Earned Residency and Border Integrity Act — Proposed Framework

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Synopsis

This bill secures the border and gives long-term, law-abiding immigrants a way to earn their place in America.

- **Who it helps:** People who have lived here 10+ years, paid taxes and stayed out of trouble; Dreamers brought here as children; Cubans and others released with an I-220A or admitted through CBP One; and families of U.S. citizens.
- **What they must do:** Pass background checks, pay back taxes and a $5,000 penalty, complete a civics class after receiving residency, wait 7 years as residents, and complete Citizenship 101 before applying for citizenship. Dreamers pay no penalty and follow the standard 5-year rule.
- **What it closes:** Entry for anyone who cannot be verified, asylum claims without proof, and status for anyone tied to violence or terrorism.
- **How it is funded:** By applicants' penalties and fees. A one-time start-up advance builds the border measures and hires staff before applications open, and the penalties repay it.

Why this bill matters

It fixes a system that has failed for decades. Millions of people have lived, worked and raised families here for 10 years or more, often with U.S.-citizen children. Deporting all of them is neither realistic nor good for the economy. Leaving them in limbo helps no one.

It is tough where it counts. ICE keeps arresting and deporting people with criminal records, gang or terrorist ties, or final removal orders. Deportations of those people continue. Only people who qualify for this program are protected, and only while they follow its rules.

It pays for itself. Applicants carry the cost. An estimated $19.5 to $28 billion in penalties* repays the start-up advance that builds the border measures and hires the new officers and judges, and the savings from deciding cases in 3 years instead of 8 to 15 reduce ongoing costs.

It restores fairness. People who followed the rules are protected, because nothing here comes free or fast. Asylum is kept for real victims of persecution, and immigration decisions come within a firm deadline instead of after a decade.

Purpose and summary

This act would offer law-abiding, tax-paying people who have lived in the United States for at least 10 years an earned path to lawful permanent residence. After 7 more years as residents, they could apply for citizenship. In return, the act would close the border to anyone who cannot be verified, limit family sponsorship to the families of U.S. citizens, and bar anyone who incites violence or supports terrorism.

The act is built on five commitments:

1. **Earned residency, not amnesty.** Status is earned through a record of work, taxes and good conduct, plus a financial penalty for the original violation.
2. **A longer road to citizenship.** Title I beneficiaries would wait 7 years as residents, not the standard 5, and complete two required courses. Dreamers follow the standard 5-year rule.
3. **Zero tolerance for security threats.** Anyone with a felony, a disqualifying misdemeanor (violence, drugs, weapons, fraud or DUI) or ties to terrorism is barred.
4. **Verified entry only.** No one enters the country without verified identity and admissibility.
5. **A narrower family system.** Only U.S. citizens may sponsor relatives: spouses, children and parents, with adult children in a single capped category.

This framework is a policy proposal written for discussion. It is not legal advice and has not been reviewed by legislative counsel.

Title I — Earned legal residency

A person who meets every requirement below may apply to adjust status to lawful permanent resident (green card holder).

Sec. 101. Eligibility. The applicant must show all of the following:

1. **Continuous presence of at least 10 years** in the United States on the date the act takes effect. Proof can include leases, pay stubs, school, medical, bank and tax records.

2. **Tax compliance.** The applicant must have filed federal income tax returns for every year of required presence, or file them now and pay any back taxes owed, with interest.
3. **No criminal record.** The applicant may have no felony and no misdemeanor involving violence, drugs, weapons, fraud or driving under the influence. The Secretary may waive minor traffic and civil infractions. An open arrest or charge for a violent offense puts the application on hold until the case is resolved. A conviction for a violent offense is a permanent bar.
4. **No ties to terrorism.** The applicant may not be, or have been, a member of or supporter of any organization designated as terrorist under current law. Anyone covered by the terrorism grounds of inadmissibility (INA § 212(a)(3)(B)) is barred.
5. **Good moral character.** The applicant must have no record of immigration fraud, public-benefits fraud or other serious negative conduct in the United States.
6. **Biometrics and background check.** Fingerprints and a full FBI, DHS and intelligence-community screening are required.

Sec. 102. Penalty. Each applicant age 18 or older must pay a civil penalty of **$5,000** for having entered or stayed without authorization.* The penalty is in addition to filing fees and any back taxes. The applicant may pay it in one of two ways:

1. **In full:** $5,000 at approval.
2. **In installments over 3 years:** $2,000 at approval, then $1,500 in each of the next 2 years.

Missing an installment by more than 90 days without good cause suspends the applicant's status until it is paid.

How the penalty compares with Rep. María Elvira Salazar's Dignity Act of 2025 (H.R. 4393):

	This act	Dignity Act of 2025
Penalty per adult	$5,000, paid in full or over 3 years	$7,000 restitution, paid over 7 years
Ongoing charge	None beyond normal taxes	1% payroll levy on participants
Presence required	10 years	Since before Dec. 31, 2020 (about 5 years)

	This act	Dignity Act of 2025
What it leads to	Green card, then citizenship after 7 more years	Renewable 7-year legal status; no citizenship, no federal benefits

Sources: Dignity Act summary, AILA brief.

*See the Funding note at the end of this document.

Sec. 103. Work and travel. While the application is pending, the applicant receives work authorization and protection from removal. Applicants may travel abroad with advance permission from DHS, including to a third country such as Canada or the Bahamas, for example to meet family who cannot come to the United States. Leaving without advance permission abandons the application. Travel to the applicant's country of nationality is allowed only for the humanitarian reasons in Sec. 314.

Sec. 104. Who is excluded. Anyone who entered after the act takes effect is not eligible. Neither is anyone with a final removal order for a criminal offense, or anyone who fails the screening in Sec. 101.

Sec. 105. Enforcement continues. Nothing in this act limits ICE from arresting and removing people with criminal records, gang or terrorist ties, or final removal orders. People who qualify for this program, and applicants whose cases are pending, may not be detained or removed for being in the country without status.

Sec. 106. Civics requirement. Within 1 year of receiving residency under this act or Title II-A, each resident must complete a civics class approved by USCIS on the laws of the United States, the Constitution, and the rights and responsibilities of residents. Failing to complete it delays eligibility for citizenship until it is done.

Sec. 107. No forced return to apply. Applicants under Title I and Title II-A complete their residency inside the United States and are never required to leave the country to obtain it. When any immigrant visa under this act must be completed at a U.S. consulate abroad, including under Sec. 405, the applicant may choose a consulate in a third country, such as Canada or the Bahamas, if they cannot safely return to their country of nationality or the U.S. consulate there is not fully operating. Leaving the United States for this purpose does not trigger the unlawful-presence bars of INA § 212(a)(9)(B).

Title II — Path to citizenship

People who get residency under Title I may apply to naturalize after **7 years** as lawful permanent residents. Today the standard wait is 5 years, or 3 for spouses of U.S. citizens.

Sec. 201. Requirements for naturalization. At the time of application, the resident must:

1. Have held lawful permanent residence for at least 7 continuous years.
2. Have paid the Title I penalty and all back taxes in full.
3. Have kept a clean record during the 7 years, with no arrests leading to conviction and no new terrorism-related grounds.
4. Pass the English and civics tests required of all applicants.
5. Take the Oath of Allegiance.
6. Have completed the civics class required after receiving residency (Sec. 106) and Citizenship 101 (Sec. 204).

Sec. 202. Losing status. A Title I resident who is convicted of a felony, or found to have ties to a terrorist organization, loses residency and can be removed.

Sec. 203. The full timeline for an applicant:

1. 10+ years of presence before the act takes effect
2. Apply, pass screening, and pay the penalty and back taxes
3. Receive lawful permanent residence
4. Live as a resident for 7 years with a clean record
5. Apply for citizenship and take the oath

Sec. 204. Citizenship 101. Before applying for naturalization, every resident who received status under this act must complete Citizenship 101, a USCIS-approved course on U.S. history, the Constitution, how government works, and the values, rights and responsibilities of citizenship. It is in addition to the civics class required after receiving residency (Sec. 106) and to the standard English and civics tests.

Title II-A — Dreamers track

People brought to the United States as children get their own, faster track with no penalty, because they are not responsible for their parents' decision to bring them. President Trump has said he wants Dreamers to stay and would "work with the Democrats on a plan" (Meet the Press, Dec. 2024).

Sec. 211. Eligibility. The applicant must:

1. Have entered the United States before age 18.
2. Have lived here continuously for at least 5 years before the act takes effect.
3. Have graduated from a U.S. high school or earned a GED, or be enrolled in school.
4. Meet the same criminal, terrorism and background-check rules as Title I.

Sec. 212. Conditional residency. Eligible Dreamers receive 3 years of conditional residency with work authorization. To remove the conditions they must complete one of these: 2 years of college or vocational training, 2 years of military service, or 3 years of work. Study, service or work completed before applying counts toward these requirements. If more time is needed, conditional residency may be extended once, by up to 2 years.

Sec. 213. Permanent residency and citizenship. Once the conditions are met, the Dreamer becomes a lawful permanent resident. Time spent in conditional residency counts toward the standard 5-year naturalization period, so a Dreamer may apply for citizenship 5 years after receiving conditional residency.

Sec. 214. No penalty. Dreamers pay normal filing fees but no Title I penalty. They must still file any tax returns they owe as adults.

Sec. 215. DACA holders. Current DACA recipients are presumed to meet Secs. 211(1)–(3) and move straight to background screening.

Title III — Border closure and verified entry

No one may enter the United States between ports of entry. Only people whose identity and admissibility are verified may enter at a port of entry.

Sec. 301. Closing unauthorized entry. The Secretary of Homeland Security must achieve operational control of all land and maritime borders. That includes physical barriers, surveillance technology and more personnel where needed.

Sec. 302. Verified entry only. Every person seeking admission must present:

1. A valid passport or travel document that can be verified electronically.
2. A valid visa or other entry authorization issued after consular or DHS screening.
3. Biometrics (fingerprints and facial image) checked against criminal and terrorism databases.

Sec. 303. Visa overstays. A biometric entry-exit system must track departures at all airports, seaports and land crossings. Anyone who overstays a visa by more than 180 days is barred from future admission for 10 years.

Sec. 304. Mandatory E-Verify. All employers must confirm work authorization through E-Verify, phased in over 3 years, with fines for knowingly hiring unauthorized workers.

Sec. 305. Trigger. Title I applications may open only after the Secretary certifies to Congress that Secs. 301–303 are in place.

Title III-A — Asylum: protection for the real cases

No one with a proven fear of persecution will be sent back to the country they fled. But saying the word "asylum" is not enough: every applicant must prove their claim against fixed markers, and the same rules apply to every nationality, including Cubans, Haitians and Venezuelans.

Sec. 311. No return to persecution. Nothing in this act allows the return of a person to a country where they would face persecution or torture.

Sec. 312. Proof markers. The applicant must meet the current legal standard, a well-founded fear of persecution, and must back the claim with these markers:

1. **Who persecuted them and why.** A specific persecutor and a reason covered by law: race, religion, nationality, political opinion or membership in a particular social group.
2. **Evidence.** Documents, medical records, police or court records, witness statements, or news reports that back up the account.
3. **Consistency.** The account must match across the border interview, the written application and the hearing.
4. **Country conditions.** The claim must fit what U.S. government reports say about that country.
5. **No safe place at home.** The applicant could not safely move to another part of their own country.

Sec. 313. Members of the ruling party. Current or former officials, members, informants or security forces of the ruling party or regime are barred if they took part in persecuting others. Anyone else in those groups must prove a real break with the regime, such as a documented defection or public opposition, and that they are now persecuted for it. This applies equally to every country.

Sec. 314. Return trips end protection. A person who has a pending asylum claim, or who holds asylum, refugee status, or residency obtained through asylum or refugee status (including Cuban Adjustment Act residents who claimed persecution), loses that claim or status if they travel to the country they fled while conditions there remain the same. This applies to Cubans who return to Cuba and to every other nationality, and it lasts until the person becomes a U.S. citizen. Travel to a third country is not a return. But obtaining or renewing a passport from the country the person fled, or visiting that country's embassy or consulate in any country, counts as a return, except for the humanitarian reasons below.

Humanitarian exception. A trip does not count if it was for one of these reasons, approved by DHS in advance (or, in an emergency, documented within 30 days of return):

1. A close relative's serious illness or impending death.
2. A close relative's funeral.
3. A religious obligation.
4. Another urgent humanitarian reason the Secretary accepts.

The traveler must show proof, such as medical records, a death certificate or a letter from a religious institution.

Sec. 314A. Sworn travel disclosure. Every application for asylum, residency, a travel document or citizenship must ask, under oath, whether the applicant has traveled to the country they fled or claimed to fear, directly or through another country, and when and why. A knowingly false answer is perjury under 18 U.S.C. § 1621 and a willful misrepresentation that permanently bars any immigration benefit. A missing answer makes the application incomplete, and it will not be processed until the answer is given.

Sec. 314B. Travel resets the clock. A non-humanitarian trip to the person's home country that does not end their status under Sec. 314 restarts their waiting period:

1. **Cuban Adjustment Act applicants** who have not yet adjusted restart the 1-year wait from the date they return.
2. **Residents who never claimed persecution,** including Cubans who adjusted under the Cuban Adjustment Act on nationality alone, restart their waiting period for citizenship from the date they return.
3. **Title I and Title III-C applicants** who travel abroad without advance permission abandon their application, as provided in Sec. 103.

Trips covered by the humanitarian exception do not reset the clock.

Sec. 315. Waiting in the United States. Applicants stay in the country while their case is decided, with check-ins with DHS. They may get work authorization 180 days after filing.

Sec. 316. A 3-year deadline. Every asylum case must reach a final decision, including appeals, within **3 years** of filing. To meet it, the act funds:

1. **Enough staff to meet the deadline.** DHS and the Justice Department must hire as many asylum officers, immigration judges, interpreters and support staff as their yearly staffing study shows the 3-year deadline requires.
2. **Cost-neutral by design.** Deciding a case in 3 years instead of 8 to 15 means paying for fewer years of hearings, check-ins and supervision per case. Those savings, together with Title I penalties, pay for the new hires.
3. **Electronic case files** and a yearly report to Congress on how many cases missed the deadline and why.

Sec. 317. If the deadline is missed. Missing the deadline never grants status automatically, because that would reward delay. Instead:

1. **Priority docket.** The case moves to a special docket and must be decided within 6 more months.
2. **The applicant is protected meanwhile.** They keep work authorization and cannot be removed until the case is decided.
3. **One extension for complex cases.** A judge may extend the deadline once, by up to 1 year, for a stated reason such as missing records or a security review.
4. **Applicant delay.** Missed hearings or late filings by the applicant stop the clock, and missing a hearing without good cause ends the case.

These limits are firm: no case may run past 4 years and 6 months from filing. A denied applicant with no other legal basis to stay is removed.

Title III-B — Temporary Protected Status means temporary

TPS protects people only while their home country is unsafe. When conditions improve, the protection ends and holders go home unless they qualify for something else.

Sec. 321. When a designation ends. The Secretary of Homeland Security, after consulting the State Department, must review each designated country every 18 months. If the country is found safe for return, TPS ends for that country.

Sec. 322. Options for holders. Within 180 days after a designation ends, each holder must do one of the following:

1. Leave the United States.
2. Apply under Title I, if they have 10 years of presence.
3. Apply under Title II-A, if they qualify as Dreamers.
4. File for asylum under Title III-A, or show why they cannot safely be returned.

A holder who does none of these may be removed.

Title III-C — People released with an I-220A or admitted through CBP One

Many people arrived at an official port of entry with a CBP One appointment, or turned themselves in to border agents and were then released by the government with Form I-220A. They followed the process the government gave them, and their entry should count as lawful.

More than 300,000 Cubans were released with Form I-220A, an order of release on recognizance. In September 2023, the Board of Immigration Appeals ruled that an I-220A is not parole, which blocked many of them from the Cuban Adjustment Act. In February 2026, in an unpublished decision (Labrada-Hechavarria v. U.S. Attorney General, No. 23-13664), the Eleventh Circuit sent two of those cases back to the Board for another look. It did not decide whether an I-220A is parole, and the decision binds no other court, so the question remains unsettled (CiberCuba, Feb. 2026). This title settles it in law.

Sec. 331. I-220A counts as parole. Anyone released with Form I-220A is treated as having been paroled into the United States on the date of release.

Sec. 332. CBP One counts as lawful entry. Anyone who entered at a port of entry with a CBP One appointment is treated as having been inspected and paroled.

Sec. 333. Cubans. Cubans covered by Secs. 331 and 332 may apply for residency under the Cuban Adjustment Act once they have been here 1 year, with no risk of removal while the application is pending.

Sec. 334. Other nationalities. Non-Cubans covered by Secs. 331 and 332 get the same recognition of lawful entry. They may use it to apply for any status they otherwise qualify for, such as asylum, a family petition by a U.S.-citizen relative, or Title I once they reach 10 years.

Sec. 335. No removal of people without criminal records. People covered by this title who have no criminal record and a pending application may not be removed. They may not be sent to a third country, including countries in Africa or elsewhere, unless they agree in

writing.

Sec. 336. Same screening. The criminal, terrorism and Title V rules apply. Anyone who fails them loses the protection of this title.

Title IV — Family immigration for U.S. citizens only

Only U.S. citizens could sponsor relatives: their spouses, children and parents. Sponsorship by green card holders and of siblings would close to new petitions.

Sec. 401. Who may still be sponsored.

Relationship	Today	Under this act
Spouse of a U.S. citizen	Allowed, no cap	Allowed, no cap
Unmarried child under 21 of a citizen	Allowed, no cap	Allowed, no cap
Parent of a citizen age 21+	Allowed, no cap	Allowed, no cap
Adult son or daughter of a citizen (F1, F3)	Allowed, capped	Allowed, one combined category, capped (see Sec. 405)
Brother or sister of a citizen (F4)	Allowed, capped	Closed to new petitions
Spouse or child of a green card holder (F2A, F2B)	Allowed, capped	Closed to new petitions

Sec. 402. Pending cases. Petitions filed before the act takes effect are still processed in their current order.

Sec. 403. No sponsorship through Title I. People who get residency under Title I may not sponsor relatives until they become U.S. citizens.

Sec. 404. Reallocated visas. Visa numbers freed by Sec. 401 go to employment-based categories, giving priority to occupations with documented labor shortages.

Sec. 405. Adult children of citizens. A U.S. citizen may petition for a son or daughter age 21 or older, married or unmarried.

1. **One category.** Today's F1 (unmarried) and F3 (married) categories merge into one, with the same combined yearly limit as today, about 46,800 visas.
2. **Processing deadline.** USCIS must decide the parent's petition within 12 months of filing.
3. **Adult children already in the U.S. without status.** Those who arrived before age 18 apply under the Dreamers track (Title II-A). Those who arrived as adults and have 10 years of presence apply under Title I. Anyone else must complete the parent's petition from abroad.
4. **Screening.** The same criminal, terrorism and Title V rules apply to every beneficiary.

Title V — Hateful and threatening speech

This title is limited to violence, incitement and terrorism, the categories the courts have long allowed Congress to punish. It does not regulate opinions, however offensive.

Sec. 501. Immigration consequences. A noncitizen is ineligible for a visa, Title I or Title II-A status, or naturalization if they have:

1. Publicly incited imminent violence, or made a true threat of violence, against the United States, its government or its people, including calls for "death to America."
2. Publicly incited imminent violence, or made a true threat of violence, against any person or group because of race, color, ethnicity, national origin or religion.
3. Been a member of, or given support to, an organization designated as terrorist.
4. Been convicted of a violent crime. An open arrest for a violent offense puts any application on hold until the case is resolved.

Sec. 502. Criminal offense. It is a federal crime for anyone to incite imminent violence, or make a true threat of violence, against a person or group because of race, color, ethnicity, national origin or religion.

This title follows the standards the Supreme Court has set for incitement (Brandenburg v. Ohio) and true threats, which reduces the risk of a First Amendment challenge that could hold up the rest of the bill.

Title VI — Implementation, definitions and funding

Sec. 601. Definitions.

- **Continuous presence:** living in the United States with no single absence over 180 days and no total absence over 365 days.
- **Resident:** a lawful permanent resident (green card holder), as defined in INA § 101(a)(20).
- **Terrorist organization:** any group designated under INA § 219 or described in INA § 212(a)(3)(B)(vi).

Sec. 602. Application window. Title I applications are accepted for 3 years after the Sec. 305 certification. Late applications are not accepted.

Sec. 603. Funding. Congress provides a one-time implementation advance to build the Title III border measures and hire the staff required by Sec. 316 before applications open. Title I penalties repay the advance to the Treasury first. Filing fees fund the processing of applications. Once the advance is repaid, remaining penalties fund asylum staffing and border security.

Sec. 604. Fraud. Anyone who submits false documents in a Title I application is permanently barred and may be prosecuted.

Sec. 605. Reporting. DHS reports to Congress every year on applications, approvals, denials, penalties collected and border metrics.

Drafting notes and open decisions

The 10-year threshold matches what President Trump told 60 Minutes on Nov. 8, 2026, when he talked about a deal for people "here for ten and 15 years" (transcript). He did not mention citizenship, penalties or family limits.

Settled on Nov. 10, 2026: a $5,000 penalty, paid in full or over 3 years; a separate Dreamers track; Title V limited to incitement, threats and terrorism; the 7-year residency wait; asylum under the current legal standard with proof markers; automatic disqualification for return trips; a firm 3-year asylum deadline with a 6-month priority docket and one 1-year extension; TPS ending when the home country is safe; adult children of citizens kept under Sec. 405; and staffing paid for by faster decisions.

Likely objections. Immigration hardliners may call Title I amnesty, since it offers citizenship for a lower penalty than the Dignity Act charges for temporary status. The 10-year presence rule, the 7-year wait and the border trigger answer that. Immigrant advocates may object to the 7-year wait, the family cuts and the border closure. Narrowing Title V should remove most civil-liberties objections.

Funding note

*How the estimate is built. The Earned Residency Act would bring in an estimated $19.5 to $28 billion in penalties, with a central estimate of about $23.5 billion.

1. **Eligible people.** Pew Research Center estimates that in 2023 about 4.3 million unauthorized adults had lived in the U.S. for 18 years or more, and about 3.8 million for 5 to 17 years (Pew, Aug. 2025). Assuming the middle group is spread evenly over those 13 years, about 2.3 million of them have 10+ years. Total: about 6.6 million adults (range 6 to 7 million).
2. **Participation, based on the 1986 Reagan legalization.** About three-fourths of eligible people applied then (Pew, 2014), and about 94.5% of applicants were approved (Borjas, 1993), or about 71% of those eligible. Range used: 65% to 80%.
3. **Penalty.** Paying applicants multiplied by $5,000.

	Low	Central	High
Paying applicants	3.9 million	4.7 million	5.6 million
Year 1 ($2,000 each)	$7.8 billion	$9.4 billion	$11.2 billion
Years 2 and 3 ($1,500 each, per year)	$5.85 billion	$7.05 billion	$8.4 billion
Total ($5,000 each)	**$19.5 billion**	**$23.5 billion**	**$28 billion**

Applicants who pay in full up front move revenue into Year 1. A one-time start-up advance pays for the border measures and new asylum officers and judges before applications open, and the penalties then repay it (Sec. 603). Filing fees, taxes paid by newly legal workers, and the savings from deciding cases in 3 years instead of 8 to 15 cover ongoing costs. These are planning figures, not an official estimate; the Congressional Budget Office would produce the official score. Pew's data are from 2023, and Pew reports the population likely fell in 2025.