

1. Border Authorization (H.R. 4760, Division C)
 - a. Highlights:
 - i. Authorize funding for construction of the border wall, border technology, border personnel, and modernization of ports of entry.
 - ii. Authorize use of the National Guard along the southern border to construct physical barriers and provide other support on the border.
 - iii. Combat visa overstays through full deployment of the Biometric Entry-Exit System at all air, land and sea ports of entry.
2. Advanced Appropriations of the President's \$25 billion request for the Border Wall and Border Security
 - a. Includes funding for the wall, border technology and border access roads and mobility.
 - b. At the point when contingent nonimmigrants become otherwise eligible to apply for LPR status, they are only able to adjust if the advanced appropriated funds for a fiscal year have been made available for obligation, have not been transferred or reprogrammed for other non-border security purposes, and have not been rescinded.
3. End Catch and Release and Close Legal Loopholes
 - a. Combat asylum fraud by increasing the Credible Fear Standard: Require a determination that it is "more probable than not" that the alien's statements are true.
 - b. Treat all unaccompanied minors apprehended at the border equally by ensuring the safe and expeditious return of both Mexicans and "Other than Mexicans" (OTMs) to their home country (unless they establish a credible fear of persecution).
 - c. Clarify the Flores Settlement by ensuring alien minors apprehended at the border along with their parents are not separated from their parent or legal guardian.
4. Eliminate and Repurpose Visa Lottery
 - a. Eliminate the visa lottery and visas and reallocate 55,000 visas consistent with Pathway Concept A or B (see paragraphs 8 and 9).
5. Protect Nuclear Family and Shift to Merit-Based System
 - a. Eliminate family preference visa categories F-3 (Married Children of U.S. Citizens) (23,400 visas) and F-4 (Siblings of Adult U.S. Citizens) (65,000 visas).
 - b. Reallocate some visas to employment-based visa categories.
6. Shift to a "First-In-Line" Visa System
 - a. Eliminate the per-country numerical limitation for employment-based immigrants, and increase the per-country numerical limitation for family-based immigrants from 7% to 15% of the total number of family-sponsored visas with no change in the overall number of visas issued.

DISCUSSION DRAFT – FOR REVIEW AND COMMENT

7. DACA

- a. Permit the DACA population to apply for contingent nonimmigrant status.
- b. Initial Eligibility Requirements
 - i. Enrolled in an educational institute in the U.S. or has acquired a high school diploma or GED
 - ii. Disqualified for crimes or failure to meet other requirements

8. Pathway Concept A (DACA Only)

a. Visa Allocations

- i. The 55,000 visas from the lottery will be accumulated each year and put into escrow. They will be made available on a first-come, first-serve basis to contingent nonimmigrants when they are eligible to adjust to LPR status. After 20 years (when presumably all contingent nonimmigrants have had a chance to adjust to LPR status), the 55,000 visas are eliminated, along with any visas that remain in escrow.
- ii. The 23,400 F-3 visas will be accumulated each year and put into escrow. They will be made available on a first-come, first-serve basis to contingent nonimmigrants when they are eligible to adjust to LPR status. After 20 years (when presumably all contingent nonimmigrants have had a chance to receive LPR status), any visas that remain in escrow are eliminated. Beginning the next fiscal year, the 23,400 F-3 visas are reallocated to employment-based visa categories.
- iii. Global Cap Concept: If the number of individuals granted contingent nonimmigrant status exceeds a set number, F-4 visas shall be accumulated in the amount exceeding that number and put into escrow to be made available to contingent nonimmigrants when they are eligible to adjust to LPR status. After the amount above that number million is reserved, the F-4 visas will be allocated to the employment-based visa system.

b. Status

- i. After the initial 5-year period, a contingent nonimmigrant may apply to renew their status.
 - 1. Requirements for Renewal
 - a. Has not committed a crime or otherwise rendered himself ineligible in accordance with the initial requirements.
 - b. If 18 or older, has graduated from institution of higher education, has been employed for 48 months during the initial 5-year period, or has served as a member of the armed forces in active duty status for at least three years and was not dishonorably discharged.
 - c. Good moral character.
- ii. After a renewal of contingent nonimmigrant status is granted, individuals with such status may apply to adjust to LPR status using visas from the visa lottery, the F-3 category, and potentially the F-4 category that were put into escrow.

DISCUSSION DRAFT – FOR REVIEW AND COMMENT

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9. Pathway Concept B (DACA and Others)

- a. Create a new merit-based green card program that is limited to certain individuals who are already in the U.S.
 - i. Children of E1, E2, H1B, and L workers who were brought by their parents lawfully into the US as minors and have been continuously in the U.S. for 10 years before the date of enactment may apply if they are in a valid legal status on the date they apply.
 - ii. In addition, anyone who has a “contingent non-immigrant status” (DACA population) could apply. Applications will be accepted starting 5 years after the date of enactment.
 - iii. Applications will be accepted starting 5 years after the date of enactment.
- b. Visa Allocation
 - i. The 55,000 green cards from the visa lottery would be reallocated into this new program each year, but stored in escrow for the first 5 years.
 - ii. At the beginning of the sixth year of the program, the first green cards would be awarded based on the priorities / points (up to 275,000 based on the stored green cards over that 5 years).
 - iii. After the sixth year, unused green cards will roll over to the next year and then new green cards become available at a steady rate of 55,000 per year until all the applications are processed and all approved applicants have received green cards.
 - iv. Then the 55,000 green cards will be eliminated and not reallocated.
- c. Status
 - i. Grant an initial 6-year indefinitely renewable contingent nonimmigrant status to the DACA population.
 - ii. At the beginning of the sixth year, green cards will begin to be awarded under the new merit-based program.
 - iii. Each year, the green cards will be awarded by selecting one candidate with the most points in each category (E, H1B, L, and “contingent non-immigrant status”) and then repeating that process until all the available green cards for that year are allocated or until the number of applicants who meet the threshold are exhausted (if there are fewer applicants than green cards).
- d. Prioritization of Green Cards
 - i. A point system or prioritization system under which applicants can garner prioritization for things such as education level, age, English proficiency and the salary that an employer is willing to pay.
 - ii. In terms of education, an individual would get more points depending on the level of education accomplished (fewer points for high school education, more for vocational and associates degrees, even more for bachelor’s degrees, and the most for advanced degrees).
 - iii. Only those who meet a threshold number of factors can get green cards under this program, but they have the opportunity under this program to earn the necessary points to meet the threshold in future years.