary worker program should be extended confidentiality and not subject to deportation or arrest if they do not qualify.
2. **Qualified Designated Entities:** Qualified designated entities (QDEs) which are BIA-recognized should be created to assist in implementation of both programs.
3. **Adequate Funding:** Funding should be authorized for QDEs to assist applicants, for public outreach, and for the U.S. Citizenship and Immigration Service (USCIS) to implement the program adequately.
4. **Reasonable Enactment Period:** Sufficient time should be given between enactment and implementation so that regulations, procedures, and infrastructure are in place. Deportations of prospective applicants who qualify should be suspended between the two dates.
5. **Creation of Separate Entity:** A separate entity, similar to the asylum corps, should be created within USCIS to implement legislation; such an entity should be adequately funded through appropriations.
6. **Derivative Benefits:** Immediate family members should receive the same benefits under legalization/temporary worker program as worker.
7. **Generous Evidentiary Standards:** Evidentiary standards should be based upon “preponderance of evidence” and should include a wide range of proof, including attestation.
8. **One-Step Legalization:** A one-step legalization program would verify eligibility and security and background checks in one process up front and not in a two-step process, i.e. upon conditional status and then permanent status.
9. **Operational Terms should be defined:** Operational terms in the bill, such as “continuous residence,” “brief, casual, and innocent,” and “known to the government,” should be defined in legislation to avoid later confusion.
10. **Broad humanitarian waiver:** A broad waiver of bars to admissibility such as unlawful presence, fraud, or other minor offenses.