

# AMERICAN CONTROLLED IMMIGRATION WORKFORCE AND SECURITY ACT

Short Title: 10-12 Act

## LEGISLATIVE PROPOSAL

Discussion Draft 4 - Not Introduced in Congress

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## PROPOSED LEGISLATIVE TEXT

To establish a controlled registration and temporary work-authorization program for certain undocumented individuals, to strengthen border security, to provide tax relief for United States citizens, to create American jobs, and for other purposes.

*The following text is offered as a legislative proposal and public discussion draft.*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “10-12 Act” or the “American Controlled Immigration Workforce and Security Act”.

### SECTION 2. FINDINGS AND PURPOSE.

Congress finds that:

- (1) A large population of individuals present without lawful status creates uncertainty, reduces tax compliance, and leaves communities without reliable knowledge of who resides among them.
- (2) A practical, orderly solution is needed that requires contribution, strengthens the border, creates American jobs, and delivers direct tax relief to United States citizens.
- (3) Individuals who register under this Act will help fund border security, support the creation of thousands of American jobs, and contribute to a tax reduction available only to U.S. citizens.
- (4) This Act is offered in a spirit of national unity around the shared goals of order, security, fairness, and mutual contribution.

### SECTION 3. DEFINITIONS.

In this Act:

- (1) “Secretary” means the Secretary of Homeland Security.
- (2) “USCIS” means U.S. Citizenship and Immigration Services.
- (3) “CBP” means U.S. Customs and Border Protection.
- (4) “Special temporary status” means the status conferred under section 5.
- (5) “Qualifying individual” means an alien who is 18 years of age or older, is present without lawful status as of the date of introduction, has no disqualifying criminal record involving violence, drug trafficking, national-security offenses, or advocacy against the Constitution, and passes the required background investigation.

### SECTION 4. REGISTRATION PROGRAM.

(a) **Registration Window.** — A qualifying individual may apply for special temporary status by appearing in person at a USCIS office during the 180-day period beginning on the date the program becomes operational. Full biometric and

biographic information and a comprehensive background check (including international records) are required.

(b) **Lawful Presence Pending Decision.** — Upon proper filing, the applicant shall be considered lawfully present pending final adjudication. USCIS shall adjudicate applications within 120 days, subject to extension for backlog.

(c) **Failure to Register.** — After the 180-day window closes, any unregistered alien without lawful status who is encountered by law enforcement shall be detained and placed in expedited removal proceedings.

## SECTION 5. SPECIAL TEMPORARY STATUS.

(a) **Grant and Duration.** — Upon approval and satisfaction of the fee requirements, USCIS shall grant special temporary status for a continuous period of 10 years.

(b) **Benefits.** — An alien in special temporary status shall receive employment authorization, a unique Social Security number that confers no eligibility for means-tested public benefits and no right to vote, the ability to open bank accounts and participate in the formal economy, and the ability to travel and re-enter using a valid foreign passport together with status documentation. The alien shall pay all applicable taxes.

(c) **Restrictions.** — Special temporary status confers no right to petition for any relative abroad. Marriage to a U.S. citizen or lawful permanent resident does not authorize adjustment of status or naturalization until the full 10-year period is completed. A child born in the United States to a parent holding this status shall not acquire citizenship at birth and shall receive only temporary derivative status until age 18.

(d) **English and Criminal Conditions.** — At the end of the 10-year period the alien must pass an English competency test. Any felony conviction results in immediate termination of status and removal proceedings.

## SECTION 5A. TEMPORARY STATUS FOR UNACCOMPANIED MINORS.

(a) **Temporary Minor Status.** — An unaccompanied alien under 18 who meets basic eligibility and security requirements may receive Temporary Minor Status, providing lawful presence until age 18, eligibility to attend public school, and no access to means-tested benefits or employment authorization before age 16 (limited thereafter only as permitted by the Secretary).

(b) **At Age 18.** — Temporary Minor Status ends at age 18. The individual must then independently qualify under section 5. Proven victims of abuse shall have the \$12,000 fee fully waived and shall be deemed to satisfy the abuse/neglect requirements for Special Immigrant Juvenile Status, providing an accelerated path to permanent residency.

(c) **Abuse Protections.** — Primary responsibility for the safety, placement, and care of an abused minor rests with State Child Protective Services or the Office of Refugee Resettlement. USCIS shall immediately notify those agencies and revoke any implicated sponsor. A minor shall not lose status because of the sponsor's misconduct. A convicted or civilly liable abuser shall pay full restitution for recovery costs (payable to the agency that provided care), and courts may seize assets to satisfy the order. Good-faith organizations and volunteers are protected from this financial liability.

(d) **Approved Sponsors.** — Religious and charitable 501(c)(3) organizations may be designated as Approved Sponsors to assist and care for minors. They receive official designation, liability protection for good-faith actions, priority processing, and other administrative facilitations at no cost to the Federal Government.

## SECTION 6. FEE, TASK FORCE, AND REVENUE.

(a) **Fee.** — Each successful applicant shall pay \$12,000, either in full or in annual installments of not less than \$1,200. Default after the allowed grace period terminates status with no refund.

(b) **Allocation.** — All fees are paid to CBP and allocated as follows:

- (1) \$200 to USCIS for processing and the Temporary Processing Task Force;
- (2) \$8,000 to CBP for border security infrastructure, technology, personnel, and operations, including capabilities to identify, disrupt, and dismantle human smuggling and trafficking organizations through intelligence, investigation, and interdiction; and

(3) \$3,800 to the IRS exclusively for a tax reduction or tax credit available only to United States citizens, applied at the time of tax declaration.

(c) **Transfers.** — CBP shall transfer the USCIS and IRS shares every year according to actual collections and the stated proportions. USCIS shall receive its full first-year share by the end of the first year of fee collection. An inter-agency agreement shall govern timing and accounting.

(d) **Task Force.** — USCIS shall establish a temporary Processing Task Force of up to 15,000 personnel, with priority to United States citizens, funded from its \$200 share.

(e) **Private Financing.** — Private lenders may offer loans for the fee on any freely negotiated terms. There is no Federal guarantee, subsidy, or taxpayer backing of any kind.

## **SECTION 6A. SENSE OF CONGRESS REGARDING EMPLOYMENT.**

It is the sense of Congress that participants in this program should be encouraged to seek employment in occupations and industries that have historically faced persistent difficulty attracting sufficient American workers, including but not limited to agriculture, construction, hospitality, food service, sanitation, transportation, housekeeping, and related fields. Nothing in this Act shall be construed to displace American workers from jobs they are ready and willing to perform.

## **SECTION 7. TRANSITION AFTER TEN YEARS.**

An alien who completes the 10-year period, pays the full fee, passes the English test, and maintains a clean record may apply for immigrant status and shall be placed at the back of the existing queue. Full-fee payers maintain continuous lawful presence while the application is pending. Continuous employment in designated shortage occupations shall be given favorable consideration.

## **SECTION 8. MILITARY SERVICE.**

An alien in special temporary status may enlist in the United States Army. Upon official recognition for heroism in combat or a qualifying combat-related or on-duty injury, the enlistee shall receive: eligibility for promotion, immediate waiver of remaining time and any remaining fee balance, full reimbursement of fees already paid, and immediate United States citizenship.

## **SECTION 9. EMPLOYER SANCTIONS.**

Civil penalties for the knowing employment of unauthorized aliens are increased to: \$25,000 per worker for a first offense, \$50,000 for a second offense, and \$100,000 for a third or subsequent offense.

## **SECTION 10. BORDER SECURITY.**

CBP funds under this Act shall be used to enhance physical barriers, technology, personnel, and operations along the borders, and to expand intelligence, investigative, and interdiction capabilities focused on dismantling human smuggling and trafficking organizations. The Secretary shall submit a plan to reassign a substantial portion of ICE interior enforcement resources toward border-related duties. Removal cases arising under this Act shall be prioritized.

## **SECTION 11. EFFECTIVE DATE AND SEVERABILITY.**

This Act takes effect 60 days after enactment. If any provision is held invalid, the remainder shall not be affected. Nothing in this Act creates a right to citizenship, permanent residency, or any immigration benefit beyond the temporary status expressly authorized.

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