

Summary: Comprehensive Immigration Reform For America's Security and Prosperity Act of 2009 (CIR ASAP)

TITLE I – BORDER SECURITY, DETENTION, AND ENFORCEMENT

Subtitle A – Border Security

- Creates a Southern Border Security Taskforce that is composed of federal, state, and local law enforcement officials.
- Improves the exchange of information between federal agencies on North American Security.
- Provides additional training, oversight, and evaluation for agents who are the first face of America that the borders.
- Ensures that Customs and Border Protection (CBP) agents have sufficient personal equipment and assets.
- Improves infrastructure, resource allocation, and training to maximize effectiveness of the screening of commercial goods and individuals entering the country.
- Increases the number of full-time port of entry inspectors, agricultural specialists, and support staff to improve the timely and safe flow of commercial goods and individuals.
- Suspends *Operation Streamline* for review.
- Expands *Operation Armas Cruzadas* and *Project Gunrunner* to identify, investigate, and prosecute individuals involved in gun trafficking.
- Enables better training and technical assistance for state and local partners that deals with narcotics-related kidnapping, drug trafficking and the interdiction of weapons and currency.
- Facilitates information-sharing and collaboration between federal and state partners.
- Establishes the U.S.-Mexico Border Enforcement Commission and a Border Communities Liaison Office to foster and institutionalize community consultation.
- Prohibits military involvement in non-emergency border enforcement.

Subtitle B - Detention

- Adequate medical and mental health screenings, evaluations, medically necessary treatment, and continuing care.
- A review process for medical treatment requests and complete and confidential medical records.
- Reasonable access to telephones, affordable rates, and privacy protections for calls.
- Protection from transfers that fail to consider health and access to counsel.
- Improves Congressional oversight on DHS detention activities and deaths.
- Establishes an independent commission to investigate and report on detention facility compliance with DHS standards.
- Provide access to legal orientation programs and access to counsel during enforcement activities and for disabled individuals unable to fully participate in removal proceedings.
- Establishes criteria to guide detention and release decisions and requires release for vulnerable populations.
- Improving child welfare services for children separated from parents and guardians who are in immigration detention or have been removed.
- Requires that DHS transfer unaccompanied alien children to Office of Refugee Resettlement custody within 24 hours.

Subtitle C - Enforcement

- Provides temporary work authorization for workers who have been retaliated against by their employer.
- Prohibits state and local authorities from discriminating against anyone based on their immigration status.
- Repeals INA §287(g).

- Eliminates the 1-year bar to asylum applications.
- Restores the federal courts of their jurisdiction to review decisions and practices of DHS thereby also restoring the historic role that the courts play in reviewing agency actions.

TITLE II – EMPLOYMENT VERIFICATION

- Establishes an employment verification system to be rolled out gradually over the period of a few years.
- Establishes significant penalties for employers who do not participate in the system, knowingly employ unauthorized workers, and repeatedly violate these provisions.
- Prohibits creation of a national ID card.
- Gives workers access to their Social Security Administration file.

TITLE III – VISA REFORMS

- Permits the recapture of family-based and employment-based immigration visas that went unused between 1992 and 2008. Allows future unused visas to rollover to the next fiscal year.
- Reclassifies spouses and children of LPRs as immediate relatives, making them exempt from family-based immigrant visa cap.
- Exempts several categories of highly skilled workers from the employment-based immigrant visa cap.
- Nonimmigrant skilled workers with a pending application for an employment-based immigration visa will be able to adjust status to LPR regardless of whether a visa is immediately available.
- Permits an immigration judge to decline to order the removal of the parent of U.S. citizen child if the judge determines that removal would not be in the child's best interests and the parent is not subject to removal based on national security, terrorism or trafficking grounds.
- Permits lawful permanent residents to temporarily return to their home country to assist in post-conflict or natural disaster reconstruction activities, for up to two years without losing credit towards time as a continuous resident of the U.S. for purposes of applying for naturalization.
- Creates the Prevent Unauthorized Migration (PUM) Visa as a stop-gap measure until the implementation of recommendations made by the new Labor Commission (see Title V)
 - 100,000 PUM visas available annually
 - 3-Year visas distributed on a percentage basis through a lottery system.
 - Admitted to the US as conditional resident with the ability to remove the condition after 3 years.

TITLE IV – EARNED LEGALIZATION PROGRAM FOR THE UNDOCUMENTED

- Provides conditional nonimmigrant status for undocumented immigrants for 6 years.
 - Provides work and travel authorization.
 - Admission bars relative to undocumented status will be waived
- Eligibility for conditional status:
 - Presence in US on date of bill's introduction (December 15, 2009);
 - Can Attest to contribution to US through: employment, education, military service, or other volunteer/community service;
 - Can Pass a complete criminal and security background checks; and
 - Pay \$500 fine + applicable application fees.
- DHS and State Department must share information on applicants to any law enforcement agency if it is in connection with a criminal or national security investigation or prosecution.
- Conditional residents will not be eligible to apply for LPR status earlier than six years after the date of enactment unless existing immigrant backlogs have been cleared before that time.
- Conditional residents adjusting status to LPR status will not count against annual immigration visa caps

- Special rules for those brought to the US under the age of 16 [DREAM Act alternative]:
 - No fines;
 - Accelerated LPR status upon graduation from high school and completion of 2 years of college, military service, or employment; and
 - Persons granted LPR status through this provision will be eligible to apply for citizenship 3 years after gaining LPR status.
- AgJOBS also included in Title IV

TITLE V – STRENGTHENING AMERICA’S WORKFORCE

- Establishes a *Commission on Immigration and Labor Markets* to provide researched, unbiased, accurate recommendations for future flows of workers. It also permanently reauthorizes the EB-5 visa program and establishes stricter requirements for employers and recruiters of foreign workers.
 - Commission will recommend to the President and to Congress appropriate methods for determining the levels of employment-based immigration and assessing the effects of such immigration as well as the numerical levels and characteristics of procedures for future flows of workers to be admitted into the United States.
- Establishes the *American Worker Recruit and Match System* which will match qualified individuals with job opportunities in fields that traditionally have relied on unauthorized labor.
- Establishes the *Security and Prosperity Account* which directs funds rose from fines in the earned legalization program to fortify America's workforce, integrate new Americans and safeguard our borders.
- Each prospective employee must be provided with a written description of the terms of their employment.
- Changes to H-1B:
 - Authorizes the Department of Labor (DOL) to initiate investigations into possible fraud and abuse in the absence of a formal complaint.
 - Authorizes DOL to conduct annual audits of companies that rely heavily on the H-1B program.
 - Increases penalties for violations
- Employers cannot participate in the H-2B program if they have conducted a mass lay-off in the past year.

Title VI – Integration of New Americans

- Provides for greater scrutiny and public transparency of future fee increases.
- Establishes a federal grant program for community-based organizations to promote and help immigrant prepare for citizenship.
- Establishes the Initial Entry, Adjustment and Citizenship Assistance Grant Program (IEACA) to provide grants to community-based programs that offer:
 - Assistance and instruction to aliens making initial application for conditional nonimmigrant status;
 - Assistance and instruction to aliens seeking to adjust their status; and
 - Assistance and instruction to applicants on the rights and responsibilities of US citizenship and English language proficiency.
- Creates incentives for English language acquisition programs.