

Sweeping U.S. Immigration Reform Legislation Proposed



By [Elizabeth M. Klarin](#)

February 18, 2021 | **IMMIGRATION**

The White House and congressional Democrats have announced a sweeping immigration bill that would create substantial immigration benefits for many intending immigrants currently in the U.S. who do not have legal status, including providing a faster track to citizenship for undocumented foreign nationals brought to the U.S. as children. The 353-page draft bill is being called “our vision of what immigration reform should look like” by lawmakers.

Key provisions of the *U.S. Citizenship Act of 2021* include:

- Raising the per-country caps on family and employment-based legal immigration numbers.
- Providing an eight-year path to U.S. citizenship for individuals in the U.S. without legal status (commonly referred to as “undocumented” persons), and a shorter path to legal status for agriculture workers and those eligible under the Deferred Action for Childhood Arrivals (“DACA”) program
- Repealing the penalty that prohibits undocumented foreign nationals in the U.S. who leave the country from returning to the U.S. for between three to ten years

- A plan to enable refugee processing in Central America, to discourage migrants from trying to travel to the U.S.-Mexico border.

Only undocumented persons who were in the United States by Jan. 1, 2021, will be eligible for the legalization process under the proposed legislation.

Will It Pass and Become Law?

The legislation is a welcome proposal for many who are in the U.S. without authorization, after years of constant policy changes and executive actions that have flip-flopped on whether and when they would be permitted to stay or given legal authorization to do so. In general in the U.S., the Democratic party—which currently holds power to pass legislation in both houses of Congress, and holds the executive office of President of the United States—favors expanded immigration and less restrictive immigration policies, while the Republican party favors less immigration and far more restrictive immigration policies.

However, the legislation is expected to face a steep uphill climb in the Senate, despite Democrats holding a thin majority in both chambers of Congress. In order to pass, a minimum of 10 Republican votes are needed to defeat a Senate filibuster (defined on the [U.S. senate website](#) as an “attempt to block or delay Senate action on a bill or other matter by debating it at length, by offering numerous procedural motions, or by any other delaying or obstructive actions”). Although rules in the House of Representatives limits debate, in the Senate, unlimited debate continues to be possible on the grounds that any senator should have the right to speak as long as necessary on any issue. The only way to effectively end debate in the Senate is by employing a device known as “cloture,” which requires 2/3 of the Senate (not a simple majority) to approve an end to the debate.

Other immigration-related bills that will be introduced include:

- The Farm Workforce Modernization Act, which creates a pathway to legalization for agricultural or farm workers and reforms the existing (H-2A) visa program for agriculture workers
- The Dream and Promise Act, which creates a path to citizenship for DACA recipients

See President Biden’s outline of steps to reform the immigration system in the U.S., [here](#).

How are Laws Made in the U.S.?

For those wanting a very brief summary of how laws are created in the U.S.: Legislation must first pass in the House of Representatives, then in the Senate, and then be signed into law by the President of the United States in order to be officially signed into law. In certain circumstances, if the President decides not to sign a bill approved by both houses of Congress, Congress can overrule that decision by a two-thirds majority (in both houses of Congress) to pass the bill into law.

Please reach out to your LMWF immigration professional with any questions regarding this post.

Related Team



Elizabeth M. Klarin
Partner



**Nisha V. Fontaine
(Jagtiani)**
Partner



Eileen M. Martin
Partner | Team Co-
Leader - Immigration



Andrew M. Wilson
Partner | Team Co-
Leader - Immigration

Disclaimer: The information in this post is provided for general informational purposes only, and may not reflect the current law in your jurisdiction. No information contained in this post should be construed as legal advice from our firm or the individual author, nor is it intended to be a substitute for legal counsel on any subject matter. No reader of this post should act or refrain from acting on the basis of any information included in, or accessible through, this post without seeking the appropriate legal or other professional advice on the particular facts and circumstances at issue from a lawyer licensed in the recipient's state, country or other appropriate licensing jurisdiction.



ALBANY | 54 State Street, Suite 1001 • Albany, NY 12207 • 518.462.0110

BUFFALO | 50 Fountain Plaza, Suite 1700 • Buffalo, NY 14202 • 716.853.5100

CHICAGO | 332 S. Michigan Ave., 9th Floor • Chicago, IL 60604 • 872.254.5500

GREATER TORONTO AREA (PRACTICE FOCUSED ON U.S. LAW) | 1100 Burloak Drive, Suite 300 • Burlington, ON L7L 6B2 • 905.319.8964

JACKSONVILLE | 10151 Deerwood Park Blvd. , Bldg. 300, Suite 300 • Jacksonville, FL 32256 • 904.660.0020

NEW YORK CITY | 477 Madison Avenue, 6th Floor • New York City, NY 10022 • 646.673.8633

WASHINGTON, D.C. | 1900 K Street, NW, Suite 730 • Washington, DC 20006 • 202.888.7610