

Vision of an Immigration System that Works

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A nation's immigration system must be designed to meet the needs and support the values of the society it serves. Historically, immigration in the U.S. has been used to supplement the workforce with the skills, ideas, and innovations necessary to drive our economic engine. In addition, it has provided a mechanism for the orderly unification of family members with their relatives once sponsors have established that they are residents in good standing in the U.S. Further, it offers protections to vulnerable populations overseas (refugees) and individuals in the U.S. who would be subjected to persecution were they to return to their home country (asylees). It has served as a vehicle through which students can come here to study and share ideas. Our society is enriched by exchanges with and visits by those from other cultures, and new generations of naturalized citizens come to accept, support, and defend our nation's values.

In an era dominated by transnational threats, the immigration system incurs great responsibility while performing its role in support of society, and must remain vigilant to ensure that individuals who pose threats to national security, public safety, or the integrity of the immigration system are not permitted to enter or remain in the U.S.

Virtually all Americans are affected by our immigration system. A fair and effective immigration system enriches American society, unifies families, and promotes our security. Conversely, persistent problems in immigration policy can consume valuable resources needed to advance other security objectives, undermine confidence in the rule of law, and make it harder to focus on the most dangerous threats facing our country. In short, the success of our nation's immigration system plays a critical role in advancing homeland security, and must be implemented in a manner that succeeds in advancing American interests.

At the heart of any nation's immigration regime is the imperative to know and control who lives and works within its national borders. In addition, the legal immigration system must:

- Promote lawful immigration through effective education, incentives, and engagement with industry as well as the community;
- Improve the efficiency, effectiveness, fairness, and integrity of the processes by which immigration benefits and services are administered and delivered to eligible applicants;
- Prevent unlawful immigration by reducing demand or eliminating the conditions that encourage foreign nationals to illegally enter or remain in the U.S., refusing entry or denying benefits to individuals who are ineligible or inadmissible, and eliminate systemic vulnerabilities that provide opportunities for fraud, abuse, exploitation or otherwise threaten the integrity of the system;

- Deter future illegal immigration through a regime of penalties that firmly reinforce the rule of law and ensure that those who fail to comply do not receive benefits at the expense of those who followed the rules;
- Identify and remove criminals, fugitives, dangerous individuals, and other unauthorized foreign nationals consistent with due process and civil rights; and
- Integrate lawful immigrants into our communities and American society in a way that promotes security, prosperity, American values, and counters violent extremism.

This vision reflects an emphasis on both immigration enforcement and immigration services, allowing the government to efficiently facilitate lawful immigration while identifying and removing those who violate our laws. To achieve this vision, the Immigration System must be reformed to include the principles and requirements outlined below.

Foundation of Integrity

- Technology-driven
- Electronic registration of foreign nationals
- Biometric and biographic information collected on all foreign nationals
- Electronic arrival and departure controls
- Electronic criminal and national security background checks conducted
- Foreign nationals issued secure government-issued identity documents
- An electronic and modernized labor and immigration benefit application process
- DNA testing to verify claimed blood relationships
- Administrative Compliance Reviews
- Benefit Fraud Assessments

Required Outcomes

- Biometric/biographic information is collected on all applicants and petitioners for or beneficiaries of immigration benefits;
- The identities of individuals seeking immigration benefits or services are verified at first contact and throughout the immigration process;
- Critical background checks are conducted and completed prior to allowing entry into the U.S. and/or receiving an immigration benefit.
- Recurring background checks are performed to identify threats added to the Terrorist Screening Database after entry or subsequent to receiving an immigration benefit.
- Foreign nationals who are not in possession of a government-issued document reflecting they are authorized to be in the U.S. are required to register in the proposed Foreign National Registration Database.

- All foreign nationals to be in possession of a secure government-issued identity and authorization document to remain in the U.S.
- Foreign nationals departing the U.S. must complete the biometric-based electronic departure process.
- The use of E-Verify is required for all employers and those who fail to comply are penalized.
- All state and local law enforcement agencies must participate in DHS' *Secure Communities Program*.
- Attorneys practicing immigration law are required to register with DHS and complete ongoing educational requirements to represent clients before DHS and the DOJ.
- Applicants, petitioners, attorneys, and other entities who engage in immigration fraud are prohibited from filing applications and petitions with USCIS and representing clients before USCIS for at least five years. These violators are required to pay fines and demonstrate rehabilitation before being able to resume filing and/or representation with USCIS.
- Ongoing Benefit Fraud Assessments are performed on various immigration benefit-seeking applications to maintain knowledge of fraud rates and causes, identify solutions, and undertake corrective action.
- Recurring random administrative compliance reviews (site visits) are conducted to promote compliance, deter fraud, and ensure integrity in the legal immigration process.

Other Enhancements

- Develop a long term border security strategy.
- Complete the physical and virtual fence on the southern border.
- Staff DHS sufficiently to man the border 24/7.
- Legislate authority for military to support DHS in securing the immediate border area.
- Build and expand detention facilities on the border to house detainees until removed.
- Legislatively limit a foreign national's right to formal removal proceedings to those who fear persecution or are eligible for some sort of statutory relief. Allow others to be removed expeditiously upon establishing alienage and deportability. Enable administrative challenge of decisions (appeal/review) from outside the U.S.
- Facilitate trade and travel by expanding DHS's Trusted Traveler Program to foreign nationals from low risk countries who continue to average *overstay* rates below established levels of acceptance.

Summary

- The collection and verification of biometrics and biographic information prior to, at the time of, and/or subsequent to entry, and requiring foreign nationals to be in possession of secure government-issued identification and authorization documents will substantially improve the integrity of the immigration system and make it extremely difficult for undocumented aliens to enter the U.S., find and retain employment, abscond from law

enforcement, and commit immigration fraud. It will also serve to discourage illegal entry and may deter those who enter legally but remain beyond the period of authorized stay.

- These enhancements alone would result in a system that is much more efficient, effective and enforceable.