
Passed by the U.S. Senate on June 27, 2013 by a vote of 68-32, the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 (S.744) aims to overhaul the nation’s current immigration system. It would:

• Provide a path to citizenship for many of the 11 million undocumented immigrants living in the U.S.;
• Reform the legal immigration system;
• Enhance border security;
• Strengthen immigrant worker protections;
• Fast-track the application of over four million people currently in the family backlog; and
• Expand opportunities for foreign-born workers to contribute to our economy.

Enforcement: Within six months of the bill’s passage, the Department of Homeland Security (DHS) would be required to implement heightened border security measures (adding more border agents, increasing surveillance and technology, and extending fencing along the U.S.-Mexico border) with the goal of apprehending 9 out of 10 immigrants who attempt to enter the country without authorization. Before undocumented individuals can begin the proposed path to citizenship, the DHS secretary must certify that the new Southern border security strategy is fully operational, including the deployment of monitoring technology along certain border sections and the completion of at least 700 miles of fencing. The bill allocates $46.3 billion in funding for border enforcement, including doubling the number of Border Patrol agents to nearly 40,000.

Within four years of the bill’s passage, all U.S. employers (including homeowners) must implement E-Verify, a program to electronically validate workers’ legal status. The bill also includes due process protections to safeguard against system errors and/or employer misconduct. An electronic entry-exit verification system, designed to prevent visa overstays, would be phased in over 10 years.

Path to Citizenship: Under the bill, many undocumented immigrants would have a 13-year path to citizenship. To qualify, individuals must have entered the U.S. before December 31, 2011, have physically remained in the country since their entry, and pass a criminal background check. Immigrants who have been deported would be able to apply to return with provisional legal status if they are a DREAMer or the parent or child of a U.S. citizen or Lawful Permanent Resident (LPR).

To begin the road to citizenship, undocumented immigrants would first need to apply for Registered Provisional Immigrant (RPI) status and pay an application fee, a $500 fine, and any federal tax liability assessed by the Internal Revenue Service (IRS). After six years, immigrants with RPI status would have to apply for renewal by paying another $500 fine and related fees. These may be paid in installments. RPIs would need to demonstrate that they have been regularly employed (without a period of unemployment longer than 60 days) and are not likely to be a public charge or show that they have income or resources that do not fall below the federal poverty level. After 10 years, they could apply to become LPRs by: paying a $1,000 fine, an application fee, and any federal tax liability; demonstrating that they have been regularly employed; showing that they are likely to have income or resources of at least 125 percent of federal

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1 “DREAMer” refers to intended beneficiaries of the federal legislation first introduced in the U.S. Senate on August 1, 2001, the Development, Relief, and Education for Alien Minors Act or the DREAM Act.

2 Lawful Permanent Residents (LPRs) are non-U.S. citizens who have been given permission to live and work in the United States. LPRs are given “green cards” as proof of their status.
poverty level wages (or satisfy certain education requirements); and are studying English and U.S. history and civics. Three years after securing LPR status, these individuals would be eligible to apply for U.S. citizenship.

**Expedited Path for DREAMers & Agricultural Workers:** In recognition of their unique circumstances and contributions to the U.S. economy, the bill offers an expedited path to citizenship for DREAMers and agricultural workers. DREAMers who entered before age 16, have been in the United States for at least five years, have graduated from high school or obtained a GED, and meet certain other requirements could apply for provisional status without facing a fine. After five years, DREAMers with provisional status could apply for a green card and immediately seek citizenship. Similarly, agricultural workers would have an accelerated path to a green card after five years of work. The DHS would have the authority to provide a streamlined path for individuals granted Deferred Action for Childhood Arrivals (DACA) status. As RPIs, DREAMers will also be eligible for work-study programs and student loans, but not for grants such as the Pell grant.

**Future Flows:** The bill creates a two-track, merit-based system that would shrink the number of family-based visas and expand employment-based visas. One track would consist of a points-based system that considers factors such as education, employment experience, family members in the United States, and age. This track would provide a minimum of 120,000 visas per year and up to a maximum of 250,000 per year, depending on demand and the unemployment rate. It would also nearly double the annual number of high-skilled visas, known as H1-Bs. The second track would create an unlimited number of visas for backlogged employment- and family-based petitions, including applicants who have been waiting for five or more years and those who have been lawfully present in the United States for 10 years or longer, along with their spouses and children. Visas for siblings and married children over 30 years of age would be eliminated.

**Office of Citizenship and New Americans:** The proposed Office of Citizenship and New Americans, to be housed within DHS, would promote citizenship training and coordinate integration efforts across the federal government and with state and local entities.

**Benefits:** The bill explicitly prohibits noncitizens from receiving federal public benefits and bars those in RPI status—as well as nonimmigrants with certain classes of visas—from subsidies and tax credits under the Affordable Care Act. Individuals granted RPI status and those who overstayed a nonimmigrant visa may not claim Social Security credits for any unauthorized work performed between 2004 and 2014.

**Resources:** The bill is available in html, pdf, and summary formats. Additional resources consulted to compile this summary include:

- National Immigration Law Center’s summary & analysis;
- Migration Policy Institute’s Comprehensive Immigration Reform Hub; and
- Washington Post summary chart and Q & A.

For more information, including policy updates, recommendations for funders, and upcoming programs related to immigration reform efforts, visit [www.gcir.org](http://www.gcir.org).