

# **NEW DEAL FOR NEW AMERICANS ACT OF 2021**

## **Sectional Analysis**

**To establish the National Office of New Americans, to reduce obstacles to United States citizenship, to protect due process and to support the integration of immigrants and refugees into the social, cultural, economic, and civic life of our shared Nation, and for other purposes.**

### **TITLE I      NEW AMERICANS AND INTEGRATION**

#### **SECTION 101. DEFINITIONS.**

#### **SECTION 102. NATIONAL OFFICE ON NEW AMERICANS.**

Establishes the National Office of New Americans (NONA) in the Executive Office of the President. NONA shall be led by a Director, nominated by the President and confirmed by the Senate and who shall be supported by lead deputies/assistants with expertise in citizenship, social inclusion, workforce, the economy, and state and local affairs.

This section lays out the responsibilities and powers of the Director, who would also chair the Federal Initiative on New Americans (FINA). This section also creates a Deputy Director for Children's Integration Success position in order to provide expertise and infrastructure on issues related to Early Childhood Education and Care, K-12 education, and children's health, in addition to creating a Deputy Director for Citizenship and Inclusion, a Deputy Director for Workforce and the Economy, and an Associate Director for State and Local Affairs.

NONA shall promote and support immigrant and refugee integration and inclusion in society; ensure access to U.S. citizenship, quality English language learning and workforce development programs; coordinate the efforts of Federal, State, and local entities to support the effective social, economic, linguistic, and civic integration of immigrants and refugees; and evaluate federal government efforts on integration and report on such to the President and Congress.

#### **SECTION 103. FEDERAL INITIATIVE ON NEW AMERICANS (FINA).**

The Director of the National Office of New Americans (NONA) will establish and Chair the Federal Initiative on New Americans (FINA), with members to include heads of several federal agencies, and the Directors of the Office of Management and Budget (OMB) and the Office of Refugee Resettlement (ORR). FINA would work with executive agencies to coordinate a Federal response to address issues that affect the lives of new immigrants and refugees and their families and local communities with growing immigrant and refugee populations, including naturalization and civic engagement; English language learning; adult education, workforce training and economic development; access to legal services and immigration assistance; early childhood, elementary, secondary and postsecondary education.

FINA shall submit to Congress a report on its findings, the challenges in integration faced by states and localities, its analysis of pending legislation and executive branch policy proposals that impact immigrants and refugees, and policy recommendations to strengthen integration.

## **TITLE II      PROGRAMS TO PROMOTE CITIZENSHIP, INTEGRATION AND PROSPERITY**

### **SECTION 201. DEFINITIONS.**

#### **SECTION 202. SENSE OF CONGRESS ON ACCESS TO LEGAL COUNSEL.**

Expresses the Sense of Congress that those subject to removal proceedings or pursuing the appeal thereof should have the right to counsel, including government-funded counsel, regardless of one's ability to pay.

#### **SECTION 203. LEGAL SERVICES AND IMMIGRATION ASSISTANCE GRANTS.**

Creates competitive legal services grants for state and local governments and community-based organizations to fund legal assistance, education, outreach, paralegal, casework, application assistance and translation services to immigrants and refugees. Non-citizen immigrant and refugees are eligible to receive such services if they are seeking to become a permanent resident or U.S. citizen or seeking relief from removal.

Priority for grants is given to state and local governments or other qualifying entities that use 25 percent of matching funds from non-federal sources, which may include in-kind contributions. Each grant recipient is required to submit an annual report and evaluation to the Department of Justice (DOJ).

#### **SECTION 204. ENGLISH AS A GATEWAY TO INTEGRATION GRANTS.**

The Department of Education (DOE) and the Department of Health and Human Services (HHS), in consultation with the Director of the National Office of New Americans, shall award "English as a Gateway to Integration" grants to state or local governments, private organizations, educational institutions, community-based or nonprofit organization that provide high quality, contextualized English and integration knowledge and skill instruction along with student guidance and navigation services to adult English language learners.

Such instruction shall support and promote the social, economic and civic integration of adult English language learners and their families; equip adult English language learners for ongoing, independent study; and help students develop digital literacy skills.

Grantees shall use matching funds from non-Federal sources equal to 25 percent of amount received. This section also describes information required to be included on the grant application, what learning the English language instruction shall advance, and the design elements of the English program.

In awarding grants, the DOE and HHS shall prioritize entities that demonstrate collaboration with public and private entities to provide the instruction; teach English language skills to lower-educated individuals, Limited English Proficient (LEP) individuals and parents who are caretakers of young children; provide English language instruction tailored to the unique learning needs and goals of the immigrant and refugee population; and are 1 of the 10 States with the highest rate of foreign-born residents or have experienced a large increase in the population of immigrants during the most recent 10-year period.

Grantees must submit to DOE an annual report and evaluation. \$100,000,000 is authorized for this grant program.

#### **SECTION 205. WORKFORCE DEVELOPMENT AND SHARED PROSPERITY GRANTS.**

This section includes a declaration of policy that all adults, including immigrants, refugees and others who may not be fully proficient in English, shall have equitable access to education and workforce programs that help them learn basic skills in reading, writing, math and the English language and equip them with occupational skills needed to secure or advance in employment, to fill employer needs, and support themselves and their families. This section would also help to ensure that eligible immigrants and refugees with limited English proficiency and who are “lower skilled” are served by current workforce training programs.

The Department of Education (DOE) and the Department of Labor (DOL), in consultation with the Director of the National Office of New Americans (NONA), shall award Workforce Development and Shared Prosperity grants to state and local governments or other qualifying entities, such as educational institutions, private organizations, CBOs and nonprofits, in collaboration with state or local governments.

To be eligible for a grant, entities must support and promote the economic integration of immigrants and refugees; have expertise in workforce development and adult education; use matching funds from non-Federal sources equal to 25 percent of the amount received from the Workforce Development and Shared Prosperity grants program; and submit to DOE and DOL an application with the information enumerated in this section.

Grantees must submit to DOE and DOL an annual report and evaluation. \$100,000,000 is authorized for this grant program.

#### **SECTION 206. DEPARTMENT OF HOMELAND SECURITY GRANTS.**

There are authorized to be awarded by the Department of Homeland Security (DHS) to public or private nonprofit organizations for the purpose of Citizenship Education and Training an amount not less than \$25,000,000.

Grants awarded by DHS shall not require or consider the enrollment in or use by such grant applicants of E-Verify.

#### **SECTION 207. UNITED STATES CITIZENSHIP AND INTEGRATION FOUNDATION.**

The Department of Homeland Security (DHS), acting through U.S. Citizenship and Immigration Services (USCIS) and in coordination with the National Office of New Americans (NONA), is authorized to establish a nonprofit corporation which shall be known as the “United States Citizenship and Integration Foundation (the Foundation).”

The Foundation may solicit, accept, and make gifts of money and other property and accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation.

The purposes of the Foundation are to spur innovation in the promotion and expansion of citizenship preparation programs for lawful permanent residents; to evaluate and identify best practices in citizenship promotion and preparation and to make recommendations about how to bring such best practices to scale; to support direct assistance for noncitizens seeking lawful permanent resident status or citizenship; and to coordinate immigrant integration with state and local entities.

This section enumerates the authorized activities of the Foundation and includes the awarding of grants to state and local governments and other qualifying entities.

Establishes membership of the Council of Directors of the Foundation and lays out the powers of the Executive Director of the Foundation.

The Foundation shall be established and operational within 12 months of enactment of this Act.

There is authorized to be appropriated for the first two fiscal years \$10,000,000 to establish the Foundation and the pilot program described in the next section. Thereafter the Foundation’s activities shall be paid for out of the investments made and the gifts and property received by the Foundation.

#### **SECTION 208. PILOT PROGRAM TO PROMOTE IMMIGRANT INTEGRATION AT STATE AND LOCAL LEVELS.**

The Director of the National Office of New Americans, in coordination with the Department of Education (DOE), the Department of Labor (DOL), the Department of Health and Human Services (HHS), and the Chief of the Office of Citizenship within the U.S. Citizenship and Immigration Services (USICS), shall establish a pilot program for state and local governments or collaborations with state and local governments to support the integration of immigrants and refugees, with or without New Immigrant Councils.

This section lays out requirements for the grant application, the priorities for awarding grants including matching funds, and the activities authorized under the grant. New

American Councils shall consist of between 15 and 19 individuals from business, faith-based organizations, civic organizations, philanthropic organizations, nonprofit organizations, key education stakeholders, state or local economic development agencies, state or local health and human services, state and local early childhood coordinating councils, public libraries and state or local governments and meet at least once each quarter.

Grantees may provide subgrants and/or develop and carry out a comprehensive plan to integrate new immigrants through supporting English language skills, engaging caretakers in their child's education, expanding access to workforce training, improving financial literacy. Grantees shall also submit an annual report and evaluation.

## **SECTION 209. Authorization of Appropriations for Foundation and Pilot Program.**

### **TITLE III      REDUCING BARRIERS TO U.S. CITIZENSHIP**

#### **SECTION 301. SENSE OF CONGRESS ON NATURALIZATION.**

Expresses the Sense of Congress that: the naturalization of immigrants creates civic, economic, and social benefits that enrich, diversify, and strength the United States; there are barriers to the millions of immigrants who eligible for naturalization, including price, language access, and a lack of legal services; a lack of naturalization deprives the United States of benefits; and the federal government should, in coordination with states, cities, and community-based organizations, establish policies and programs to help two million new citizens naturalize by the end of 2022.

#### **SECTION 302. IMMIGRATION SERVICE FEES.**

This section directs U.S. Citizenship and Immigration Services (USCIS) to retain application fees as of the date of introduction of this Act and change fees only in accordance with the new criteria in this section. INA Section 286(m) is revised to make clear that USCIS may, but is not statutorily obligated, to set fees to cover all direct and indirect costs of processing applications.

USCIS is required to submit any cost and fee study to the House and Senate Judiciary Committees 60 days before publishing proposed fee changes in the Federal Register. Such study shall detail costs in adjudications, including direct, indirect, overhead, enforcement and national security costs. It shall also identify the costs allowable to providing premium processing services to business customers, the extent to which fees charged for such processing is set at a level that recovers those costs and the amount that is allocated for improvements in adjudications and customer-service.

Immigration fees cannot be used for the civil revocation of naturalization, 'Operation Second Look', 'Operation Janus', for enforcement activities of U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP) or Homeland Security Investigations (HSI) or any other activity that is not directly related to adjudications for immigration benefits.

It is the Sense of Congress that fees should cover direct costs of processing an application and that indirect costs should be covered through appropriations pursuant to authorizations granted in this section. Congress should also appropriate to the Department of Homeland Security (DHS) funds to cover the adjudication of refugee and asylum processing, the costs of administering the Systematic Alien Verification for Entitlements (SAVE) Program, the adjudication of naturalization applications not covered in full by the fees paid by applicants, the reduction or elimination of fees granted to fee waiver applicants; and grants to public and private nonprofits for the purposes of citizenship and training.

DHS shall report to Congress on a quarterly basis a report on backlogs and delays when processing times exceed USCIS' stated processing goals as of January 1, 2019.

Fee waivers are made available for all benefit applications (except employment-based petitions and those associated with premium processing) according to the following: where an applicant has an income of less than 150 percent of the Federal poverty line, no fee shall be charged. Where an applicant has an income that is less than 250 percent of the Federal poverty line, not more than 50 percent of the applicable fee shall be charged. In the case of an applicant suffering financial hardship due to extraordinary expenses to the degree that he or she is unable to pay the fee, no fee shall be charged. DHS is also required to accept the applicant's receipt of a means-tested benefit as proof of eligibility for a fee waiver.

Premium processing fees are set at \$2000 per application.

Authorized are such sums as are necessary to cover the amount equal to the difference between the fees collected and the cost of providing the immigration services and such sums as may be necessary to carry out the reports authorized in this section.

### **SECTION 303. WAIVER OF ENGLISH REQUIREMENT FOR QUALIFYING NEW AMERICANS.**

Amend the English and civics requirements for naturalization to exempt: individuals based on a physical, developmental or mental impairment; individuals over 65 years who has lived in the U.S. as an Lawful Permanent Residents (LPR) for at least five years; individuals over 60 years of age who have lived in the U.S. as an LPR for at least 10 years; individuals over 55 years of age who have lived in the U.S. as an LPR for at least 15 years; Individuals over 50 years of age who have lived in the U.S. as an LPR for at least 20 years.

### **SECTION 304. REDUCE FINANCIAL OBSTACLES TO NATURALIZATION.**

The Secretary of Homeland Security shall impose a fee of no more than \$50 for the consideration of an application for naturalization.

### **SECTION 305. NATURALIZATION FOR CERTAIN U.S. HIGH SCHOOL GRADUATES.**

Lawful Permanent Residents (LPR) students will be deemed to have satisfied the English and civics requirements if they graduated from a high school in the U.S.

**SECTION 306. FAMILY INTEGRATION.**

Reduce the age of citizens who are able to petition eligible family members to 18 years old (from 21).

**SECTION 307. REVISION OF GROUNDS FOR DEPORTATION.**

“Public charge” is eliminated as a ground for deportability.

**SECTION 308. WAIVER TO ENSURE ACCESS TO CITIZENSHIP.**

Establish a waiver for false claims to citizenship.

**SECTION 309. NATURALIZATION CEREMONIES.**

Requires the Chief of the Office of Citizenship of the External Affairs Directorate of U.S. Citizenship and Immigration Services to increase awareness of naturalization ceremonies and to report to Congress the progress made.

**SECTION 310. PROUD TO BE A UNITED STATES CITIZEN PROGRAM.**

Establishes the “Proud to be a U.S. Citizen Program” by conducting outreach to and education of eligible Lawful Permanent Residents (LPR) to encourage them to apply for citizenship; issuing public service announcements, paid advertising, and other media to promote citizenship; information about where to get free or low-cost assistance to apply for naturalization and to prepare for the English and civics exams.

**SECTION 311. MISSION OF U.S. CITIZENSHIP AND IMMIGRATION SERVICES.**

The mission of U.S. Citizenship and Immigration Services (USCIS) shall read, “USCIS secures America’s promise as a nation that welcomes immigrants and refugees by providing accurate and useful information to our customers, granting humanitarian, immigration and citizenship benefits, promoting an awareness and understanding of citizenship, and ensuring the integrity of our immigration system.”

**SECTION 312. AUTOMATIC REGISTRATION of ELIGIBLE INDIVIDUALS.**

Mandates the automatic registration, through a system established between state and local election boards and the Department of Homeland Security (DHS), of newly naturalized U.S. citizens to vote if they affirmatively choose to be registered to vote. Incorporates protections from prosecution of individuals ineligible to vote but automatically registered to vote in error.

**SECTION 313. DEPARTMENT OF HOMELAND SECURITY ASSISTANCE IN REGISTRATION.**

Establishes that the Secretary of the Department of Homeland Security (DHS) shall assist the chief election official of each state in carrying out the above section and shall provide every individual approved for naturalization with a document informing them of their eventual right to register to vote.

#### **SECTION 314. VOTER PROTECTION AND SECURITY IN AUTOMATIC REGISTRATION.**

The Department of Homeland Security (DHS) is prohibited from collecting, retaining or disclosing information--except to State election officials--information related to an individual's decision to register to vote or not.

Election officials are prohibited from publicly disclosing sensitive voter information or any information not necessary to voter registration.

#### **SECTION 315. EFFECTIVE DATE.**

Establishes an effective date of January 1, 2022.

### **TITLE IV      REFUGEE RESETTLEMENT AND INTEGRATION**

#### **SECTION 401. DEFINITION OF SECRETARY.**

#### **SECTION 402. MINIMUM NUMBER OF REFUGEES TO BE ADMITTED.**

Mandates that the Presidential Determination on Refugee Admissions shall not be lower than 125,000.

#### **SECTION 403. PRE-ARRIVAL ENGLISH LANGUAGE AND WORK ORIENTATION TRAINING FOR APPROVED REFUGEE APPLICANTS.**

Directs the Department of State to establish overseas refugee training programs, including English-as-a-second-language classes and work orientation training, for those refugees approved to be admitted to the United States, conditionally approved for admission, or selected at the discretion of the U.S. Refugee Admission Program (USRAP). These programs would need to occur within the normal refugee processing times and not delay the departure of refugees who have been approved to go to the United States. A Government Accountability Office (GAO) report is mandated to study the implementation of this section.

#### **SECTION 404. UPDATE OF RECEPTION AND PLACEMENT GRANTS.**

Requires that the Department of State, when setting the amount of Reception and Placement Grants, adjust the grant amount to account for initial refugee resettlement needs, including amounts for inflation and costs of living. In addition, this section requires the Department of State to ensure that funding is provided to national resettlement agencies at the beginning of the fiscal year to serve the initial resettlement needs of refugees.

#### **SECTION 405. CASE MANAGEMENT GRANT PROGRAM.**

Establishes a grant program for the creation of a case management system to assist refugees in accessing services and benefits for which they are eligible. Case management would generally be available to refugees from the time they are eligible for resettlement assistance until one year after they are no longer eligible to receive resettlement assistance. In exceptional circumstances, case management can be



provided for up to three years after refugees are no longer eligible to receive resettlement assistance.

**SECTION 406. INCREASE IN CASH PAYMENTS.**

Requires the Office of Refugee Resettlement (ORR) to provide a minimum of twelve months of cash payments, subject to available appropriations.

**TITLE V      PROTECTION FOR NONCITIZENS**

**SECTION 501. PERSONALLY IDENTIFIABLE INFORMATION.**

Provides privacy protections for beneficiaries of programs created by this Act by prohibiting recipients of federal funds pursuant to this Act from having to provide personally identifiable information of those who it serves as a requirement for receiving those funds.

**SECTION 502. VOLUNTARY PARTICIPATION IN INTEGRATION AND INCLUSION ACTIVITIES.**

Establishes that the participation of a noncitizen in any integration or inclusion activity under this Act is purely voluntary.