

# 5 Essential Elements of True Immigration Reform

## 1. Secure the border

- Complete the fence/wall to the extent physically possible, allowing alternatives in certain areas upon the consent of Congress.
- Conduct an objective/non-partisan study to determine the number, type, and location of needed personnel and equipment (technology, advanced analytics software, use of drones, sensors, etc.)
- Fund and increase staffing commensurate with the study.
- Authorize use of the military to support DHS on an as needed basis and under the direction of DHS.
- Automate entire port-of-entry arrival and departure process.
  - Require collection of biometrics and biographic information, and security checks prior to travel to U.S.
  - Also match biometrics at POE and electronically ping appropriate databases/datasets (law enforcement, intelligence, TSDB, and deportation/overstay database).
  - Require visa processing, which includes interviews, at American Consulates/Embassies for high risk countries. Will need to define and maintain.
  - Require for countries whose overstay rates exceed a specific percentage.

## 2. Enhance interior enforcement policies and operations

- Mandate the use of expeditious removal authority for those in the U.S. in violation of immigration law.
  - Only require formal deportation/removal proceedings (actual hearings before an immigration judge) for those who possess a fear of persecution or some form of statutory or regulatory relief.
- Statutorily redefine and limit "Executive Authority", "Executive Discretion", and "Prosecutorial Discretion" on immigration-based issues, so as to preclude application inconsistent with existing immigration law, regulation, and policy, and/or to address a specific group or population without the prior consent of Congress.
- Mandate that federal, state, and local law enforcement agencies cooperate with ICE
  - Resurrect and mandate participation in the Secure Communities Program.
  - Require notifying ICE of the arrest and detention of foreign nationals engaged, or suspected of having engaged, in criminal activity.
  - Honor detainers issued by ICE and automatically detain criminal aliens for 48 hours after formally notifying ICE.
  - Do not allow federal grants or other funds to states and localities who fail to comply.
  - Prohibit the Federal Government's recognition of sanctuary cities.

## 3. Mandate E-Verify for all employers

- Transition E-Verify to a biometric-driven system within five years.
- Require issuance of secure biometric social security cards to those entering the workforce within 10 years. [Not doing so allows illegal aliens to beat the system by simply claiming to be a native born U.S. citizen, as E-Verify only contains records of those issued a U.S. passport.]

#### **4. Discourage illegal immigration and reward legal immigration**

- Modernize the legal immigration process, especially as it pertains to applying for jobs and certifying occupational shortages.
  - Place responsibility of identifying labor shortages on the states.
  - Build a system similar to OPM's USA Jobs, but for the employment of foreign nationals. This will minimize the issuance of employment-based visas and work authorization to those seeking jobs for which lawful workers are available. [This would replace the longstanding ineffective, subjective, fraud-ridden, and special interest-driven paper labor certification and employment petition process with an electronic, objective, and data-driven one with integrity.
  - Require immigration attorneys to complete formal immigration training and subsequent continuing education (similar to that of CPAs), successfully complete a background check, and be approved by DHS or DOJ to practice immigration law before said Departments. Require those Departments to maintain and publish a List of Recognized Immigration Attorneys for use by the public.

#### **5. Build a broad nonimmigrant Guest Worker Program (GWP)**

- Empower states to determine the need of seasonal and other temporary foreign workers working closely with the U.S. Department of Labor (DOL).
- Have states determine the specific occupations and locations in such short supply and maintain the data in an electronic database in an ongoing manner {as this will determine and drive the types and volumes of nonimmigrant workers allowed}.
- Require electronic system to also track periods of employment, travel, and violations. Pair this system with the DHS' arrival/departure and overstay databases. Prohibit participation, including entry into the U.S., of those who violate conditions of the program. Also suspend or permanently bar noncompliant employers from participating in this GWP and from filing any employment-based petitions with USCIS.
- Bar violators from applying for and receiving any immigration benefits when physically in the U.S. and require the payment of an administrative fine (penalty) prior to making application. Only allow exceptions/waivers to those who possess a fear of persecution in their homeland or country of last residence. No waivers based on relationships or employment.
- Engage advance fraud analytics software in USCIS' and DOS' entire immigration benefit/visa-seeking process {for both employment and relative-based petitions, and asylum applications}.
- Penalize employers for violating E-Verify requirements and other employer provisions.
  - Publicize violations for deterrence purposes.
  - Criminally prosecute repeat offenders.

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