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Bill Overview: The Dignity Act of 2023 (H.R. 3599)

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On May 23, 2023, Representatives Maria Elvira Salazar (R-FL) and Veronica Escobar (D-TX) introduced an updated version of the “Dignity Act ([H.R. 3599](#)), a comprehensive bill that addresses border security, asylum and humanitarian protection, legalization for people who are undocumented or lack permanent legal status, backlogs in processing, and other needed reforms to family and employment visa categories, including programs for seasonal and agricultural workers. AILA has not endorsed the bill but issued a [statement](#) recognizing the importance of bipartisan efforts like H.R. 3599 and the need for Congress to act immediately to reform immigration laws.

This document highlights specific beneficial and harmful aspects of the bill but is not a comprehensive assessment. A section-by-section [summary](#) of the bill and bill [text](#) is on Congresswoman Salazar’s website.

Beneficial Provisions in H.R. 3599

- Improves U.S. ports of entry, including expanding inspection lanes and mechanisms to safely inspect commercial vehicles.
- Codifies the “[Flores Settlement](#)” agreement, which protects children in U.S. immigration custody.
- Recognizes that individuals and families arriving at the southern border should have access to medical staff, licensed social workers, mental health professionals, and legal counsel.
- Creates in-country processing centers in Latin America to offer asylum pre-screening, family reunification services for children, and employment consultation services that may open new pathways to the United States for migrants.
- Shields from deportation people who arrived in the United States as children who are currently without immigration status (Dreamers) and current [Deferred Action for Certain Childhood Arrivals \(DACA\) holders](#) by offering “conditional permanent resident” status and eventually a path to citizenship. Permits Temporary Protective Status (TPS) recipients to seek permanent immigration status.
- Establishes the “Dignity Program,” an application process in which certain undocumented people who have been in the United States for more than five years can apply for deferred action, employment, and travel authorization. Recipients may apply for “continued legal presence” or “conditional redemption status” that could lead to U.S. citizenship.

- Grants work authorization to the spouses of H-1B workers.
- Clarifies that an individual with a PhD in a STEM field qualifies for O-1 visas.
- Permits dual intent for F-1 students.
- Creates a temporary program for currently unauthorized farmworkers that provides five-and-a-half year visas for undocumented individuals who have previously worked in agriculture and creates an optional path to permanent immigration.
- Creates a permanent numerical exemption for H-2B returning workers.
- Streamlines the H-2B guest worker program and expands it to year-round labor.
- Authorizes the Department of Labor (DOL) to stand-up a complaint process and impose remedies for H-2B program violations.
- Modernizes the employment verification paper I-9 process into an electronic process.
- Provides a "good faith" defense to employers who use the new employment verification process.
- Increases the available visas for the spouses and children of lawful permanent residents by exempting them from the current numerical limits. Reassigns the visas previously authorized for this category to other family-sponsored classifications.
- Creates a new, 90-day visitor visa that can be used by foreigners to travel to the United States for business, pleasure, or family purposes.
- Increases DHS or the Attorney General's discretionary authority in the review of certain cases to promote family unity. For example, in the case of a noncitizen who is the spouse or child of a U.S. citizen, their removal proceedings can be terminated or a ground of inadmissibility may be waived.
- Sets a maximum of 10 years on wait times for family- and employment-based visas after which visa applicants will be exempt from the numerical limits.
- Doubles per country limitations for immigrant visas from 7 percent to 15 percent.
- Protects children from aging out of the immigrant visa process.
- Exempts derivative spouses and children from immigrant visa limitations.

Harmful Provisions in H.R. 3599

- Adds \$25 billion in funding to secure the border, erect physical barriers, and increases Border Patrol staffing to 22,478 agents by 2025.
- Mandates a 60-day deadline for asylum seekers to complete their cases. An initial screening would occur within 15 days. Failure to pass initial screening, with very limited exceptions, will lead to immediate removal from the United States.
- Requires asylum seekers to be held in custody at "humanitarian campuses" pending fast-tracked processing. Those who are released from "humanitarian campuses" pending immigration court hearings will be placed on [continuous electronic monitoring](#). Violation of the monitoring requirements is a ground for denying asylum.
- Increases penalties for migration-related offenses such as unlawful reentry, adds new gang-related grounds on inadmissibility and deportability, and expands the use of mandatory detention.

- Excludes nationals of Venezuela, Afghanistan, Haiti, and Ukraine from TPS provisions by requiring they have held [TPS status as of March 8, 2021](#).
- The Dignity Program imposes potentially cost-prohibitive monetary penalties on undocumented individuals and additional costs, such as the requirement that individuals obtain health insurance while barring them from means-tested benefits.
- Does not eliminate per-country limitations for employment-based immigrants.
- While the bill improves the H-2B visa program, historically abuse and exploitation of workers has occurred in the program. Greater flexibility is needed for workers to transfer to other employers in such situations and be offered a path to permanent immigration status.
- The CAW program prohibits beneficiaries from receiving federal means-tested public benefits, certain tax credits, and Affordable Care Act benefits.
- To adjust status to lawful permanent residence, those in CAW status will be required to work for a minimum of 8-10 years. It is unclear from the current draft as to whether those immigrant visas will be counted against existing employment-based immigrant visa numerical limitations or separately. If the former, this would exacerbate immigrant visa backlogs.
- Mandates use of E-Verify which may adversely impact smaller businesses or those that operate in more remote or rural areas. The transition time to mandatory E-Verify may be insufficient.
- Increases penalties on employers and creates penalties for individuals (employers and employees) who knowingly submit false documents for employment verification.
- Repeals FICA exemption for foreign students working on Optional Practical Training.