

Understanding President Biden's Day 1 Immigration Bill and Executive Actions



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Summary

- Biden immigration bill: U.S. Citizenship Act of 2021
- Executive Orders on immigration
 - Asylum and border
 - Refugee admissions
 - Family separation
 - Legal immigration system
- DHS enforcement policy changes



Proposals in the Bill, pt. 1

Although the bill has not been introduced yet, it reportedly contains the following proposals:

- **Legalization**

- Path to legal status for all undocumented immigrants present in the US on January 1, 2021, plus anyone deported under Trump who'd been in the US for at least three years.
- DACA recipients, TPS beneficiaries, and essential workers can apply for a green card directly.
- Everyone else would have to go through 5 years of “temporary” status but could naturalize 3 years after gaining green card.



Proposals in the Bill, pt. 2

- **Changes to Legal-Based Immigration**
 - Makes children and spouses of LPRs “immediate relatives.”
 - Recapture of unused visas to clear backlogs, increased per-country caps for family-based immigration and elimination of per-country caps for employment-based immigration.
 - Ends 3- & 10-year bars.
 - Creates system for temporary admission for those still in visa backlogs.
 - New paths to green cards for STEM grads of US universities.
 - Increase U Visas from 10,000 to 30,000 annually.



Proposals in the Bill, pt. 3

- **Border & Asylum**
 - Funding and support for four-year interagency plan to address root causes of migration.
 - Creation of processing centers for refugee applications in Central America.
 - More funding for “smart” border enforcement (tech and surveillance).
 - Increases criminal penalties for smugglers.
 - Creation of a Border Community Stakeholder Advisory Committee.



Proposals in the Bill, pt. 4

- **Courts**
 - Expansion of Family Case Management Program and Legal Orientation Program.
 - Government-funded counsel for children & vulnerable individuals.
 - More immigration judges and funding for court technology.



Executive Orders - Day 1

- Regulatory freeze
- Rescinded Trump's interior enforcement executive order and called for a review of all policies enacted under it.
 - Deportation moratorium and enforcement priorities memorandum issued under the new EO.
- End of Muslim Ban/African Ban.
- "Protect and Fortify" DACA.
- New DED for Liberians and order to USCIS to expedite LRIF applications.
- Pause on border wall construction and review of all border wall contracts.
- Rescinding census executive order.
- Suspends new admissions into MPP.



Enforcement Moratorium

- 100 day pause on deportations
 - Currently not in effect - lawsuit from Texas
- New enforcement priorities
 - Awaiting detailed interim guidance from ICE
- Calls for DHS to rethink priorities on all enforcement including:
 - Detention decisions
 - Whom to put into removal proceedings
 - Prosecutorial discretion
 - Settling cases



Executive Orders - Border and Asylum

- Task force on reuniting separated families
- 3-part plan for asylum and southern border
 1. Addressing root causes of migration
 2. Shoring up asylum systems in other countries
 3. Restore U.S. asylum system



Executive Order

Restoring "Legal Immigration System"

- Restoring "legal immigration system"
 - Reviewing all Trump-era policies affecting legal immigration system
 - Remove barriers to accessing immigration system
 - Rescind harmful public charge rules
 - End harmful changes to naturalization process



Executive Order

Rebuilding Refugee Program

- U.S. will rebuild and expand refugee admissions program
 - Revokes Trump EOs on refugees
 - Calls for rebuilding refugee program
 - Rebuild SIV program for Iraqis and Afghans
 - Calls for protection of women, children, people facing gender and sexual orientation-based persecution.



How You Can Help

- American Immigration Council:
www.americanimmigrationcouncil.org
 - Up to date information
- Volunteer with the Immigration Justice Campaign, www.immigrationjustice.us
- Make your voice heard - Take Action
 - www.immigrationjustice.us/advocacy/ways-to-advocate

